

*City of Southgate  
Board of Zoning Appeals  
Agenda*

Monday, July 11, 2022  
5:30 PM

1. Roll Call: Anderson, Ayres-Reiss, Coombs, Foucher, Martin, Poirier, Richardson
2. Minutes: Minutes of BZA Meeting dated May 9, 2022
3. Correspondence:
4. Old Business:
5. New Business:
  - A. Joseph Peters – Inspire Brands, Inc. is requesting a dimensional variance for a parking number minimum from 30 to 22. Parking stall depth from 22' to 19' & Parking setback from 10' to 0' for Arby's Remodel @ 13063 Eureka.
6. Adjournment:

06/21/2022

City of Southgate  
***Board of Zoning Appeals***  
May 9, 2022

A meeting of the Board of Zoning Appeals of the City of Southgate was held in the Municipal Council Chambers, 14400 Dix-Toledo Highway, Southgate, Michigan on Monday, May 9, 2022 and called to order by Patricia Anderson, Acting Chairperson at 5:32 p.m.

Present: Priscilla Ayres-Reiss, Patricia Anderson, Dennis Richardson, Tim Foucher,  
Gary Martin, Pat Poirier

Absent: Tom Coombs (excused)

Also Present: Plan Consultant John Enos, Building Official Tim Leach, City Attorney Ed  
Zelenak

**Minutes:**

**Moved by Richardson, supported by Foucher, to approve the minutes of the Board of Zoning Appeals Meeting dated January 10, 2022, with the following amended motion:**

**Moved by Anderson, supported by Richardson, that the Board of Zoning Appeals, SUPPORT and APPROVE the application at the request of Keith & Kathleen Short at 15595 Applewood Ln. for a dimensional variance to install a side lot Decorative steel fence.**

**Motion Carried Unanimously.**

**New Business:**

- A. Gerish-Curtis Development Co. LLC is requesting a dimensional variance for a side yard setback from 13' to 10' at 12449 Timber Ct. Southgate, MI, new construction home. (BZA 02-2022)

Notices were sent out. A letter of objection via email was received by Mr. John Cody, 12431 Timber Ct..

**Motion by Foucher, supported by Richardson, to open this Public Hearing**

Plan Consultant Enos stated they are requesting a dimensional variance for side setback distance of 2.99 feet in the R-1, Single-Family Residential District. The home is still more than 10 feet from the property line. The applicant is building the remaining vacant lots in the Woodland Ridge subdivision, located off McCann Ave. The zoning code requires a setback distance of 20 feet total between the two sides of residential developments in the R-1A district. The west setback is met; however, the eastern setback is just short of the required distance. Applicant has ceased further construction until matter is resolved.

We believe the requested variance is reasonable and an honest mistake that should not require a tear down of both the existing structure and foundation. The setback encroachment is minor and will not apply to any other parcels in the neighborhood or future. We recommend approval of the requested dimensional variance.

**Moved by Foucher, supported by Ayers-Reiss, to close this Public Hearing. Motion carried unanimously.**

Discussion was held by the Board.

**Moved by Foucher, supported by Richardson, that the Board of Zoning Appeals, SUPPORT and APPROVE, the application at the request of Gerish-Curtis Development Co. LLC is requesting a dimensional variance for a side yard setback from 13' to 10' at 12449 Timber Ct. Southgate, MI, new construction home. The setback encroachment is very minor and will not apply to any other parcels in the neighborhood or future. The error was made in good faith. (BZA 02-2022). Motion Carried Unanimously.**

**Moved by Anderson, supported by Foucher, that this meeting of the Board of Zoning Appeals be adjourned at 6:04 p.m. Motion Carried Unanimously.**

Angie Shurkus  
Recording Secretary  
May 9, 2022

RETURN TO:  
Building Department  
City of Southgate  
14400 Dix-Toledo Road  
Southgate, MI 48185

Form No. 02  
Case No. BZA 02.2022  
Date Received 6.21.2022

CITY OF SOUTHGATE  
APPLICATION FOR BOARD OF ZONING APPEALS

Concerning an appeal to vary or modify certain regulations established in TITLE SIX, commonly referred to as  
the Zoning Code for the City of Southgate:

RECEIVED  
JUN 21 2022  
CITY OF SOUTHGATE  
BUILDING DEPARTMENT

TO BE COMPLETED BY THE APPLICANT:

Owner/Applicant	Agent
Name <u>Joseph Peters - Inspire Brands, Inc.</u>	Name <u>Josh Long, PE - CESO Inc.</u>
Address <u>3 Glenlake Parkway NE</u>	Address <u>2800 Corporate Exchange Drive, Suite 400</u>
<u>Atlanta, GA 30328</u>	<u>Columbus, OH 43231</u>
(City) (State) (Zip)	(City) (State) (Zip)
Telephone <u>586-260-0541</u>	Telephone <u>380-799-5227</u>

Information regarding the site:

Street Address: 13063 Eureka Rd. Southgate, MI 48195

Major Cross Streets: Eureka Rd. West of Wyandotte, MI

Parcel No. 53019010011001, 53019010010001 & 53019010009001

Acreage: 0.637 Acres Dimensions of Parcel: 280.15', 100.00', 240.13', & 93.00' Frontage: 280.15'

Current Zoning (please circle): RE R-1 R-1A R-1B RM RO C-1 C-2 C-3 M-1 MH PD P-1

Current Use: Existing Arby's Restaurant

Requested action:

☒ Dimensional Variance Requested Variance: Parking number minimum from 30 to 22, Parking stall depth from 22' to 19', & Parking setback from 10' to 0'.  
(For example – Front yard setback from 25 feet to 20 feet.)

☐ Interpretation of the Zoning Ordinance or Map

☐ Appeal from the Planning Commission or Zoning Administrator

☐ Other  
Please Specify \_\_\_\_\_

Josh.long@cesoinc.com

**Information regarding request:**

I hereby request a hearing before this body to:

(Please supply detailed information. For example, why you are requesting the proposed action, a complete description of the project, how the request is compatible with adjacent land uses and zoning districts, any information you feel is pertinent to your application, etc. Feel free to attach additional documents to this application if it will help describe your project or if you need more room than is provided below.)

Proposed redevelopment of the Arby's Restaurant at 13063 Eureka Rd. Site will include 40 seats, a two lane drive-thru, 2,536 SF building, and 22 parking spaces on a 0.637 acre site.

The unique nature of the layout of the parcel requires three variances to improve the site and provide better circulation.

Parking number minimum from 30 to 22, Parking stall depth from 22' to 19', & Parking setback from 10' to 0'.

**A SKETCH CLEARLY DEPICTING THE REQUEST MUST BE ATTACHED TO THIS APPLICATION FOR IT TO BE VALID. IF REQUESTING A DIMENSIONAL VARIANCE, FORM 02A MUST BE ATTACHED.**

The Applicant / Agent must appear before the Board of Zoning Appeals on \_\_\_\_\_  
(Date)

**THE OWNER / AGENT OF THE PROPERTY DESCRIBED ON THIS APPLICATION SUBMIT THAT ALL STATEMENTS HEREIN AND IN THE DOCUMENTS PROVIDED ARE TRUE.**

Signature – Owner / Agent: \_\_\_\_\_ Date: 6/21/22

To review your application properly, Board of Zoning Appeals members may need access to the property in question. Please initial if permission is given for property access. INITIALS \_\_\_\_\_

*Fees must be paid at the same time this application is submitted to the City.*

**OFFICE USE:**

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_

(Staff's Name)

Fee Charged: \_\_\_\_\_

Check No.: \_\_\_\_\_

Receipt No.: \_\_\_\_\_

ATTACH TO YOUR BZA APPLICATION  
AND RETURN TO:  
Building Department  
City of Southgate  
14400 Dix-Toledo Road  
Southgate, MI 48195

Form No. 02A

Case No. BZA \_\_\_\_\_

Date Received \_\_\_\_\_

APPLICATION FOR BOARD OF ZONING APPEALS  
DIMENSIONAL VARIANCE

The City of Southgate Board of Zoning Appeals is required by state law to support its decisions with evidence of "practical difficulty." In order to prove your property is entitled to a variance, please provide answers to the following questions:

1. Why compliance with the Ordinance results in a practical difficulty?

The unique nature of the layout of the parcel requires three variances to improve the site and provide better circulation. The parcel had limited depth which limits the ability to properly circulate and provide a drive-thru.

Parking number minimum from 30 to 22, Parking stall depth from 22' to 19', & Parking setback from 10' to 0'.

2. Why the problem requiring the variance is unique to your property and not shared by properties in the same zoning district?

The similar properties don't have the same hardship of lack of depth.

3. Why the problem is not self-inflicted?

The proposed updates greatly improve the function and safety of the site and maximize the parking for the limited site.

4. That the variance is the minimum necessary to permit reasonable use of the property?

Yes, while still improving the site.

5. That the variance, if granted, would not compromise the public health, safety and welfare?

Yes. Variance will not compromise public health, safety or welfare.



# City of Southgate

DEPARTMENT OF BUILDING AND SAFETY ENGINEERING  
14400 DIX-TOLEDO ROAD, SOUTHGATE MICHIGAN 48195  
PHONE: (734) 258-3027  
FAX: (734) 281-6670  
[www.southgatemi.org](http://www.southgatemi.org)

June 21, 2022

Joseph Peters – Inspire Brands Inc.  
3 Glenlake Parkway NE  
Atlanta, GA 30328

Dear Business Owner:

The Building Department must deny the new site plan proposed at 13063 Eureka.

The new site plan is in violation of chapter 1292.02 (c) (8A) calls for one space for each 75 square ft. of usable floor area.

In addition, chapter 1292.01 (G), which states. Off street parking shall be permitted in the front yard of the C-2 districts to appoint not less than ten feet from the property line. Three feet is proposed.

In view of the above, by law, your request must be denied. If you have, any questions feel free to contact the Building Department @ 734-258-3010 ext. 3130

Sincerely,

Timothy L. Leach  
Building Inspections Director

TLL/mg

**Project: Arby's Southgate, MI**

Address: 13063 Eureka Road, Southgate, MI 48195

Zoned: C-2 (General Business)

Project Description:

The existing Arby's site located along Eureka Road in Southgate, MI is being redeveloped. The project proposes to remove the existing building and relocate the building to supply better circulation with the drive through. The existing site has four access points, and the proposed site will remove two and have two total access points to the site.

Parking Spaces Required:

1 parking space per 75 SF of usable floor area

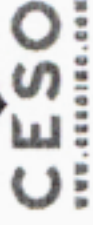
Conditions for variance per Southgate, MI code:

1. There are such special circumstances or conditions affecting such property that make the strict application of these Subdivision Regulations clearly impractical or unreasonable. In such cases, the subdivider shall first state his or her reasons, in writing, as to the specific provision or requirement involved, and submit such reasons to the Commission.
2. The granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which such property is situated.
3. Such variance will not violate any of the provisions of the Subdivision Control Act.
4. Such variance will not have the effect of nullifying the interest and purpose of these Subdivision Regulations and the Comprehensive Development Plan of the City.

Variances Requested:

1. Total parking spaces required (1292.02)
  - a. The site is being adjusted to accommodate the change in customer behavior by providing a safer drive through layout that reduces the potential for backups into the street. The site currently has multiple access points to Eureka Road and reducing the site to only have one entrance and one exit will greatly improve the safety for citizens accessing the site.
  - b. Parking spaces required: 1 parking space per 75 SF of usable floor area + 10 drive through stacking spaces  
Building = 2,364 SF – 145 SF (Mechanical/Storage) = 30 spaces required
  - c. Parking spaces provided: 20 spaces
  - d. Drive through spaces provided = 10 spaces
2. Parking setback (1278.03)
  - a. Encroaching in the parking setback is due to site constraints as the site has minimal depth and the space is being utilized to maximize parking to get as close to minimum parking code as possible given the existing site constraints.
3. Parking stall length (1292.02)
  - a. The parking stall striping length is proposed as 19'. City code is 22' minimum for the parking stall length of angled parking. However, the maneuvering lane minimum for angled parking is 15', and 20' is proposed on site. The development requests the parking spots are striped to 19' to promote proper parking away from the drives to allow a safer exit for cars exiting the drive through



[illegible]

ARBY'S

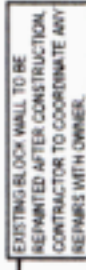
ISSUE	
NOT FOR CONSTRUCTION	
DATE	05/04/2012
JOB NO.	78044
DESIGN	KAR
DRAWN	JCA
CHECKED	NRC
SHEET NO.	

C3.0



**Know what's below.  
Call before you dig.**

\* VERTICAL DATUM: NAVD83  
\*\* HORIZONTAL DATUM: NAD83 - MICHIGAN STATE PLANE, SOUTH ZONE



\* VERTICAL DATUM: NAVD83  
\*\* HORIZONTAL DATUM: NAD83 - MICHIGAN STATE PLANE, SOUTH ZONE



**Carlisle | Wortman**  
ASSOCIATES, INC.

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

Date: June 30<sup>th</sup> , 2022

**PARKING VARIANCE ANALYSIS  
FOR  
THE CITY OF SOUTHGATE**

**APPLICANT INFORMATION**

**APPLICANT:** Joseph Peters Inspired Brands  
**LOCATION:** 13063 Eureka (Arby's)  
**CURRENT ZONING:** C-2 General Commercial

**VARIANCE REQUEST**

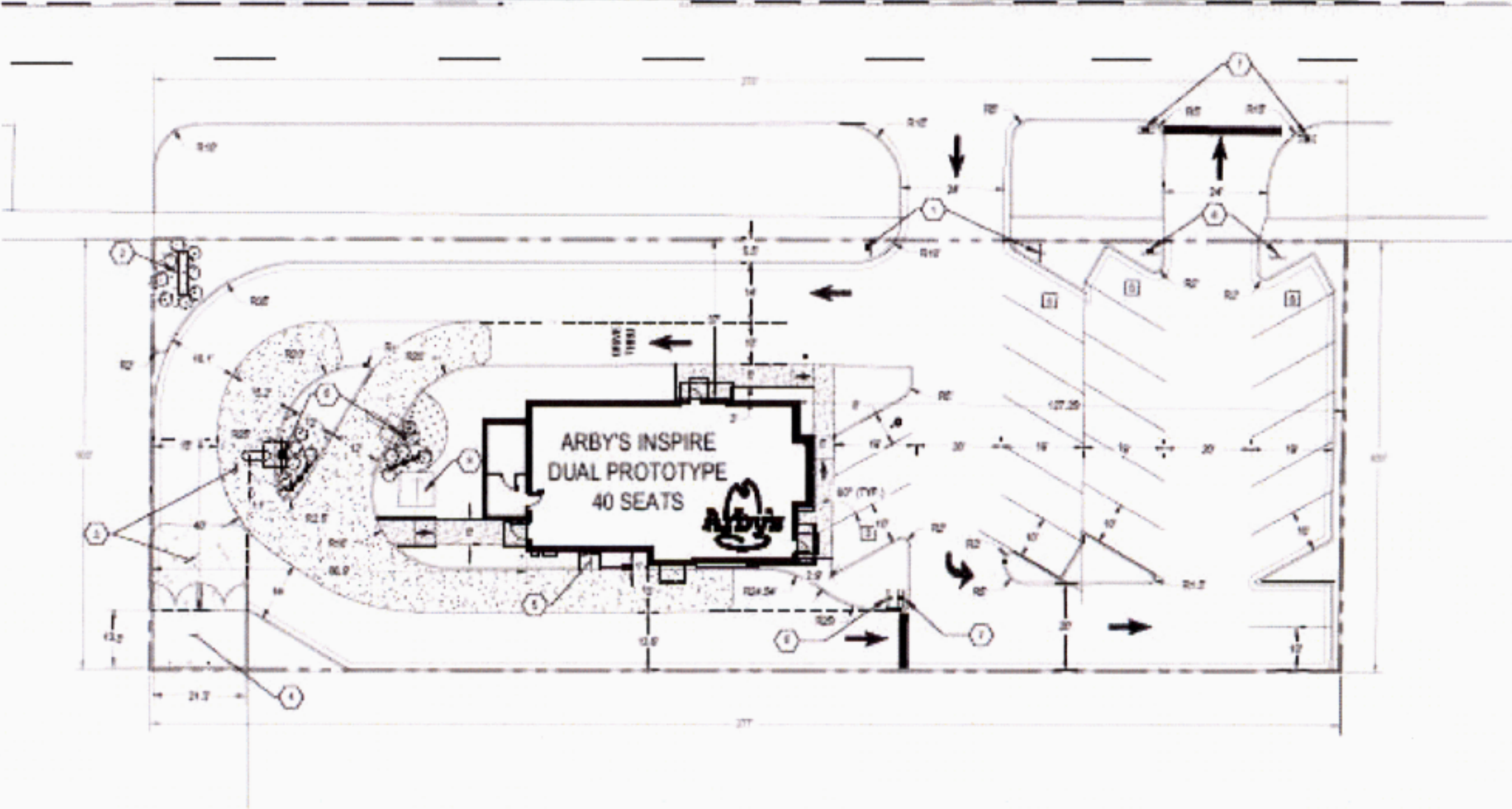
The applicant is requesting a total redevelopment of the existing Arby's located 13063 Eureka Road. Based on size and complexity of the redevelopment the applicant is requesting the following variances:

1. Reduce the required number of parking spaces from thirty (30) to twenty-two (22).
2. Reduce the required parking stall depth from twenty-two (22') feet to nineteen (19') feet.
3. Reduce the parking setback from ten (10') feet to zero (0') feet.

We are finding many fast-food franchises are reinventing the way they do business. Due to Covid and other economic reasons people are not visiting these type restaurants in the traditional sense and that pick up and drive thru is much more prevalent than sitting down in the facility. As is the case with this proposed redevelopment of Arby's more focus is on the motoring public, drive thru and pick up of food. While we are generally supportive of the requested variances and understand and appreciate the change in the business plan the site is intensive in use and no architectural amenities are provided to make up for the requested variances. We will make suggestions or conditions later in this analysis.

Richard K. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Vice President*  
David Scurto, *Principal* Benjamin R. Carlisle, *Principal* Sally M. Elmiger, *Principal* Craig Strong, *Principal* R. Donald Wortman, *Principal*  
Laura K. Kreps, *Senior Associate* Paul Montagno, *Associate*

Figure 1 Views



**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.

Further, dimensional, and other non-use variances shall not be granted by the Board of Appeals (BZA) unless it can be determined that all of the follow facts and conditions exist.

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: Meeting current Ordinance requirements would not allow the facility to redevelop the site in a manner that is reasonable and appropriate with the changing dynamic of “fast-food.”*

**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: We are finding most of these type restaurants are beginning to redesign and redevelop their facilities to meet the publics needs. However due to the intensity of the site we would recommend the following architectural and landscaping upgrades on the site.*

- 1. A decorative brick or similar knee wall should be installed the Eureka frontage of the property. This will screen the line-up of cars waiting in the drive-thru lane.*
- 2. More trees should be placed in lieu of shrubs that typically are not as hardy as trees in a situation as this.*
- 3. The one and only parking island near the entrance of the site should be significantly landscaped.*

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

*CWA Comment: The size of the parcel is small and limited in its ability to accommodate larger facilities and the required parking size, number and setbacks. It has been our experience that uses of this type are typically overparked and we will rely on the applicant to know and understand their parking needs.*

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

*CWA Comment: The variance requested is the minimum necessary to permit reasonable use of the property.*

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

*CWA Comment: Allowing the development in this manner should be compatible with the area and should not negatively impact the area.*

RECOMMENDATION

We recommend approval of the dimensional variances and believe the requested variances are reasonable based on the changing needs of the food industry, the size of the parcel, our experience with these type facilities being over-parked and the condition the design and landscaping conditions noted above are met.