



CITY OF Sterling Heights

InnovatingLiving



2019 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 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 taken on cases heard
4. Attendance

Creation:

Article 30 –Zoning Ordinance of the City of Sterling Heights states:

- 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	January 19, 2016	June 20, 2020
David Graef	June 15, 2010	June 30, 2022
Pashko Ujkic	June 2, 2015	June 30, 2021
Raymond Washburn	December 5, 1995	June 6, 2022
Vacancy		
Past Members		
Juanina Jean	September 20, 2016	June 30, 2019
Leonard Reinowski	June 19, 2018	November 30, 2019 (resignation)

2019 Attendance:

January 24, 2019

Members Present: D'Angelo, Deming, Graef, Jean, Reinowski, Ujkic, Washburn
Members Absent: None (0)

January 31, 2019 (Special Meeting)

Members Present: D'Angelo, Deming, Graef, Jean, Reinowski, Ujkic, Washburn
Members Absent: None

February 28, 2019



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Members Present: Deming, Graef, Jean, Reinowski, Ujkic, Washburn

Members Absent: D'Angelo

March 28, 2019

Members Present: D'Angelo, Deming, Graef, Jean, Ujkic, Washburn

Members Absent: Reinowski

April 25, 2019

Members Present: D'Angelo, Jean, Reinowski, Ujkic, Washburn

Members Absent: Deming, Graef

May 23, 2019

Members Present: Deming, Graef, Jean, Ujkic

Members Absent: D'Angelo, Reinowski, Washburn

June 27, 2019

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

Members Absent: Jean, Reinowski

July 18, 2019

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

Members Absent: Reinowski, Washburn

August 22, 2019

Members Present: Castiglia, Deming, Graef, Reinowski

Members Absent: D'Angelo, Ujkic, Washburn

September 26, 2019

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

Members Absent: None

October 24, 2019

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

Members Absent: Reinowski

November 21, 2019

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

Members Absent: Deming, Reinowski

December 19, 2019

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

Members Absent: Graef



Number of Cases:

Zoning Board of Appeals Activity							
Applications	Total Cases Heard	Use Variances	Non-Use Variances	Cases Approved	Cases Denied	Cases Postponed	Withdrawn
No. of Cases	32	27	34	22	5	5	0

Note: A few 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.

January				
1	Case No.	PZBA18-0035	Applicant	Anna Gesing
	Request board approval for a use variance that would permit a second accessory structure and a total of 768 square feet of all accessory buildings on a subject site in an R-60 One Family Residential District. Current Zoning: R-60 One Family Residential Property Address: 2245 Serra Drive			
	Type: Use Variance/Dimensional Variance		Action: Approved	
2	Case No.	PZBA18-0036	Applicant	Secluded Pines- (Tom Cappuso)
	Request board approval for a use variance to permit a ten (10) unit multiple family development that would also include two dimensional variances that would permit a ten unit structure and to permit a single building to be 183 feet in length in a proposed RM-1 District. Current Zoning: RM-1, Multiple Family Low Rise District Property Address: 44430 Ryan Road			
	Type: Use Variance (1), Dimensional Variance (2)		Action: Postponed	
3	Case No.	PZBA18-0037	Applicant	Culver's
	Request board approval for a use variance that would permit an off-site freestanding electric message board sign to be located along the Van Dyke Road frontage for the proposed Culver's development, a dimensional variance for the overall area for wall signage, and a dimensional variance to permit a fast food establishment to be located within five hundred (500) feet of an existing fast food establishment. Current Zoning: C-3 General Business District Property address: 36600 Van Dyke			
	Type: Use Variance (1), Dimensional Variance (2)		Action: Approved	
4	Case No.	PZBA18-0029	Applicant	Outdoor Media, LLC- Joe Oram (postponed from December 20, 2018)
	Request board approval for a variance which if granted would permit an electronic billboard (off premise sign) in an M-2 Heavy Industrial District. Current Zoning: M-2 Heavy Industrial District Property address: 6699 Metropolitan Parkway			
	Type: Use Variance		Action: Motion to Approve, failed. (Denied)	
5	Case No.	PZBA18-0033	Applicant	Rivil R. Yaldo (postponed from December 20, 2018)



Request board approval for a use variance to allow the keeping of fowl (pigeons) on a property of less than eight (8) acres in an R-60 One Family Residential District. Current Zoning: R-60 One Family Residential District Property address: 4618 Lamia Drive	
Type: Use Variance	Action: Denied

January Special Meeting

1	Case No.	PZBA18-0038	Applicant	Bright Health Management
	Requesting board approval for a use variance that would permit a temporary MRI trailer to be located on the above subject property for up to one (1) year. Current Zoning: O-1 Business and Professional Office District Property Address: 42301 Mound Road			
	Type: Use Variance		Action: Postponed	
2	Case No.	PZBA18-0039	Applicant	Metro Detroit Signs (Staybridge Suites)
	Requesting board approval for a use variance to permit a second monument sign along the north end of the subject site, along the internal maneuvering lane for Marketplace Center. An existing monument sign for the site already exists along Fifteen Mile Road. Current Zoning: C-3 General Business District Property Address: 8333 Fifteen Mile Road			
	Type: Use Variance		Action: Approved	
3	Case No.	PZBA18-0040	Applicant	Windmill Homes, LLC
	Requesting board approval for a variance that would permit the proposed model home to encroach approximately 4.5" into the front yard setback. Current Zoning: O-1 Business and Professional Office District Property Address: 42301 Mound Road			
	Type: Dimensional Variance		Action: Approved	
4	Case No.	PZBA18-0041	Applicant	Fitness International, LLC (LA Fitness)
	Requesting board approval for a variance that if granted would allow for a reduction in the required masonry buffer wall height (allow existing wall to be maintained) along with a variance that if granted would not require the tree plantings for major screening purposes. Current Zoning: C-3 General Business District Property Address: 37048 Van Dyke			
	Type: Use Variance		Action: Approved	

February

1	Case No.	PZBA18-0042	Applicant	Albert Spahi
	Requesting board approval for a use variance which if granted would allow for a community gathering facility (event facility not in a stand-alone building) to be located within the designated tenant space.			
	Current Zoning: C-3 General Business District			
	Property Address: 39505 Mound Road			
	Type: Use Variance		Action: Approved	
2	Case No.	PZBA19-0001	Applicant	Charles Kim
	Requesting board approval for a use variance which if granted would allow a massage establishment within the designated tenant space in a C-1 Local Convenience Business District.			
	Current Zoning: C-1 Local Convenience Business District			
	Property address: 38904 Dequindre Road			
	Type: Use Variance		Action: Postponed	



February (continued)

3	Case No.	PZBA19-0002	Applicant	Total Tool- Alex Jovanoski
	Requesting board approval for a variance which if granted would allow for a front yard setback of twenty-five (25) feet where thirty-five (35) feet is required for an approximate 3,600 square foot industrial building addition in the M-1 Light Industrial District. Current Zoning: M-1 Light Industrial District Property Address: 43430 Merrill Road			
	Type: Dimensional Variance		Action: Approved	
	Case No.	PZBA19-0003	Applicant	Liberty Church- Chad Asman
4	Requesting board approval for a variance which if granted would reduce the moderate level screening (installation of a four (4) foot tall masonry wall) to a minor level screening with evergreen screening along the South property line for the proposed place of worship. Current Zoning: R-60 One Family Residential Property Address: 34725 Ryan Road			
	Type: Dimensional		Action: Approved	
	Case No.	PZBA18-0036	Applicant	Secluded Pines (Tom Cappuso) (Postponed from January 24 th meeting)
5	Request board approval for a use variance to permit a ten (10) unit multiple family development that would also include two dimensional variances that would permit a ten unit structure and to permit a single building to be 183 feet in length in a proposed RM-1 District. Current Zoning: RM-1, Multiple Family Low Rise District Property Address: 44430 Ryan Road			
	Type: Use Variance (1), Dimensional Variance (2)		Action: Approved	

March

1	Case No.	PZBA19-0004	Applicant	Christian Financial Credit Union
	Requesting board approval for a use variance which if granted would allow for a second free-standing sign and a non-use variance for additional sign area. Current Zoning: C-3 (General Business District) Property Address: 35100 Van Dyke			
	Type: Dimensional Variance, Use Variance		Action: Approved	
	Case No.	PZBA19-0001	Applicant	Charles Kim- (Postponed from February 28 th meeting)
2	Requesting board approval for a use variance which if granted would allow a massage establishment within the designated tenant space in a C-1 (Local Convenience Business District). Current Zoning: C-1 (Local Convenience Business District) Property Address: 38904 Dequindre Road			
	Type: Use Variance		Action: Denied	



April				
1	Case No.	PZBA19-0005	Applicant	Howard's Fine Jewelry
	Requesting board approval for a use variance which if granted would allow for the expansion/modification of an existing nonconforming sign to allow an electronic message center.			
	Current Zoning: C-3 General Business District Property Address: 34228 Van Dyke			
	Type: Use Variance		Action: Postponed to May 23 rd , 2019	
2	Case No.	PZBA19-0006	Applicant	Wingman's Gaming Complex- James Alves
	Requesting board approval for a use variance which if granted would permit an eating and drinking establishment for an indoor recreational facility within the M-2 Heavy Industrial District.			
	Current Zoning: M-2 Heavy Industrial District Property Addresses: 7105 Nineteen Mile Road			
	Type: Use Variance		Action: Approved	
3	Case No.	PZBA19-0007	Applicant	Pioneer Surgery Center & Medical Office Building
	Requesting board approval for a non-use variance which if granted would reduce the total number of parking spaces from two-hundred and ninety (290) to one hundred and fifty-five (155) to construct a medical office building and medical clinic on the subject site(s).			
	Current Zoning: O-1 Business and Professional Office District Property Address: 33416 and 33430 Schoenherr Road			
	Type: Dimensional Variances (1)		Action: Approved	

May				
1	Case No.	PZBA19-0008	Applicant	US Auto
	Requesting board approval for a use variance to permit a used vehicle dealer license in addition to the existing nonconforming auto salvage facility.			
	Current Zoning: M-2 Heavy Industrial District Property Address: 7575 18 ½ Mile Road			
	Type: Use Variance		Action: Postponed to June 27, 2019	
2	Case No.	PZBA19-0009	Applicant	Michigan First Credit Union (Walmart)
	Requesting board approval for a variance which if granted would permit additional wall signage for an additional tenant within the existing Walmart store.			
	Current Zoning: PCD Planned Center District Property Address: 33201 Van Dyke			
	Type: Dimensional Variance		Action: Approved	
3	Case No.	PZBA19-0005	Applicant	Howard's Fine Jewelry (postponed from April 25, 2019)
	Requesting board approval for a use variance which if granted would allow for the expansion/modification of an existing nonconforming sign to allow an electronic message center.			



Current Zoning: C-3 General Business District	
Property Address: 34228 Van Dyke	
Type: Use Variance	Action: Postponed

June

1	Case No.	PZBA19-0010	Applicant	Virginia Chadwick
	Requesting board approval for a use variance which if granted would allow an in-home daycare of up to 12 children in an R-60 One Family Residential District. Current Zoning: R-60 One Family Residential District Property Address: 14693 Annapolis Drive			
	Type: Use Variance		Action: Postponed	
2	Case No.	PZBA19-0011	Applicant	Stone Warehouse of Michigan-Crystal Russo
	Requesting board approval for a variance which if granted would permit outdoor storage to be located in the side yard and to reduce requirements for screening of outdoor storage on site. Current Zoning: M-2 Heavy Industrial District Property Address: 7235 Nineteen Mile			
	Type: Dimensional Variance		Action: Postponed	
3	Case No.	PZBA19-0013	Applicant	Robert Rucinski
	Requesting board approval for a variance which if granted would allow a deck to be constructed fifteen (15) feet from the rear property line, where twenty (20) feet is required. Current Zoning: R-60 (One Family Residential District) Property Address: 38740 Lowell Drive			
	Type: Dimensional Variance		Action: Postponed	
4	Case No.	PZBA19-0008	Applicant	US Auto (postponed from May 23, 2019)
	Requesting board approval for a use variance to permit a used vehicle dealer license in addition to the existing nonconforming auto salvage facility. Current Zoning: M-2 Heavy Industrial District Property Address: 7575 18 ½ Mile Road			
	Type: Use Variance		Action: Approved	

July

1	Case No.	PZBA19-0015	Applicant	MAG Industries
	Requesting board approval for the following variances which if granted would permit 1) parking within the front yard setbacks, 2) a reduction in the total number of parking spaces required, 3) a reduction in the required front yard setback for a building, 4) a truck well/dock to be provided in the front yard setback and 5) no enhanced landscape feature to be constructed onsite. Current Zoning: M-1 Light Industrial District Property Address: 6015 Center Drive			
	Type: Dimensional Variance (5)		Action: Approved	
	Case No.	PZBA19-0016	Applicant	Consumer's Energy- Joseph Lawson
2	Requesting board approval for the following variances on an existing nonconforming lot, which if granted would permit 1) a reduction in the side yard setback from a Residential District, 2) a reduction in the rear yard setback, 3) a building area of less than seven hundred (700) square feet, 4) a fence to be located in the required front yard and 5) a zoning district boundary wall to not be constructed along the north property line, 6) a gravel surface as an approved ground cover.			



Current Zoning: C-1 Local Convenience Business District	
Property Address: 33399 Ryan Road	
Type: Dimensional Variance (6)	Action: Approved

August

1	Case No.	PZBA19-0005	Applicant	Howard's Fine Jewelry (postponed from May 23, 2019)
	Requesting board approval for a use variance which if granted would allow for the expansion/modification of an existing nonconforming sign to allow an electronic message center.			
	Current Zoning: C-3 General Business District			
	Property Address: 34228 Van Dyke			
2	Type: Use Variance	Action: Postponed		
	Case No.	PZBA19-0010	Applicant	Virginia Chadwick- (postponed from June 18, 2019)
	Requesting board approval for a use variance which if granted would allow an in-home daycare of up to 12 children in an R-60 One Family Residential District.			
	Current Zoning: R-60 One Family Residential District			
3	Property Address: 14693 Annapolis Drive			
	Type: Use Variance	Action: Postponed		
	Case No.	PZBA19-0011	Applicant	Stone Warehouse of Michigan-Crystal Russo- (postponed from June 18, 2019)
	Requesting board approval for a variance which if granted would permit outdoor storage to be located in the side yard and to reduce requirements for screening of outdoor storage on site.			
4	Current Zoning: M-2 Heavy Industrial District			
	Property Address: 7235 Nineteen Mile			
	Type: Dimensional Variance	Action: Postponed		
	Case No.	PZBA19-0013	Applicant	Robert Rucinski- (postponed from June 18, 2019)
4	Requesting board approval for a variance which if granted would allow a deck to be constructed fifteen (15) feet from the rear property line, where twenty (20) feet is required.			
	Current Zoning: R-60 (One Family Residential District)			
	Property Address: 38740 Lowell Drive			
4	Type: Dimensional Variance	Action: Approved		

September

1	Case No.	PZBA19-0017	Applicant	Fun Space Direct, LLC- James Hall
	Requesting board approval for a variance which if granted would permit a three (3) foot encroachment into the required side yard setback for the purpose of constructing a carport.			
	Current Zoning: R-60 One Family Residential District			
	Property Address: 42663 Michigan Avenue			
2	Type: Dimensional Variance	Action: Approved		
	Case No.	PZBA19-0018	Applicant	TJ's Auto Group Inc., - Yousif Khammo
	Requesting board approval for a use variance which if granted would permit an indoor used automobile dealership to be located within an existing industrial building.			
	Current Zoning: M-2 Heavy Industrial District			
2	Property Address: 7777 Metropolitan Parkway			



Type: Use Variance	Action: Approved
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September (con't)

3	Case No.	PZBA19-0005	Applicant	Howard's Fine Jewelry- (postponed from August 22, 2019)
	Requesting board approval for a use variance which if granted would allow for the expansion/modification of an existing nonconforming sign to allow an electronic message center. Current Zoning: C-3 General Business District Property Address: 34228 Van Dyke			
	Type: Use Variance		Action: Approved	
4	Case No.	PZBA19-0010	Applicant	Virginia Chadwick
	Requesting board approval for a use variance which if granted would allow an in-home daycare of up to 12 children in an R-60 One Family Residential District. Current Zoning: R-60 One Family Residential District Property Address: 14693 Annapolis Drive			
	Type: Use Variance		Action: Approved	
5	Case No.	PZBA19-0011	Applicant	Stone Warehouse of Michigan- Crystal Russo
	Requesting board approval for a variance which if granted would permit outdoor storage to be located in the side yard and to reduce requirements for screening of outdoor storage on site. Current Zoning: M-2 Heavy Industrial District Property Address: 7235 Nineteen Mile			
	Type: Dimensional Variance		Action: Denied	

October

1	Case No.	PZBA19-0019	Applicant	Sterling Tire & Auto- Jason Berlingieri
	Requesting board approval for a variance which if granted would allow for additional sign area, for the addition of a changeable copy sign, on an existing freestanding sign. Current Zoning: C-3 General Business District Property Address: 34701 Van Dyke			
	Type: Dimensional Variance		Action: Approved	

November

1	Case No.	PZBA19-0014	Applicant	Da Vinci Hookah Lounge, INC.- Saad Attisha
	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: Postponed	
2	Case No.	PZBA19-0020	Applicant	Conrad Neumann
	Requesting board approval for two variances which if granted would: (1) allow a shed to be located within the existing ten (10) foot public easement located at the rear of the property, and (2) allow the shed to be two (92) feet, six (6) inches from the rear yard property line.			



Current Zoning: R-80 One Family Residential	
Property Addresses: 38222 Charwood Drive	
Type: Dimensional Variance (2)	Action: Approved

November (con't)

3	Case No.	PZBA19-0021	Applicant	Douglas Lindensmith
	Requesting board approval for a variance which if granted would allow an accessory structure to exceed fifteen (15) feet in height. Current Zoning: R-60 One Family Residential Property Addresses: 6101 Nineteen Mile Road			
	Type: Dimensional Variance		Action: Denied	
4	Case No.	PZBA19-0022	Applicant	Romeo Commercial Properties, INC
	Requesting 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 Addresses: 7700 Nineteen Mile Road			
	Type: Dimensional Variance (2)		Action: Postponed	

December

1	Case No.	PZBA18-0022	Applicant	Romeo Commercial Properties, INC (postponed from November 21, 2019)
	Requesting 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 Addresses: 7700 Nineteen Mile Road			
	Type: Dimensional Variance		Action: Postponed to January 2020	
2	Case No.	PZBA19-0023	Applicant	Larsa Palace Banquet and Restaurant- Oras Zuhair
	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: Postponed	
3	Case No.	PZBA19-0024	Applicant	Senan Dawood
	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 Property Address: 2672 Avis Drive			
	Type: Use Variance		Action: Postponed to January 2020	
4	Case No.	PZBA19-0014	Applicant	Da Vinci Hookah Lounge, INC.- Saad Attisha (postponed from November 21, 2019)
	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: Postponed	