

ZONING BOARD OF APPEALS ANNUAL REPORT 2023

Office of Planning



CITY OF
Sterling Heights

InnovatingLiving

PURPOSE OF ANNUAL REPORT

Article IX- Annual Report of the City of Sterling Heights'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

| Commissioner | Original appointment date | Current term expires |
|--------------------------------------|---------------------------|----------------------|
| Jefar Chehab | November 21, 2023 | June 30, 2026 |
| Derek D'Angelo | December 21, 2004 | June 30, 2024 |
| David Graef | June 15, 2010 | June 30, 2025 |
| Aisha Farooqi (until September 2023) | August 7, 2020 | June 30, 2023 |
| Pashko Ujkic | June 2, 2015 | June 30, 2024 |
| Devin Koski | February 18, 2020 | June 30, 2023 |
| John Fenn | December 1, 2020 | June 30, 2025 |
| Stephanie Jackson | June 7, 2022 | June 30, 2025 |
| Alternate | Original appointment date | Current term expires |
| Saif Yousif | December 30, 2023 | June 30, 2026 |
| Benjamin Ancona | September 20, 2022 | June 30, 2023 |

ZONING BOARD OF APPEALS ACTIVITY

| Applications | Total Cases Heard | Use Variances | Non-Use Variances | Ordinance Interpretations | Cases Approved | Cases Denied | Cases Withdrawn |
|--------------|-------------------|---------------|-------------------|---------------------------|----------------|--------------|-----------------|
| No. of cases | 24 | 3 | 22 | 1 | 19 | 5 | 2 |

2023 MEETING SCHEDULE & ATTENDANCE

January 24, 2023

Cancelled

February 28, 2023

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

Members Absent: None

March 28, 2023

Members Present: Graef, Ujkic, Koski, Fenn, Jackson, Chehab (alternate), Ancona (alternate)

Members Absent: Farooqi, D'Angelo

April 27, 2023

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

Members Absent: None

May 23, 2023

Members Present: Graef, Farooqi, Ujkic, Koski, Fenn, Jackson, Chehab (alternate)

Members Absent: D'Angelo

June 27, 2023

Members Present: Graef, Farooqi, Ujkic, Koski, Fenn, Chehab (alternate)

Members Absent: Jackson, D'Angelo

July 25, 2023

Members Present: Graef, Ujkic, Koski, Jackson, Chehab (alternate), Ancona (alternate)

Members Absent: Farooqi, Fenn, D'Angelo

August 22, 2023

Members Present: D'Angelo, Fenn, Graef, Koski, Ujkic, Ancona (alternate)

Members Absent: Farooqi, Jackson

September 26, 2023

Members Present: D'Angelo, Graef, Ujkic, Koski, Fenn, Jackson, Ancona (alternate)

Members Absent: Farooqi

October 24, 2023

Members Present: D'Angelo, Graef, Farooqi, Ujkic, Koski, Chehab (alternate), Ancona (alternate)

Members Absent: Fenn, Jackson

November 28, 2023

Cancelled

December 21, 2023

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

Members Absent: None

MEETING SCHEDULE & CASES

January 24, 2023

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|----------------------------------|
| Cancelled due to lack of quorum. |
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February 28, 2023

| | | | | |
|---|---|-------------|-------------------|---|
| 1 | Case No. | PZBA23-0001 | Applicant | PZBA23-0001 – Automation Guarding Systems |
| | Requesting board approval for non-use variance which if granted would reduce the required rear and side yard setback for an industrial property, as well as reduce the required number of parking spaces. | | | |
| | Property Address: 6601 Burroughs Location: North of Nineteen Mile Road, east of Merrill Road Current Zoning: M-1 Light Industrial District | | | |
| | Type: Non-Use Variance | | Action: Approved | |
| 2 | Case No. | PZBA22-0026 | Applicant | Sterling Properties MI. LLC |
| | Requesting board approval for a non-use variance which if granted would permit a reduction in the required side yard setback in an M-2 Heavy Industrial District. | | | |
| | Property Address: 42411 R. Mancini Drive Location: South of Nineteen Mile Road, between Merrill Road and Van Dyke Current Zoning: M-2 Heavy Industrial District | | | |
| | Type: Non-Use Variance | | Action: Denied | |
| 3 | Case No. | PZBA22-0025 | Applicant | James Sarate (postponed from December 27, 2022 meeting) |
| | Requesting board approval for a dimensional variance which if granted would permit a widening of the driveway to be 38 feet in width in the R-60 One Family Residential District. | | | |
| | Property Address: 42344 Mendel Drive Location: South of Nineteen Mile Road, between Clinton River Road and Schoenherr Current Zoning: R-60 One Family Residential | | | |
| | Type: Dimensional Variance | | Action: Approved | |
| 4 | Case No. | PZBA19-0024 | Applicant | Senan Dawood - (postponed from March 20, 2020 meeting) |
| | Requesting 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. | | | |
| | Property Address: 2672 Avis Drive Location: South side of Avis Drive, west of Viceroy, between Dequindre and Ryan Road Current Zoning: R-60 One Family Residential District | | | |
| | Type: Use Variance | | Action: Postponed | |

March 28, 2023

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|---|--|-------------|------------------|--|
| 1 | Case No. | PZBA19-0024 | Applicant | Senan Dawood (postponed from March 20, 2020 meeting) |
| | Requesting board approval for a use variance to allow the keeping of fowl (pigeons) on a property of less than eight (8) acres in the R-60 One Family Residential District. | | | |
| | Property Address: 2672 Avis Drive Location: South side of Avis Drive, west of Viceroy, between Dequindre and Ryan Road Current Zoning: R-60 One Family Residential District | | | |
| | Type: Use Variance | | Action: Denied | |
| 2 | Case No. | PZBA23-0002 | Applicant | Kimberly Fence |
| | Requesting board approval for a non-use variance which if granted would reduce the corner clearance requirement for constructing a fence at the intersection of the driveway and right-of-way line. | | | |
| | Property Address: 12109 Chattman Location: North of Nineteen Mile Road, east of M-53 Current Zoning: R-60 One Family Residential District | | | |
| | Type: Non-Use Variance | | Action: Approved | |
| 3 | Case No. | PZBA22-0003 | Applicant | Mila Property Investment, LLC |
| | Requesting board approval for a non-use variance which if granted would reduce the required rear yard setback for a commercial property. | | | |
| | Property Address: 34949 Van Dyke Location: Southwest corner of Fifteen Mile Road and Van Dyke Current Zoning: C-3 (General Business District) and Van Dyke Mixed Use District | | | |
| | Type: Non-Use Variance | | Action: Approved | |

April 27, 2023

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|---|---|-------------|-------------------|------------------------------|
| 1 | Case No. | PZBA23-0004 | Applicant | Dorine Nash – Property Split |
| | Requesting board approval for a non-use variance which if granted would allow for the reduction in the width and depth of a single family residential lot. | | | |
| | Property Address: 39482 Marne Location: East of Schoenherr, south of Clinton River Road Current Zoning: R-60 (One Family Residential) | | | |
| | Type: Non-Use Variance | | Action: Postponed | |
| 2 | Case No. | PZBA23-0005 | Applicant | MAG Automotive |
| | Requesting board approval for a non-use variance which if granted would allow for the reduction in the minimum number of required parking spaces in an M-1 (Light Industrial District). | | | |
| | Property Address: 6015 Center Drive Location: South of Metropolitan Parkway, east of Mound Road Current Zoning: M-1 (Light Industrial District) | | | |
| | Type: Non-Use Variance | | Action: Approved | |

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|---|---|-------------|------------------|-----------------------------|
| 3 | Case No. | PZBA23-0007 | Applicant | SiteOne Landscape Supply |
| | Requesting board approval for the replacement of an existing fence with a metal corrugated fence with a reduced front yard setback in an M-1 (Light Industrial District). | | | |
| | Property Addresses:34650 and 34500 Mound Road Location: East side of Mound Road, south of Fifteen Mile Road Current Zoning:M-1 (Light Industrial District) | | | |
| | Type: Non-Use Variance | | Action: Approved | |
| 4 | Case No. | PZBA23-0008 | Applicant | Automation Guarding Systems |
| | Requesting board approval to allow for a loading space to be located inside the required front yard setback in an M-1 (Light Industrial District). | | | |
| | Property Addresses: 6624 Burroughs Avenue Location: North of Nineteen Mile Road, east of Merrill Road Current ZoningM-1 (Light Industrial District) | | | |
| | Type: Non-Use Variance | | Action: Approved | |

May 23, 2023

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|---|--|-------------|------------------|----------------------------------|
| 1 | Case No. | PZBA23-0004 | Applicant | Dorine Nash – Property Split |
| | Requesting board approval for a non-use variance which if granted would allow for the reduction in the width and depth of a single family residential lot. | | | |
| | Property Address: 39482 Marne Location: East of Schoenherr, south of Clinton River Road Current Zoning: R-60 (One Family Residential) | | | |
| | Type: Non-Use Variance | | Action: Denied | |
| 2 | Case No. | PZBA23-0009 | Applicant | Nativity of the Virgin Mary |
| | Requesting board approval for a non-use variance which if granted would allow for a proposed accessory structure to exceed the 15 foot maximum permissible height requirement. | | | |
| | Property Address: 43123 Ryan Road Location: West side of Ryan Road, north of Nineteen Mile Road Current Zoning: R-100 (One Family Residential District) | | | |
| | Type: Non-Use Variance | | Action: Approved | |
| 3 | Case No. | PZBA23-0010 | Applicant | OMID: Odor and Corrosion Control |
| | Requesting board approval for a non-use variance which if granted would allow for the reduction in the rear yard setback of a single family residential lot. | | | |
| | Property Address: 11621 Sorrento Blvd. Location: East of Dodge Park, south of Seventeen Mile Road Current Zoning R-60 (One Family Residential District) | | | |
| | Type: Non-Use Variance | | Action: Approved | |



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|---|--|-------------|--|-----------------------|
| 4 | Case No. | PZBA23-0011 | Applicant | Life Storage |
| | Requesting board approval for a non-use variance which if granted would allow for additional signage. | | | |
| | Property Address: 2260 Eighteen Mile Road Location: South side of Eighteen Mile Road, east of Dequindre Road Current Zoning: R-70 (One Family Residential District) and Consent Judgement | | | |
| | Type: Non-Use Variance | | Action: Denied | |
| 5 | Case No. | PZBA22-0010 | Applicant | Cloud 9 Hookah Lounge |
| | Zoning Ordinance interpretation: Is a hookah lounge a permitted use in the C-2 Planned Comparison District | | | |
| | Property Address: 43636 Schoenherr Road Location: Northeast corner of Canal and Schoenherr Road Current Zoning: C-2 Planned Comparison District | | | |
| | Type: Interpretation | | Action: Interpreted ordinance does not permit hookah | |

August 27, 2023

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|---|--|-------------|-------------------|-------------------------|
| 1 | Case No. | PZBA23-0012 | Applicant | Teresa Taylor |
| | Requesting board approval for a non-use variance which if granted would reduce the required clear vision site triangle for a sight obscuring fence to zero (0) feet. | | | |
| | Property Address: 42717 Utica Road Location: West side of Utica Road, north of Gage Crescent Current Zoning: R-60 (One Family Residential District) | | | |
| | Type: Non-Use Variance | | Action: Postponed | |
| 2 | Case No. | PZBA23-0013 | Applicant | Kawsar Hussain |
| | Requesting board approval for a non-use variance which if granted would reduce the clear vision site triangle for a sight obscuring fence to sixteen (16) feet. | | | |
| | Property Address: 34803 Beaver Drive Location: South of Fifteen Mile Road, between Van Dyke and Maple Lane Drive Current Zoning: R-60 (One Family Residential District) | | | |
| | Type: Non-Use Variance | | Action: Approved | |
| 3 | Case No. | PZBA23-0014 | Applicant | Champion One Investment |
| | Requesting board approval for a non-use variance which if granted would allow for additional signage. | | | |
| | Property Address: 35800 Van Dyke Location: East side of Van Dyke, north of Brougham Current Zoning: R-60 (One Family Residential District) | | | |
| | Type: Non-Use Variance | | Action: Approved | |

July 25, 2023

| Case No. | PZBA22-0012 | Applicant | Michael Torres (Amendment) |
|----------------------------|---|------------------|----------------------------|
| 1 | <p>Requesting board approval to amend a variance which if granted would allow for the reduction in the number of required parking spaces to permit for 61 parking spaces.</p> <p>Property Address: 33376 Dequindre Road Location: East side of Dequindre, north of Fourteen Mile Road Current Zoning: O-2 Planned Office District</p> | | |
| Type: Dimensional Variance | | Action: Approved | |

August 22, 2023

| Case No. | PZBA23-0017 | Applicant | Ambient Services |
|----------------------------|---|-------------------|--|
| 1 | <p>Requesting board approval for a dimensional variance which if granted would reduce the screening requirements on site to allow for alternative screening potentially consisting of a vinyl fence, earthen berm, and 14 foot wide greenbelt in place of the Moderate Impact Screening requirements of fifteen (15) foot wide greenbelt with either a four (4) foot high decorative masonry wall or four (4) earthen berm.</p> <p>Property Address: 43455 Schoenherr Road Location: West side of Schoenherr, south of Canal Road Current Zoning: O-1 (Business and Professional Office District)</p> | | |
| Type: Dimensional Variance | | Action: Postponed | |
| Case No. | PZBA23-018 | Applicant | Faide Bols |
| 2 | <p>Requesting board approval to amend a condition from PZBA18-0011 that had increased the required rear-yard setbacks by five feet to now reduce the rear-yard setbacks to twelve (12) feet to allow for the construction of new residential structures.</p> <p>Property Addresses: 2474 and 2477 Seman Way Court Location: East of Dequindre, between Nineteen Mile Road and Dobry Drive Current Zoning: R-100 (One Family Residential District)</p> | | |
| Type: Dimensional Variance | | Action: Postponed | |
| Case No. | PZBA23-0012 | Applicant | Teresa Taylor (postponed from June 27, 2023 meeting) |
| 3 | <p>Requesting board approval for a non-use variance which if granted would reduce the required clear vision site triangle for a sight obscuring fence to zero (0) feet.</p> <p>Property Address: 42717 Utica Road Location: West side of Utica Road, north of Gage Crescent Current Zoning: R-60 (One Family Residential District)</p> | | |
| Type: Non-Use Variance | | Action: Approved | |

September 26, 2023

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|---|---|-------------|------------------|---------------------------|
| 1 | Case No. | PZBA23-0019 | Applicant | Rebecca and Scott Callens |
| | Requesting board approval for a non-use variance which if granted would reduce the required clear vision sight triangle for a sight obscuring fence to five (5) feet. | | | |
| | Property Address: 40419 Colony Drive Location: South of Constitution Boulevard and east of Lexington Park Drive Current Zoning: R-60 (One Family Residential District) | | | |
| | Type: Non-Use Variance | | Action: Approved | |
| 2 | Case No. | PZBA23-0022 | Applicant | William Bowman |
| | Requesting board approval for a non-use variance which if granted would reduce the required clear vision sight triangle for a sight obscuring fence to twenty-one (21) feet. | | | |
| | Property Address: 12036 Malburg Drive Location: South of Canal Road and north of Wheaton Drive Current Zoning: R-60 (One Family Residential District) | | | |
| | Type: Non-Use Variance | | Action: Approved | |

October 24, 2023

| | | | | |
|---|---|-------------|-------------------|------------------------|
| 1 | Case No. | PZBA23-0023 | Applicant | Metropolitan Concrete |
| | Requesting board approval for a non-use variance to reduce the side yard setback by thirteen (13) feet, from the required fifteen (15) feet down to two (2) feet for a proposed accessory structure in the M-2 Heavy Industrial District. | | | |
| | Property Addresses: 6581 Metropolitan Parkway Location: North side of Metropolitan Parkway, between Van Dyke and Mound Road Current Zoning: M-2 Heavy Industrial District | | | |
| | Type: Non-Use Variance | | Action: Approved | |
| 2 | Case No. | PZBA23-0024 | Applicant | Scooter's Coffee |
| | Requesting board approval for a non-use variance to install an additional 32.22 square foot wall signs on the northern and southern façades, bringing the total square footage of wall signage on the structure to 88.73 square feet where 34.2 square feet of signage is permitted, an increase of 54.53 square feet. | | | |
| | Property Address: 39890 Van Dyke Location: East side of Van Dyke, between Plumbrook Road and Eighteen Mile Road Current Zoning: 0-1 Business and Professional Office District | | | |
| | Type: Non-Use Variance | | Action: Withdrawn | |
| 3 | Case No. | PZBA23-0025 | Applicant | King's Gate Apartments |
| | Requesting board approval for a non-use variance to reduce the required gross site land area per dwelling unit to 406,300 square feet where 567,000 square feet is required for an existing development with 130 units. Additionally, requesting board approval for a non-use variance to reduce the required amount of parking by forty-four (44) total spaces, providing 251 parking spaces where 295 are required. | | | |
| | Property Address: 44090 Kings Gate Location: West of M-53, south of Canal Road Current Zoning: RM-2 Multi-Family Low-Rise District and R-60 One Family Residential District | | | |
| | Type: Non-Use Variance | | Action: Approved | |

November 28, 2023

Cancelled due to lack of cases.

December 21, 2023

| | | | | |
|---|--|-------------|-------------------|--------------|
| 1 | Case No. | PZBA23-0028 | Applicant | Faide Bols |
| | Requesting board approval to amend a condition from PZBA 18-0011 that had increased the rear yard setback of a site condominium by five feet (requiring a total of 45 feet) to now reduce the rear yard setbacks on the eastern portion of units 4 and 5 from 45 to 15 feet. | | | |
| | Property Address: 2474 and 2477 Seman Way Court Location: East side of Dequindre, south of Burningbush Drive, between Nineteen Mile Road and Dobry Road Current Zoning: R-100 (One Family Residential District) | | | |
| | Type: Dimensional Variance | | Action: Denied | |
| 2 | Case No. | PZBA23-0026 | Applicant | Paul Hunkele |
| | Requesting board approval for a dimensional variance which if granted would allow for a paved parking area in the front yard of the lot. | | | |
| | Property Address: 33715 Sano Court Location: North of Fourteen Mile Road, between Dequindre and Ryan Road Current Zoning: R-60 One Family Residential District | | | |
| | Type: Dimensional Variance | | Action: Withdrawn | |