

## **VARIANCE ANALYSIS AND INTERPRETATION**

**To:** Vienna Charter Township Zoning Board of Appeals  
**From:** Wade Burkholder, AICP, Senior Planner; Noah Bussell, AICP, Planner II  
**Subject:** Non-Use Variance Analysis – 5010 W. Vienna Road  
(PIN: 18-17-400-038 and 18-17-400-035)  
**Date:** February 6, 2026

### **APPLICATION BACKGROUND**

John Leonard ("applicant") has requested a variance from the standards of Section 401 of the Township Zoning Ordinance regarding the location of eight parking spaces within the front-yard setback of the property, at the corner of Vienna Road (south) and Linden Road (east). The site plan for the proposed parking expansion was conditionally approved by the Planning Commission on December 15, 2025. One of the conditions for approval was for the applicant to receive a variance for these parking spaces per Section 401.1.A of the Zoning Ordinance.

The site plan has been approved for a vehicle sales land use, which is replacing the existing automotive repair establishment on the property. The primary expansion of the parking area is to the north, facing Linden Road. The variance involves parking spaces at the southeast corner of the property. The existing spaces are currently within the right-of-way of the Vienna and Linden Roads intersection, which is not permitted. Moving the spaces will eliminate the nonconformity of being located within the right-of-way but will create a new nonconformity of being located within the required front yard.



### **VARIANCE REQUEST**

Additional details on the specific standards related to parking spaces and this request:

#### **Section 401.1.A Location and number of spaces.**

*Off-street parking spaces may be located within a side or rear yard unless otherwise provided in the Ordinance. Off-street parking shall not be permitted within a minimum front yard setback unless otherwise provided in this Ordinance.*

The front-yard setback for the corner lot is 40 feet. The relocated parking spaces, measured from the edge of the space past the concrete bumper, encroach 38.2 feet into the front yard setback.

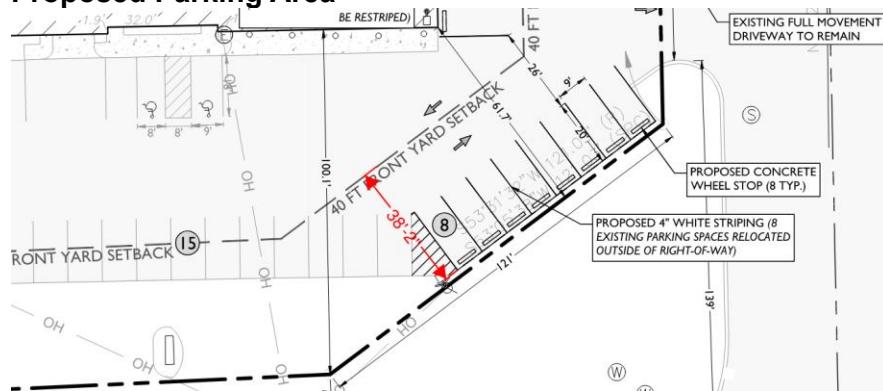
- The overall variance request is to encroach into the required 40-foot required front yard setback by 38.2 feet.

**SINCE 1962**

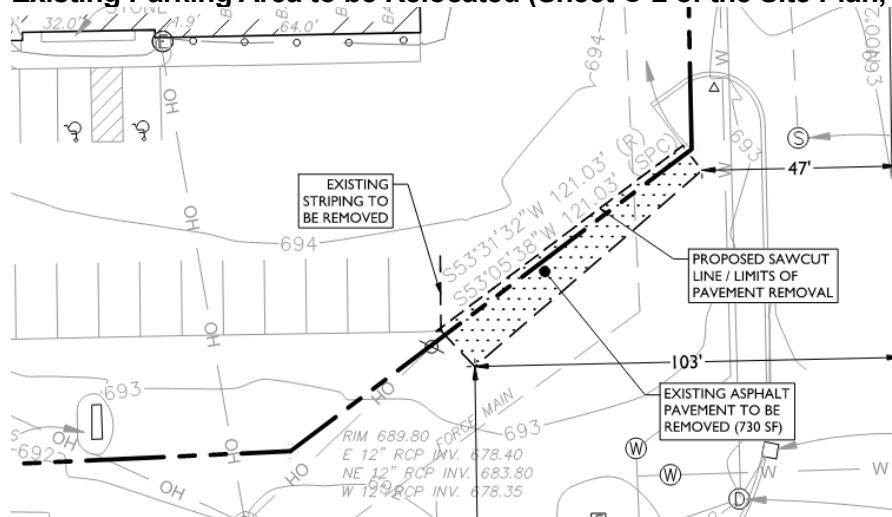
The images below provide details on the proposed parking area and the degree of encroachment in the required front yard. The map is from the original site plan submittal that the Planning Commission conditionally approved on December 15, 2025, which shows the existing parking area and the encroachment into the right-of-way. We additionally note the following findings of fact:

1. *The applicant is proposing to combine the parcels. Reference to the "subject parcel" in this case applies both to Parcel A, where the nonconforming parking spaces are located, and the parcel as a whole should the combination be executed in the future.*
2. *Proposed development is an addition to an existing establishment with a principal structure. The approved lot expansion is intended to facilitate the development of a vehicle sales establishment, but no new structures are proposed at this time.*
3. *The development includes the addition of 269 parking spaces, of which 218 are for vehicle display and sales and 51 are for staff and customer parking.*
4. *Fifteen parking spaces facing Vienna Road and fourteen spaces facing Linden Road located within the existing front yard setback are existing and will be restriped. Restriping of parking spaces is considered to be general maintenance and thus the nonconforming status of these spaces is not changing and therefore not included in this variance request. If the spaces were to be altered or removed, further variance approval is required in order to re-establish the current location.*

## Proposed Parking Area



**Existing Parking Area to be Relocated (Sheet C-2 of the Site Plan, Dated November 18, 2025)**



### **INFORMATION ON SUBJECT PROPERTY AND PROPOSED ADDITION**

The subject property is approximately 5.69 acres in area and includes the principal lot with the existing building and parking area in question (Parcel A; 18-17-400-038), and the parcel immediately north along Linden Road where the bulk of the vehicle display area has been approved (Parcel B; 18-17-400-035). According to the Vienna Township Zoning Map, the subject parcel is zoned C-2 General Commercial, where vehicle sales uses are permitted by right. The applicant is proposing to combine the two subject parcels and construct a parking area primarily on Parcel B, alongside repaving, restriping, and additional parking on Parcel A.

### **STANDARDS FOR APPROVAL OF THE REQUESTED VARIANCE**

The Zoning Board of Appeals' consideration for approving a variance is based on finding that all standards of Section 1106 of the Zoning Ordinance have been met:

- 1. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.**
- 2. That the need for the requested variance is not the result of actions of the property owners or previous property owners (self-created).**
- 3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density, or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.**
- 4. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.**
- 5. That in granting the variance, the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done.**

We wish to note that the application for the variance is based on the previously adopted version of the Township Zoning Ordinance. The current Ordinance, adopted September 8, 2025, reduced the number of standards from six to five. The language of the standards is consistent, but we advise that the Zoning Board of Appeals consider the differences in the standards during their evaluation of whether the proposed variance meets the standards.

### **SAMPLE MOTION**

A member of the Zoning Board of Appeals may make a motion on the proposed variance to approve, approve with conditions, deny, or table the request pending additional discussion or information. We offer the following sample motions as guidance:

#### **Sample Motion to Approve:**

I make a motion to approve the requested variance based on the following findings of fact:

- It complies with Standard 1 based on .....
- It complies with Standard 2 based on .....
- It complies with Standard 3 based on .....
- It complies with Standard 4 based on .....
- It complies with Standard 5 based on .....

**Sample Motion to Approve with Conditions:**

It complies with Standard 1 based on .....  
It complies with Standard 2 based on .....  
It complies with Standard 3 based on .....  
It complies with Standard 4 based on .....  
It complies with Standard 5 based on .....

Further, in order to ensure compliance with these standards, the following conditions are part of my motion to approve: (Sample conditions)

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**Sample Motion to Deny:**

I make a motion to deny the requested variance based on the following findings of fact:

It does not comply with Standard    based on .....  
It does not comply with Standard    based on .....

If you have any questions or would like additional information about the variance process for this property, please feel free to contact Wade Burkholder, AICP, Senior Planner at [wburkholder@rowepsc.com](mailto:wburkholder@rowepsc.com) or Noah Bussell, AICP, Planner II at [nbussell@rowepsc.com](mailto:nbussell@rowepsc.com). You may also call our office at (810) 341-7500.

Sincerely,  
ROWE Professional Services Company

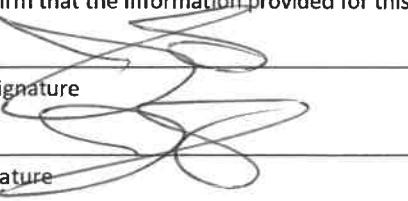
Wade Burkholder, AICP, Senior Planner

Noah Bussell, AICP, Planner II

Attachments: Variance Application; Site Plan

R:\PROJECTS\2300036\DOCS\PLANNING AND ZONING SERVICES\ZONING BOARDS OF APPEALS\VARIANCE\2026\5010 W. VIENNA ROAD\_ZBA\_VARIANCE\_MEMO\_02042026.DOCX

# VIENNA TOWNSHIP ZONING BOARD OF APPEALS APPLICATION

<b>I. PROPERTY INFORMATION</b>			
Address or Parcel Number: 18-17-400-038 & 18-17-400-035		Site Plan Included: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <i>(Please include some form of site plan)</i>	
Description of General Location: Northwest corner of Linden Road & Vienna Road			
Current Zoning: General Commercial (C-2)	Lot Size: <b>5.69 AC</b>	Current Use: Auto Sales & Repair. Proposed parking lot addition	
Requesting: <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Interpretation <input type="checkbox"/> Administrative Appeal			
Type of Variance(s): <input checked="" type="checkbox"/> Setbacks <input type="checkbox"/> Signage <input checked="" type="checkbox"/> Parking <input type="checkbox"/> Other (Describe Below)			
Reason / Description of Request: <b>Eight (8) parking spaces within the front yard setback</b>			
<b>II. APPLICANT INFORMATION</b>			
Name: <b>John Leonard</b>		Phone: <b>810-252-5428</b>	
Mailing Address: <b>5010 West Vienna Road</b>		City: <b>Vienna Township</b>	State: <b>MI</b> Zip: <b>48420</b>
<b>III. PROPERTY OWNER INFORMATION (if different from applicant)</b>			
Owner Name: <b>John Leonard</b>		Owner Phone: <b>810-252-5428</b>	
Owner Address: <b>9401 Cranbrook Pkwy.</b>		City: <b>Davison</b>	State: <b>MI</b> Zip: <b>48423</b>
<b>IV. CHECKLIST (Please answer each question to the best of your ability &amp; explain your answer on next page)</b>			
1. Special or unique conditions and circumstances exist which are not generally applicable to other lands, structures, or buildings in the same district.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
2. The provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district; and that the variance is the minimum necessary.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
3. The special conditions and circumstances do not result from the actions of the applicant.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
4. The granting of the variance will be in harmony with the general purpose and intent of this ordinance.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
5. The variance will not be injurious to the neighborhood or otherwise detrimental to the general welfare.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
6. The spirit of this ordinance shall be observed, public safety secured and substantial justice done.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I hereby affirm that the information provided for this hearing is accurate to the best of my knowledge.			
 Applicant Signature		1/14/2026	John Leonard
		Date	Applicant Name Printed
 Owner Signature		1/14/2026	John Leonard
		Date	Owner Name Printed
OPTIONAL: By signing below, I hereby grant permission for Vienna Township Officials and/or Zoning Board of Appeals Members to enter my property for on-site inspection related to this application. <i>(Failure to grant permission will not affect any decision on your application)</i>			
 Owner Signature		1/14/2026	Date
Office Use Only: Fees Paid: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N Amount Paid: _____ Date Paid: _____ Hearing Date: _____			
Decision: <input type="checkbox"/> Approved <input type="checkbox"/> Denied Determination: _____			
Vienna Township ZBA Signature		Date	Vienna Township ZBA Name Printed

**V. PLEASE EXPLAIN YOUR ANSWERS FROM THE CHECKLIST IN SECTION IV. (NON-USE / DIMENSIONAL)**

1. Special or unique conditions and circumstances exist which are not generally applicable to other lands, structures, or buildings in the same district.

The subject property is an existing, developed automotive sales and repair site with a long-established parking layout that predates current setback and right-of-way standards. The site is constrained by the Parker Creek, Wetlands, existing woodlands, and the location of the public right-of-way, limiting the ability to relocate required parking outside the front yard setback. These physical conditions are unique to the site and are not generally applicable to other properties in the district that were developed under current standards.

2. The provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district; and that the variance is the minimum necessary.

Strict application of the ordinance would deprive the applicant of the ability to provide on-site parking comparable to other automotive service and sales properties in the same zoning district. Without the variance, the site would be functionally deficient and unable to meet operational parking needs. The variance requested is the minimum necessary, as the parking spaces are being relocated far enough to eliminate right-of-way encroachment while maintaining compliant drive aisle widths.

3. The special conditions and circumstances do not result from the actions of the applicant.

The need for the variance arises from existing site conditions, not from any action taken by the applicant. The proposed improvements are corrective in nature and intended to bring the site into greater compliance by removing parking from the public right-of-way. The applicant did not create the lot constraints or dimensional limitations that necessitate the variance.

4. The granting of the variance will be in harmony with the general purpose and intent of this ordinance.

Granting the variance supports the intent of the ordinance by improving site compliance and eliminating encroachments into the public right-of-way. The proposed parking configuration maintains orderly site design while recognizing the limitations of an existing developed property. The variance allows reasonable use of the site without undermining the overall zoning framework or setback objectives. A large landscape buffer exists within the right of way between the parking and the street.

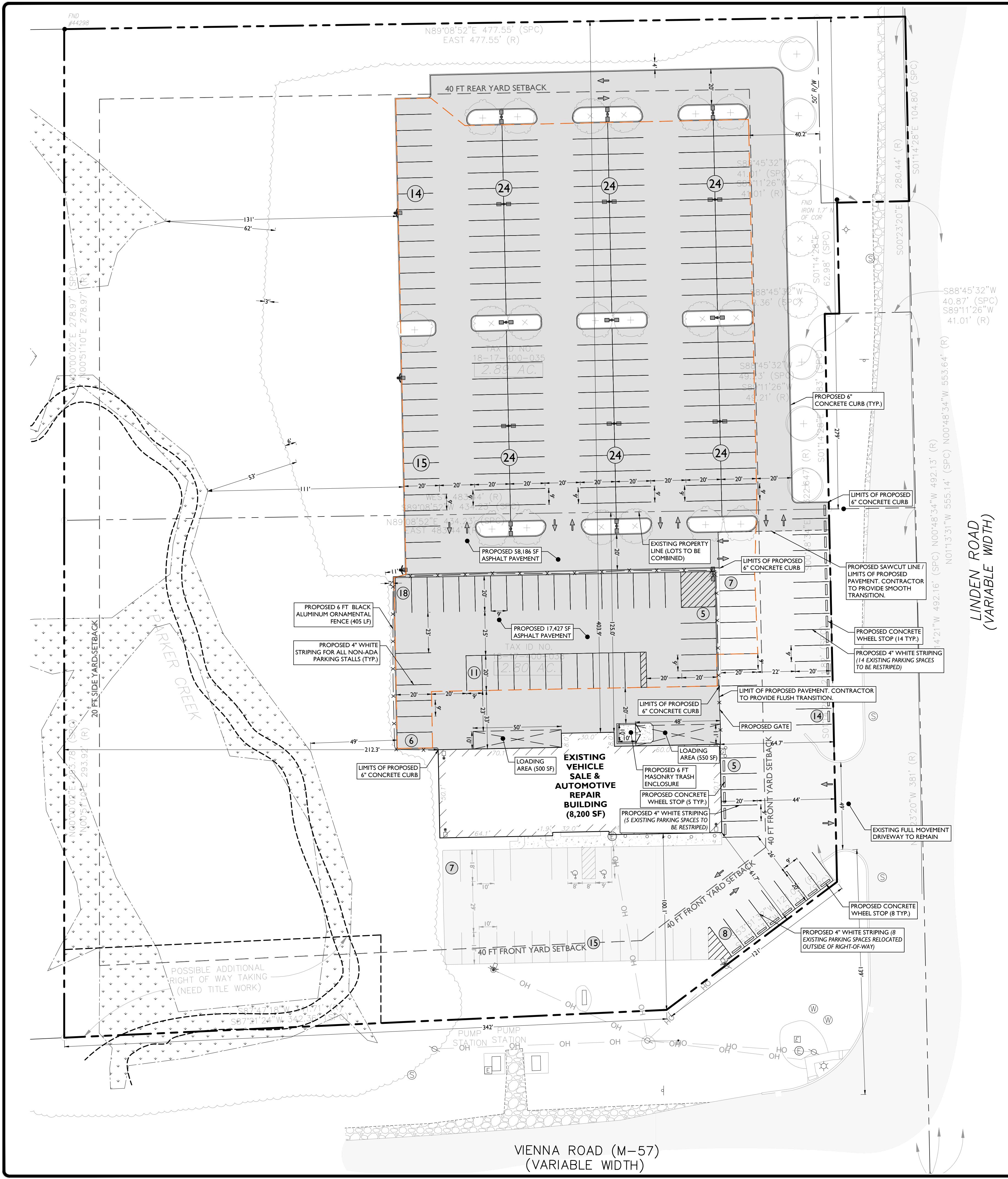
5. The variance will not be injurious to the neighborhood or otherwise detrimental to the general welfare.

By removing parking from the right-of-way, the project improves public safety, visibility, and circulation along the adjacent roadway. The proposed layout will be visually consistent with surrounding commercial development and will not negatively impact neighboring properties.

6. The spirit of this ordinance shall be observed, public safety secured and substantial justice done.

The variance request upholds the spirit of the ordinance by enhancing safety and reducing conflicts within the public right-of-way. Public safety is improved through better site control, clearer boundaries, and compliance with right-of-way standards. Granting the variance provides a fair and practical solution that balances regulatory intent with the realities of an existing, constrained site, thereby achieving substantial justice.

A drawing of the site/property must be included with the application showing any pertinent details and dimensions necessary.



<b>LAND USE AND ZONING</b>			
<b>PID: 18-17-400-035 &amp; 18-17-400-038</b>			
<b>GENERAL COMMERCIAL (C-2)</b>			
<b>EXISTING USE</b>			
VEHICLE SALES	PERMITTED USE		
AUTOMOTIVE REPAIR	PERMITTED USE		
<b>ZONING REQUIREMENT</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
MINIMUM LOT AREA	10,000 SF	122,104 SF (2.8 AC)	248,092 SF (5.7 AC)
MINIMUM LOT WIDTH	100 FT	342.4 FT	342.4 FT
MINIMUM BUILDING COVERAGE	2,000 SF	8,200 SF	8,200 SF
MAXIMUM BUILDING HEIGHT	70 FT (5 STORIES)	< 70 FT (1 STORY)	< 70 FT (1 STORY)
MINIMUM FRONT YARD SETBACK	40 FT	61.7 FT	61.7 FT
MINIMUM SIDE YARD SETBACK (ONE)	20 FT	213.3 FT	213.3 FT
MINIMUM REAR YARD SETBACK	40 FT	125.1 FT	403.9 FT
DISTANCE TO INTERSECTION	60 FT	139.2 FT	139.2 FT

OFF-STREET PARKING REQUIREMENTS		
CODE SECTION	REQUIRED	PROPOSED
§ 309	<u>VEHICLE SALES:</u> <u>1 SPACE PER 100 SF UFA OF SALES ROOM:</u> $(4,100 \text{ SF } (1) / 100 \text{ SF}) = 41 \text{ SPACES}$ <u>PLUS 1 SPACE PER SERVICE STALL:</u> $(4 \text{ STALLS})(1 \text{ SPACE / 1 STALL}) = 4 \text{ SPACES}$ <u>PLUS 1 SPACE PER EMPLOYEE:</u> $(6 \text{ EMP.})(1 \text{ SPACE / 1 EMP.}) = 6 \text{ SPACES}$ <b>TOTAL: 41 + 4 + 6 = 51 SPACES</b>	<u>6 EMPLOYEE SPACES</u> <u>45 CUSTOMER SPACES</u> <u>+218 VEHICLE SALE SPACES</u> <b>269 TOTAL SPACES</b>
402.4.A	<u>FRONT YARD PARKING SETBACK:</u> <u>OFF-STREET PARKING SHALL NOT BE LOCATED WITHIN A REQUIRED FRONT YARD</u>	PROPOSED PARKING COMPLIES <u>37 EXISTING SPACES LOCATED WITHIN FRONT YARDS (EN)</u>
402.4.A	<u>90° PARKING:</u> <u>9 FT X 20 FT W/ 20 FT DRIVE AISLES</u>	<u>9 FT X 20 FT W/</u> <u>20 FT DRIVE AISLES</u>
§ 403.1	<u>LOADING:</u> <u>1 SPACE, 500 SF (10 FT X 50 FT)</u>	<u>1 SPACE</u> <u>500 SF (10 FT X 50 FT)</u>

**THERE SHALL BE NO  
BROADCAST OF CONTINUOUS  
MUSIC OR ANNOUNCEMENTS  
OVER ANY LOUDSPEAKER  
OR PUBLIC ADDRESS (P.A.)  
SYSTEM.**

# SHOWCASE AUTO SALES

## SITE IMPROVEMENT PLANS

## PARKING LOT ADDITION

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CHARIER TOWNSHIP OF VIENNA  
GENESEE COUNTY, MICHIGAN

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REID COOKSEY, P.E.  
MICHIGAN LICENSE No. 6201069428

 **STONEFIELD**  
engineering & design

CALE: 1" = 30' PROJECT ID: DET-250192

**TITLE:**

# SITE PLAN

**DRAWING:**

63

**C-5**

C-3