

2021 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
Eric Castiglia	July 2, 2019	June 30, 2022
Derek D'Angelo	December 21, 2004	June 30, 2024
David Graef	June 15, 2010	June 30, 2022
Aisha Farooqi	August 7, 2020	June 30, 2023
John Fenn	December 1, 2020	June 30, 2023
Devin Koski	February 18, 2020	June 30, 2023
Pashko Ujkic	June 15, 2010	June 30, 2024
Jaafar Chehab: Alternate	January 21, 2021	June 30, 2023
Stephanie Jackson: Alternate	April 6, 2021	June 30, 2023

Zoning Board of Appeals Activity							
Applications	Total Cases	Total Applications	Use Variances	Non-Use Variances	Cases Approved	Cases Denied	Cases Withdrawn
No. of Cases	33	28	14	26	18	9	1

***Note: A number of cases had multiple non-use variance requests, which are reflected in the totals. Additionally, the ZBA heard 33 cases based on agenda publications, however many of them were postponed to later meetings, which resulted in a total of 28 ZBA applications being presented.**

2021 Zoning Board of Appeals Summary:

Similar to 2020, the ZBA faced a number of difficulties in 2021 brought on by the Covid-19 pandemic. For the first half of the year, until July 2021, all meetings remained virtual. July 2021 was the first time the ZBA met in person since February 2020. The transition back to in-person meetings has been seamless, and throughout the year, the board was able to hold both virtual and in-person meetings. Additionally, the ZBA amended their by-laws to include two alternates to attend meetings. This has been beneficial as it has removed previous issues of agenda items being postponed due to lack of attendance. This has been a benefit to the ZBA and their overall function as a board within the City of Sterling Heights.

The Zoning Board of Appeals dealt with a number of use variances throughout the year for applicants that were seeking to do a variety of uses that were not normally allowed for the zoning district in which they were located. These uses included hookah lounges, microblading / body art facilities, keeping of animals, and off-site signage. The ZBA also heard a number of more conventional dimensional variances which when granted allowed for the redevelopment of sites included gas stations and restaurants.

2021 Meeting Schedule and Attendance

January 28, 2021: Attended Virtually

Members Present: D'Angelo, Farooqi, Fenn, Graef, Koski, Ujkic

Members Absent: Castiglia

February 23, 2021: Attended Virtually

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

Members Absent: None

March 23, 2021: Attended Virtually

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

Members Absent: None

April 29, 2021: Attended Virtually

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

Members Absent: None

May 25, 2021: Attended Virtually

Members Present: Chehab, D'Angelo, Farooqi, Fenn, Graef, Koski, Ujkic

Members Absent: Castiglia

June 22, 2021: Attended Virtually

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

Members Absent: None

July 27, 2021:

Members Present: Chehab, D'Angelo, Farooqi, Fenn, Graef, Koski, Ujkic

Members Absent: Castiglia

August 24, 2021:

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

Members Absent: None

September 28, 2021:

Members Present: Chehab, Farooqi, Graef, Koski, Ujkic

Members Absent: Castiglia, D'Angelo, Fenn

October 26, 2021:

Members Present: Castiglia, Chehab, Fenn, Graef, Jackson, Koski, Ujkic

Members Absent: D'Angelo, Farooqi

November 23, 2021:

Members Present: Castiglia, D'Angelo, Graef, Farooqi, Fenn, Koski, Ujkic, Chehab

Members Absent: None

December 28, 2021:

Members Present: D'Angelo, Fenn, Graef, Koski, Ujkic, Chehab, Jackson

Members Absent: Castiglia, Farooqi

January

	Case No.	PZBA20-0021	Applicant	Cleopatra's Beauty Center
1	Request board approval for a use variance which if granted would permit a tattoo parlor (for the purposes of microblading) in a C-4 Multi-Use District. Current Zoning: C-4 (Multi-Use District) Property Address: 44695 Mound Road Location: South of Hall Road, west side of Mound Road			
	Type:	Use Variance	Action:	Postponed
	Case No.	PZBA20-0025	Applicant	Muslim Community of Michigan- Chester Stempien
2	Request board approval for a variance (modify existing use variance) which if granted would permit an expansion to an existing place of worship in an R-60 One Family Residential District. Current Zoning: R-60 (One Family Residential District) (Consent Judgement) Property Address: 38810 Ryan Road Location: South of 17 Mile Road, east of Ryan Road			
	Type: Use Variance		Action: Withdrawn (due to Consent Judgement Revision)	

February

	Case No.	Applicant	
1	PZBA20-0021	Cleopatra's Beauty Center (postponed from January 28 th , 2021)	
Request board approval for a use variance which if granted would permit a tattoo parlor (for the purposes of microblading) in a C-4 Multi-Use District. Current Zoning: C-4 (Multi-Use District) Property Address: 44695 Mound Road Location: South of Hall Road, west side of Mound Road			
	Type: Use Variance	Action: Postponed	
2	PZBA20-0026	Applicant	Ray's Tattoo, LLC- Abdulhadi Al-Suwaid
Requesting board approval for a use variance which if granted would permit a body art facility in a C-3 General Business District. Current Zoning: C-3 (General Business District) Property address: 34240 Van Dyke Location: east side of Van Dyke, between Fifteen Mile and Irving Road			
	Type: Use Variance	Action: Motion to Approve Failed (Use Denied)	
3	PZBA21-0001	Applicant	Thomas VanThomme
Requesting board approval for a variance which if granted would allow a reduction in the minimum lot depth requirement. Current Zoning: R-60 (One Family Residential District) Property address: 42062 Gainsley Drive Location: East of Clinton River Road, west of Schoenherr, between Eighteen and Nineteen Mile Road			
	Type: Dimensional Variance	Action: Approved	
4	PZBA21-0002	Applicant	Larry Forgione
Requesting board approval for a variance which if granted would permit a reduction in the required side yard setback. Current Zoning: M-1 (Light Industrial District) Property Address: 6601 Cotter Avenue Location: North side of Cotter, east of Merrill Road, between Nineteen and Nineteen ½ Mile Road			
	Type: Dimensional Variance	Action: Postponed	
5	PZBA21-0003	Applicant	Nho Nguyen
Request board approval for a variance which if granted would permit an accessory structure to be constructed within ten (10) feet of the principle structure. Current Zoning: RM-1 (Multiple Family Low Rise District) (conditional rezoning to allow single family residential) Property address: 42193 Dorrington Drive Location: South of Nineteen Mile, between Schoenherr and Saal Road			
	Type: Dimensional Variance	Action: Denied	
6	PZBA21-0004	Applicant	Antonio Abro Building
Request board approval for a total of eight (8) variances which if granted would allow for a: 1) reduction in the required rear yard setback, 2) reduction in the required front yard setback for the building and canopy along 15 Mile Road, 3) reduction in the required front yard setback for the building and canopy along Ryan Road, 4) a reduction in the required side yard setback, 5) a reduction in the required foundation plantings along 15 Mile Road, 6) allow parking within the required front yard setback along 15 Mile Road, 7) allow parking within the required front yard setback along Ryan Road, and 8) a reduction in the overall number of parking spaces. Current Zoning: C-3 (General Business District) Property address: 4050 Fifteen Mile Road Location: South side of Fifteen Mile Road, east of Ryan Road			
	Type: Dimensional Variance (8)	Action: Approved	

March

	Case No.	PZBA20-0021	Applicant	Cleopatra's Beauty Center (postponed from February 23, 2021)
1	Request board approval for a use variance which if granted would permit a tattoo parlor (for the purposes of microblading) in a C-4 Multi-Use District. Current Zoning: C-4 (Multi-Use District) Property Address: 44695 Mound Road Location: South of Hall Road, west side of Mound Road			
	Type: Use Variance		Action: Approved	
	Case No.	PZBA21-0002	Applicant	Larry Forgione (postponed from February 23, 2021)
2	Requesting board approval for a variance which if granted would permit a reduction in the required side yard setback. Current Zoning: M-1 (Light Industrial District) Property Address: 6601 Cotter Avenue Location: North side of Cotter, east of Merrill Road, between Nineteen and Nineteen ½ Mile Road			
	Type: Dimensional Variance		Action: Approved	
3	Case No.	PZBA21-0005	Applicant	Semaan & Sons Enterprises, LLC (Hookah Café)
	Request board approval for a use variance which if granted would permit a hookah café in a C-3 General Business District. Current Zoning: C-3 (General Business District) Property address: 34766 Van Dyke Location: East side of Van Dyke, south of Fifteen Mile Road			
	Type: Use Variance		Action: Denied	
4	Case No.	PZBA21-0006	Applicant	Ric-Man Headquarters- Steve Mancini
	Request board approval for a variance which if granted would permit a real estate development sign of forty-eight (48) square feet, where twenty-five (25) square feet is permitted. Current Zoning: M-2 (Heavy Industrial District) Property Address: 41500 Mound Road Location: East side of Mound Road, north of Eighteen Mile			
	Type: Dimensional Variance		Action: Denied	

April

	Case No.	Applicant	Total Wine and More- Lormax Stern
1	Request board approval for a variance which if granted would allow for the placement of sign(s) that; 1) are not located on the tenant space which they advertise, and 2) exceed the allowable square footage for wall signage for the subject tenant space as well as the tenant space upon which it is proposed. Current Zoning: C-2 (Planned Comparison District) Property Address: 13801 Lakeside Circle Location: East side of Schoenherr, South of Hall Road		
	Type: Dimensional Variance Action: Approved		
2	Case No.	Applicant	Needlework Tattoos- Christopher Sabo
	Request board approval for a use variance which if granted would permit an expansion to a current body art facility in a C-3 General Business District. Current Zoning: C-3 (General Business District) Property Address: 43751 Van Dyke Location: West side of Van Dyke, south of Triangle Drive		
	Type: Use Variance	Action: Approved	

May

	Case No.	Applicant	BP Gas Station
1	Requesting board approval for a series of variances which if granted would 1) permit an expansion of an existing gas station at the subject site; 2) allow for a reduction in the required rear yard setback; 3) allow for a gas station to be expanded on a lot of less than 21,000 square feet and less than one hundred and fifty (150) feet in width, 4) parking and maneuvering to be located in the front yard, 5) a gas station canopy to be constructed in the required front yard setbacks, 6) a reduction in the frontage landscape requirement, 7) a reduction in the enhanced landscape feature requirement. Current Zoning: C-3 (General Business District) Property Address: 39025 Van Dyke Location: Northwest corner of 17 Mile Road and Van Dyke		
	Type: Dimensional Variance(s) (6) Action: Approved		

June

	Case No.	Applicant	Ford Motor Company-Sign
1	Requesting board approval for a variance which if granted would permit a temporary wall banner in excess of the permissible size and length of display in an M-2 Heavy Industrial District. Current Zoning: M-2 (Heavy Industrial District) Property Address: 41111 Van Dyke Location: Northwest corner of 18 Mile Road and Van Dyke		
	Type: Dimensional Variance	Action: Approved	
2	Case No.	Applicant	Detroit Motorcycle
	Requesting board approval for a use variance which if granted would permit the sale of used vehicles (motorcycles) as a Class B Dealer in an M-2 Heavy Industrial District. Current Zoning: M-2 (Heavy Industrial District) Property Address: 36715 Metro Court Location: West side of Metro Court, south of Metropolitan Parkway		
	Type: Use Variance	Action: Approved	

July

	Case No.	PZBA21-0012	Applicant	Nicole Rein
1	Requesting board approval for a use variance which if granted would allow the keeping of livestock (pig) on a property less than eight (8) acres in the R-60 One Family Residential District.			
	Current Zoning: R-60 (One Family Residential District) Property Address: 36258 Idaho Drive Location: West of Schoenherr, north of Canterbury Drive			
	Type: Use Variance	Action: Denied		
2	Case No.	PZBA21-0013	Applicant	American Muslim Diversity Association (AMDA)
	Requesting board approval for a variance which if granted would permit parking to be located within the required front yard setback(s) of Ryan and Dobry Roads.			
	Current Zoning: RM-3 (Multiple Family Mid & High-Rise District) Property Address: 44760 Ryan Road Location: East side of Ryan, south of Dobry Drive			
	Type: Dimensional Variance	Action: Postponed		
3	Case No.	PZBA21-0014	Applicant	Jollibee Restaurant
	Request board approval for a variance which if granted would permit a freestanding fast-food restaurant (with a drive-through) to be located within five hundred (500) feet of another fast-food restaurant in the C-2 Planned Comparison District.			
	Current Zoning: C-2 (Planned Comparison District) Property Address: 44945 Woodridge Drive Location: South of Hall Road, east of Schoenherr			
	Type: Dimensional Variance	Action: Approved		
4	Case No.	PZBA21-0015	Applicant	Legacy Children's Academy-Heritage Church of Macomb
	Request board approval for a use variance which if granted would permit a child daycare in a place of worship and reduce the total amount of outdoor play area required by ordinance in a C-2 Planned Comparison District.			
	Current Zoning: C-2 (Planned Comparison District) Property Address: 44615, 44625, 44635, 44639 Schoenherr Road Location: West side of Schoenherr Road, South of Hall Road			
	Type: Use Variance & Dimensional Variance	Action: Approved		

August

	Case No.	PZBA21-0013	Applicant	American Muslim Diversity Association (postponed from July 27, 2021 meeting)
1	Requesting board approval for a variance which if granted would permit parking to be located within the required front yard setback(s) of Ryan and Dobry Roads. Current Zoning: RM-3 (Multiple Family Mid & High-Rise District) Property Address: 44760 Ryan Road Location: East side of Ryan, south of Dobry Drive			
	Type: Dimensional Variance	Action: Postponed		
	Case No.	PZBA21-0016	Applicant	Tarboosh Café
2	Requesting board approval for a use variance which if granted would permit a hookah café in a C-1 Local Convenience Business District. Current Zoning: C-1 (Local Convenience Business District) Property Address: 3905 Seventeen Mile Road Location: Northwest corner of Seventeen Mile and Ryan Road			
	Type: Use Variance	Action: Denied		
	Case No.	PZBA21-0017	Applicant	Al Meer Hookah Café
3	Requesting board approval for a use variance which if granted would permit a hookah café in a C-3 General Business District. Current Zoning: C-3 (General Business District) Property Address: 34766 Van Dyke Location: East side of Van Dyke, south of Fifteen Mile Road			
	Type: Use Variance	Action: Approved		
	Case No.	PZBA21-0018	Applicant	Nicole's Skin Care
4	Requesting board approval for a use variance which if granted would permit a skin care/body art facility (for the purposes of microblading) in a C-1 Local Convenience Business District. Current Zoning: C-1 (Local Convenience Business District) Property Address: 33864 Dequindre Road Location: East side of Dequindre, between Fourteen and Fifteen Mile Road			
	Type: Use Variance	Action: Approved		

September

	Case No.	PZBA21-0013	Applicant	American Muslim Diversity Association (postponed from August 24, 2021)
1	Requesting board approval for a variance which if granted would permit parking to be located within the required front yard setback(s) of Ryan and Dobry Roads. Current Zoning: RM-3 (Multiple Family Mid & High-Rise District) Property Address: 44760 Ryan Road Location: East side of Ryan, south of Dobry Drive			
	Type: Dimensional Variance	Action: Approved		

October

	Case No.	PZBA21-0019	Applicant	Zarzoor Restaurant
1	Requesting board approval for a dimensional variance which if granted would permit a restaurant to have a total usable floor area of 6,500 square feet in a C-1 Local Convenience Business District.			
	Current Zoning: C-1 (Local Convenience Business District)			
	Property Address: 4220 Fifteen Mile Road			
	Location: South side of Fifteen Mile, east of Ryan Road			
	Type: Dimensional Variance	Action: Approved		
	Case No.	PZBA21-0020	Applicant	Walsh Home Day Care
2	Requesting board approval for a use variance which if granted would allow for an in-home daycare of up to twelve (12) children in an R-60 One Family Residential District.			
	Current Zoning: R-60 (One Family Residential District)			
	Property Address: 13619 Brougham Drive			
	Location: West of Schoenherr Road, between Fifteen Mile Road and Metropolitan Parkway			
	Type: Use Variance	Action: Denied		
	Case No.	PZBA21-0021	Applicant	Waad Abed
3	Requesting board approval for a use variance which if granted would permit this site to be utilized as a residential home in an O-1 Business and Professional Office District.			
	Current Zoning: O-1 (Business and Professional Office District)			
	Property Address: 5775 Nineteen Mile Road			
	Location: North side of Nineteen Mile Road, west of Mound Road			
	Type: Use Variance	Action: Approved		

November

	Case No.	PZBA21-0022	Applicant	The Island Armory
1	Requesting board approval for a use variance which if granted would allow for retail firearms and ammunition sales within the C-1 Local Convenience Business District.			
	Current Zoning: C-1 (Local Convenience Business District)			
	Property Address: 11327 Fifteen Mile Road			
	Location: North side of Fifteen Mile Road, west of Dodge Park			
	Type: Use Variance	Action: Motion to Approve Failed- Variance Denied.		
	Case No.	PZBA21-0023	Applicant	US Wheel and Tire One, INC- MRJ Sign Company, LLC
2	Requesting board approval for a variance which if granted would allow an additional 192.30 square feet of wall signage for a tenant in an M-1 Light Industrial District.			
	Current Zoning: M-1 (Light Industrial District).			
	Property Addresses: 40581 Mound Road			
	Location: West side of Mound Road, south of Eighteen Mile Road			
	Type: Dimensional Variance	Action: Denied		
	Case No.	PZBA21-0024	Applicant	Razmik Menjoyan
3	Requesting board approval for a dimensional variance which if granted would permit an accessory structure (garage) to be constructed within three feet of the principle structure.			
	Current Zoning: O-1 (Business and Professional Office District)			
	Property Addresses: 3603 Fourteen Mile Road			
	Location: East of Mound Road, north of Seventeen Mile Road			
	Type: Dimensional Variance	Action: Approved		

December

	Case No.	Applicant		
1		Shuert Technologies		
Requesting board approval for variance which if approved would permit a reduced side yard setback (zero lot line) in an M-1 Light Industrial District.				
Current Zoning: M-1 (Light Industrial District)				
Property Addresses: 6600 Dobry Drive				
Location: South side of Dobry Drive east of Merrill Road				
Type: Dimensional Variance		Action: Approved		
2		Shuert Technologies		
Requesting board approval for a variance which if approved would permit a reduced rear yard setback (zero lot line) in an M-1 Light Industrial District.				
Current Zoning: M-1 (Light Industrial District)				
Property Addresses: 44600 Merrill Road				
Location: East side of Merrill Road and south of Dobry Road				
Type: Dimensional Variance		Action: Approved (was heard with prior case)		