

# CITY OF SOUTHGATE

## Board of Zoning Appeals

### AGENDA

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**MONDAY, AUGUST 14, 2023**

**5:30 PM**

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**I. CALL TO ORDER**

**II. ROLL CALL**

Anderson, Coombs, Foucher, Martin, Poirier, Richardson, Stephan

**III. MINUTES**

1. Minutes of regular Board of Zoning Appeals Meeting dates June 12<sup>th</sup>,  
2023

**IV. ADMINISTRATIVE REPORTS**

**V. PUBLIC HEARINGS**

1. 12919 Wesley Fence Variance

**VI. NEW BUSINESS**

1. Temporary construction signage Interpretation

**VII. OLD BUSINESS**

**VIII. ANNOUNCEMENTS**

**IX. ADJOURNMENT**

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**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

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**TO:** City of Southgate Board of Zoning Appeals

**FROM:** John L. Enos, AICP, City Planner

**DATE:** August 9, 2023

**RE:** Bank Tower Signage Request

As you may be aware the former PNC Tower (Figure #1), the tallest building Downriver, has been approved to be redeveloped from an office building into a residential complex. The site will consist of apartments and include several other amenities for the future residents of the City. Due to the complexity and size of the project, and the need to begin the process of reserving units, the applicant is requesting signage that while not in compliance with our current sign ordinance, is more compatible and consistent with a project of this size and uniqueness.

Figure #1



Current definition and regulations are indicated below.

*"Real estate sign." A sign advertising the sale, rent or lease of the real estate upon which the sign is located. Real estate signs are permitted in any non-residential zoning district provided that they shall not have a surface area greater than 32 square feet for a single surface area or 64 square feet for signs of two or more faces. Real estate signs must be removed within ten days of the sale, rent or lease of the property.*

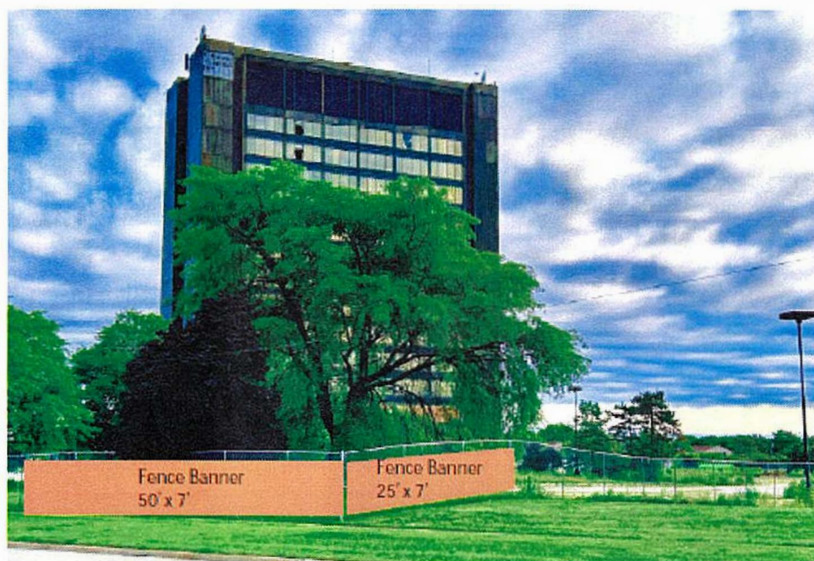
Benjamin R. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Vice President*  
David Scurto, *Principal* Sally M. Elmiger, *Principal* R. Donald Wortman, *Principal*  
Paul Montagno, *Principal* Megan Masson-Minock, *Principal* Laura Kreps, *Senior Associate*  
Richard K. Carlisle, *Past President/Senior Principal*

We are of the opinion that the existing real estate signage language was created, and is not unusual, for smaller single site developments such as the sale of a single-story office building, and was not intended for a several story structure that once complete will be the largest residential structure in the City. That said, the applicant is requesting the following signage for the site that would be removed once construction has completed and occupancy has been granted. Below are images provided by the Bank Tower Apartments' marketing team demonstrating the types and locations of signage desired.

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Fence Signage on Trenton Rd – South Corner (across from Lowes)

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Fence Signage on Trenton Rd/Cambridge Ave – North Corner

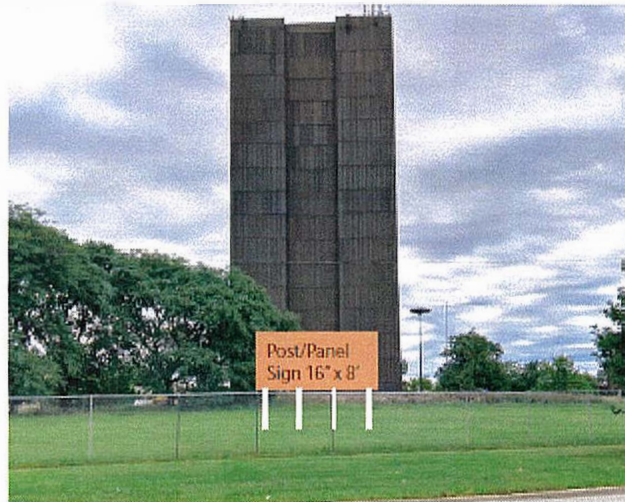
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Trenton Rd. Center of Property

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Freestanding Signage One Hundred and Twenty Eight (128) Square Feet

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Partner Freestanding Signage One Hundred and Twenty Eight (128) Square Feet

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PROJECT PARTNERS

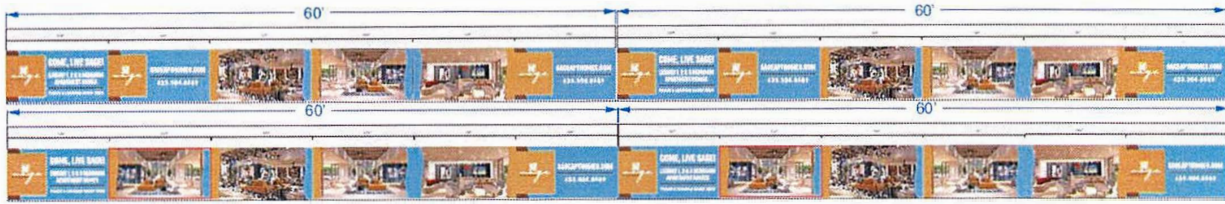


THE  
BANK TOWER

IN COLLABORATION WITH



## Construction Fence Wrap Signage Two Hundred (200) Linear Feet



## Recommendation

We would recommend approval of the requested variances in sign sizes/types and locations based on the following:

1. That compliance with the ordinance results in a practical difficulty. The building is unique to the City.
2. That the problem requiring the variance is unique to the applicant's property and is not shared by properties in the same zoning district. No other use requiring a real estate sign is of this size and complexity.
3. That the problem is not self-inflicted. The building has been in existence for many years.
4. That the variance is the minimum necessary to permit reasonable use of the property. Early leasing agreements are essential to the success of the project.
5. That the variance, if granted, would not compromise the public health, safety, and welfare. The signs would be removed once occupancy is granted, and the fence signage removes the perceived "blight" of a construction site.



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July 20, 2023

**VARIANCE ANALYSIS**  
**The City of Southgate**

**Applicant:** Kirk Cheresko, Sofia Tomasic  
12919 Wesley  
Southgate, MI 48195

**Property Address:** 12919 Wesley  
Southgate, MI 48195

**Zoning:** R-1B, One-Family Residential

**Requested Variance:** The applicant is requesting a dimensional variance from section 1298.14 which discusses standards for fencing requirements in order to allow for enough room to enjoy backyard.

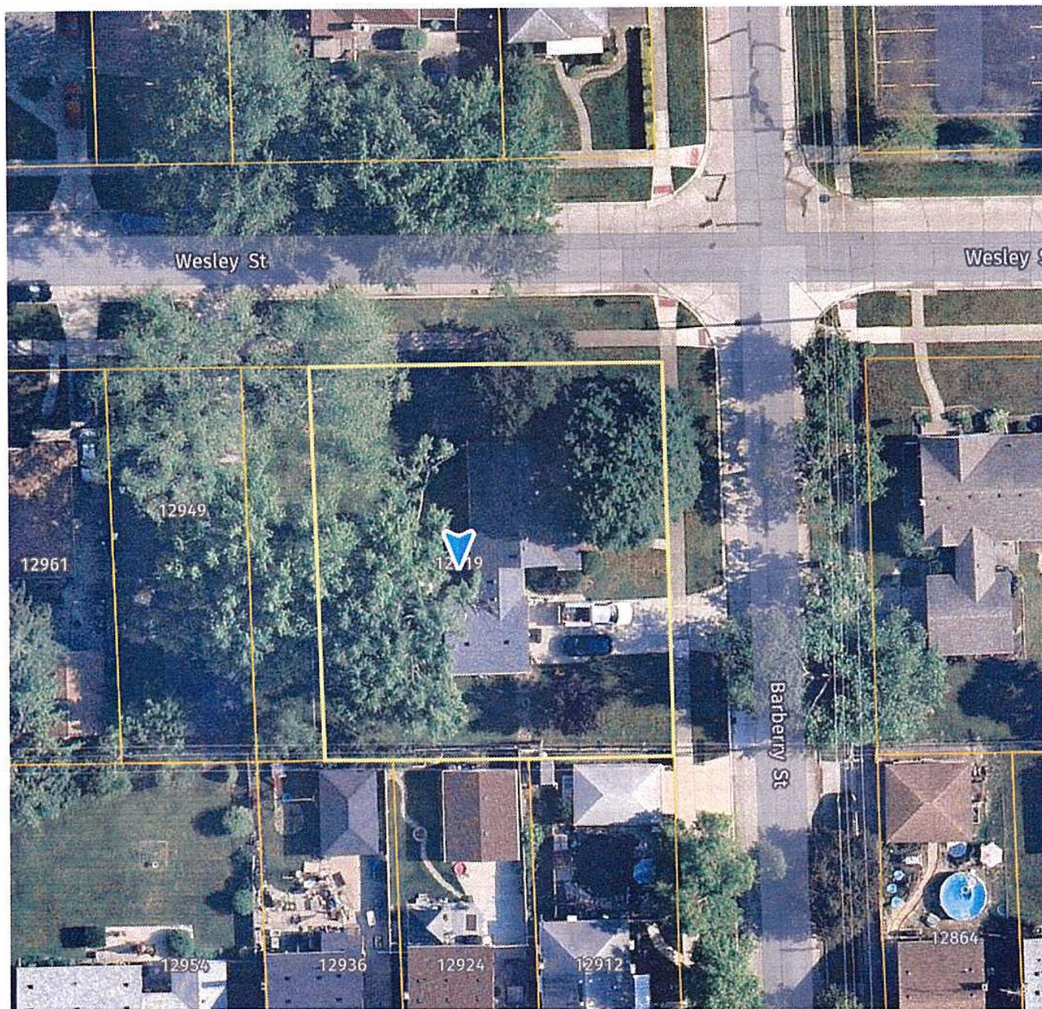
**VARIANCE REQUEST**

The applicant is requesting expanding a fence that will encroach into the Wesley front yard. The lot fronts two streets creating two front yards. The applicant is requesting this fence variance in order to increase privacy and enclose the rear yard for enjoyment and provide fencing that most homes in the City not on a corner lot are permitted to install. The property is located within the R-1B One-Family Residential district. A privacy fence will be decorative wood, eight feet (8') in height replacing the current wire fencing that is visible from the front yard along Barberry Street. An additional wire fence four feet (4') in height will tie into already existing fencing located in the rear yard. The requested variance is an encroachment of approximately thirteen (13) feet into the required twenty-five-foot (25') foot front yard.

An aerial photo of the property is shown in Figure 1. Figure 2 shows the location of the proposed fence in relation to the rest of the property, with blue delineating the location of the proposed wire fence, green delineating the existing fence, and purple delineating where the new privacy fence will be installed. Note the proposed wire fence is several feet (12') from adjacent to the sidewalk leaving a landscaped area and not being a visibility issue for passing cars. Currently several homes on corner lots in the City and near this parcel have been granted variances for privacy fences closer in proximity to the sidewalk than this requested variance.



**Figure 1 - Aerial View**



*Source: Nearmap, date of photo: June 10, 2023*



Figure 2 - proposed fence location

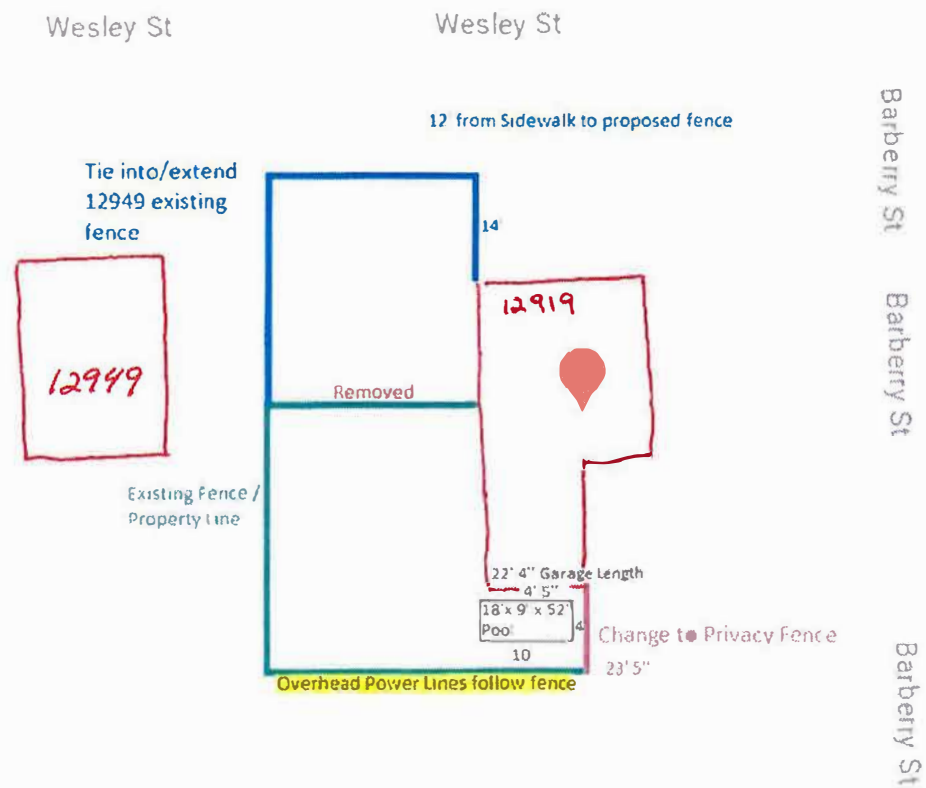


Illustration provided by applicant.

**Figure 3 - Street view of proposed privacy fence location**



*Source: Google Street View*

#### **VARIANCE CONSIDERATIONS**

Section 16.04.04 of the City of Southgate Zoning Ordinance states The Board of Zoning Appeals shall have the power to vary or modify any ordinance provision whenever there are practical difficulties or unnecessary hardships imposed on the property owner if the strict letter of the ordinance is carried out. The Board of Zoning Appeals shall decide appeals in such a manner that the spirit of the ordinance is observed, public safety secured, and substantial justice done.

Furthermore, dimensional and other non-use variances shall not be granted by the Board of Appeals (BZA) unless it can be determined that all the following facts and conditions exist. The proposed fence as it relates to these conditions is described below.

In the Board's decision-making process, the following conditions must be determined to exist:

**a) That compliance with the ordinance results in a practical difficulty:**

CWA Comment: The literal interpretation of the dimensional provisions of this Ordinance would deprive the owner of rights commonly enjoyed by other property owners in the same district. If the four (4') foot wire fence was to be installed in compliance with applicable setback standards, it would result in wasted yard space for the owner.

- b) That the problem requiring the variance is unique to the applicant's property and is not shared by properties in the same zoning district:**

CWA Comment: The home is located on a corner lot and as such requires two front yards, Wesley and Barberry, if not on a corner a fence could easily be installed.

- c) That the problem is not self-inflicted:**

CWA Comment: The problem is not self-inflicted as the shape of the lot is irregular due to being on a corner.

- d) That the variance is the minimum necessary to permit reasonable use of the property:**

CWA Comment: The variance requested for the wire fence in the front yard setback is the minimum necessary to permit reasonable use of the property. The variance requested for the eight (8) foot tall privacy fence is not the minimum necessary to permit reasonable use, and we request the height be reduced to six (6) feet in height or match the adjacent neighbor's fence.

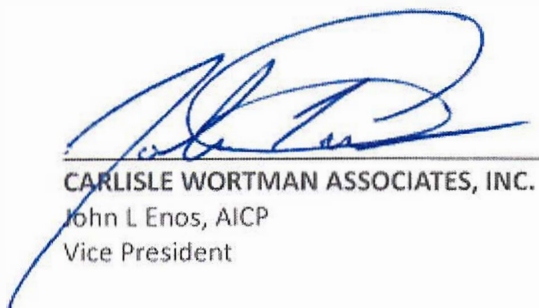
- e) That the variance, if granted, would not compromise the public health, safety, and welfare:**

CWA Comment: The requested variance, if granted, is not likely to compromise the public health, safety, and welfare.

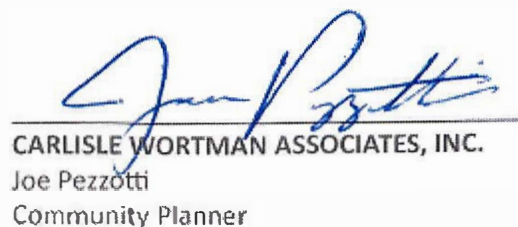
## RECOMMENDATION

We believe the requested variance is reasonable and appropriate based on the location and the low intensity of the type of fence requested. It is not a privacy fence and is only four (4) feet in height. We recommend approval of the requested dimensional variance. In regard to the proposed privacy fence along Barberry Street, we recommend approval with the conditions that the fence height be lowered to six (6) feet or match the height of the adjacent neighbors.

We recommend the Board of Zoning Appeals discuss the considerations provided in this review prior to determining whether approval of this variance is appropriate.



CARLISLE WORTMAN ASSOCIATES, INC.  
John L. Enos, AICP  
Vice President



CARLISLE WORTMAN ASSOCIATES, INC.  
Joe Pezzotti  
Community Planner



