

*City of Southgate
Board of Zoning Appeals
Agenda*

Monday, November 14, 2022

5:30 PM

1. Roll Call: Anderson, Ayres-Riess, Clark, Coombs, Foucher, Poirier, Richardson
2. Minutes: Minutes of BZA Meeting dated September 12, 2022
3. Correspondence:
4. Old Business:
5. New Business:
 - A. Applicant located @ 12930 Churchill Street is requesting a variance for an approximately ten (10) by forty (40) foot extension of their driveway.
 - B. Applicant located @ 15391 Dumay Avenue is requesting a variance for the installation of an eight (8) foot privacy fence in the rear of their yard.
6. Adjournment:

11/9/2022

City of Southgate
Board of Zoning Appeals
September 12, 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, September 12, 2022 and called to order by Patricia Anderson, Acting Chairperson at 5:30 p.m.

Present: Patricia Anderson, Tim Foucher, Gary Martin, Pat Poirier, Dennis Richardson

Absent: Tom Coombs(excused)

Also Present: Plan Consultant John Enos and Alissa Starling, Building Official Tim Leach, City Attorney Ed Zelenak, City Administrator Dan Marsh, Mayor Kuspa

Minutes:

Moved by Foucher, supported by Richardson, to approve the minutes of the Board of Zoning Appeals Meeting dated July 11, 2022, with the change, Moved by Foucher, supported by Anderson. Motion Carried Unanimously.

New Business:

- A. Giacomo Palazzolo – is requesting a dimensional variance for an addition of a sunroom to residence at 13903 Cameron Ave. that will encroach into the rear setback by (20) twenty feet, in the R-1B Single Family Residential District.

Notices were sent out.

No public comments were received.

Motion by Foucher, supported by Poirier, to open this Public Hearing.

Plan Consultant Starling stated the applicant is requesting a dimensional variance for an addition of a sunroom to residence that will encroach into the rear setback by twenty (20) feet, in the R-1B, Single Family Residential District. The subject site is located at 13903 Cameron Ave., between Walnut and Superior. The Zoning Code requires a rear setback of thirty-five (35) feet in the rear yard of a structure in this district. The site is unique in that it is a corner lot with two (2) front yards, however, the sunroom will not be added on either of those sides.

The applicant has provided building plans that show the proposed addition to be approximately twenty (20) feet by thirty-one (31) feet and seven (7) inches, for a total of (623) square feet., that will be within the parameters for permitted total lot coverage.

The applicant stated they are adding a sunroom to their residence. It will be a beautiful addition to their home, it will have brick, windows and siding to match their current home.

We recommend approval of the requested variance.

Moved by Foucher, supported by Poirier, to close this Public Hearing. Motion carried unanimously.

Discussion was held by the Board.

Moved by Foucher, supported by Poirier, that the Board of Zoning Appeals, SUPPORT and APPROVE, the application at the request of Giacomo Palazzolo, 13903 Cameron Ave, Southgate, MI, for a dimensional variance for an addition of a sunroom that will encroach into the rear setback by (20) twenty feet, in the R-1B Single Family Residential District, per Section 1298-01. Motion Carried Unanimously.

B. Eriberto & Adela Lopez – 13720 Flanders are requesting a dimensional variance for a driveway extension of (5) feet in the R-1B, Single Family Residential District.

Notices were sent out.

No public comments were received.

Motion by Martin, supported by Foirier, to open this Public Hearing.

Plan Consultant Starling stated the applicant is requesting a dimensional variance for a driveway extension of five (5) feet in the R-1B Single-Family Residential District. The subject site is located at 13720 Flanders, between Walnut Street and Superior Street. The Zoning requires when a garage is present, the driveway shall be the width of the garage itself, per Section 1292.03(k)(5). Application notes there is a ditch on each side of the existing driveway and is not safe for backing out of, in addition, applicant owns a utility trailer and must go into neighbor's yard to make the sharp turn that is required for existing driveway.

The applicant stated they just need that extra (5) five feet to maneuver in his driveway easier.

Due to the unusual and short configuration of driveways in many of the City's platted subdivisions, this could be considered a practical difficulty and we recommend approval of the requested variance.

Moved by Foirier, supported by Martin, to close this Public Hearing. Motion carried unanimously.

Discussion was held by the Board.

Moved by Martin, supported by Richardson, that the Board of Zoning Appeals, SUPPORT and APPROVE, the application at the request of Eriberto & Adela Lopez, 13720 Flanders, Southgate MI, for a dimensional variance for a driveway extension of (5) feet in the R-1B, Single Family Residential District. Motion Carried Unanimously.

C. Taco Bell – 13865 Eureka is requesting a dimensional variance for a relief of one and a half (1.5) feet, or eighteen (18) inches above permitted maximum sign height in the C-2, General Business District.

Notices were sent out.

No public comments were received.

The public hearing was opened.

Plan Consultant Starling stated the applicant is requesting a dimensional variance for a relief of one and a half (1.5) feet, or eighteen (18) inches above permitted maximum sign height in the C-2, General Business district. The subject site is located just south of Eureka, at the southeast corner of Eureka and Trenton. The Zoning Code requires all freestanding signs to be a maximum permitted height of twenty (20) feet per Section 1298.18(b)(g). Application shows the proposed sign is twenty-one (21.5) feet and a half in height.

Mayor Kuspa spoke on behalf of the request. A new sign given to the City by the DDA will be going in on the corner, with a 5 x 10 Digital Sign and room for Civic Events. They have been working with Taco Bell for some time to coordinate installation of the city sign while also allowing advertising of the Taco Bell that is being totally renovated. The request for the additional height is due to the cooperation and coordination with the City in constructing an entrance and electronic message board sign that is directly in front of the proposed freestanding sign.

We recommend approval of the requested variance.

Moved by Foucher, supported by Poirier, to close this Public Hearing. Motion carried unanimously.

Discussion was held by the Board.

Moved by Poirier, supported by Richardson, that the Board of Zoning Appeals, SUPPORT and APPROVE, the application at the request of Taco Bell, 13865 Eureka, Southgate, MI, is requesting a dimensional variance for a relief of one and a half (1.5) feet, or eighteen (18) inches above permitted maximum sign height in the C-2, General Business District. Motion Carried Unanimously.

Moved by Martin, supported by Foucher, that this meeting of the Board of Zoning Appeals be adjourned at 6:00 p.m. Motion Carried Unanimously.

Angie Shurkus
Recording Secretary
September 12, 2022



Carlisle | Wortman
ASSOCIATES, INC.

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

Date: October 17, 2022

**VARIANCE ANALYSIS
FOR
THE CITY OF SOUTHGATE**

APPLICANT INFORMATION

APPLICANT: Richard Dennis
ADDRESS: 15391 Dumay Avenue
PARCEL ID: 53021020035002
CURRENT ZONING: R-1B, One Family Residential
ACTION REQUESTED: Variance approval to install an eight (8) foot privacy fence

VARIANCE REQUEST

The applicant is requesting a variance for the installation of an eight (8) foot privacy fence in the rear of their yard. The parcel in question is located at 15391 Dumay in the R-1B, One Family Residential District, between Dix-Toledo and Eureka Road. Parcel size is 0.19 acres and is shown in Figure 1 on the following page, with a white dashed line delineating the location of the subject site.

The application to build a fence was denied per the ordinance in Section 1298.14(b) that reads *“Any owner of a lot in the City may construct and maintain partition fences between his or her own lot and the next adjoining lot...fences shall be constructed of self-supporting posts, at a maximum height of six (6) feet and eight (8) inches.”*

Figure 2 shows the location of the subject site in conjunction with the automobile junkyard in the rear. Section 1298.13 states an obscuring wall or earth berm *“shall be provided for and maintained between any nonresidential and Residential District.”* The aerial image seems to show a fence between the property and the nonresidential use in the rear, however, the applicant would like to completely obscure any view of the property from their rear yard. The existing fence does not accomplish complete obstruction.

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. Aerial View of Property



Figure 2. Wider Aerial View of property



Source: Near Map

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: The owner of the junkyard in the rear is required to install an obscuring fence between their property and the residences abutting against it however, this may not completely obscure view of the salvage yard. Therefore, there is a fence installed by the salvage yard, compliant with the ordinance however, it is still visible from the rear yard of the residences.

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: Typically, a storage yard as such would not directly abut a residence however, per aerial image searches, the existing use has been there for over a decade. While some homes in the surrounding district abut a commercial use, no others abut an open storage yard. It is our experience that once a salvage yard is in place it typically remains there for some time.

c) That the problem is not self-inflicted:

CWA Comment: The problem is not self-inflicted as homeowner has no control over who or what goes into the adjacent properties, short of just not buying the property.

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

CWA Comment: The request to install the privacy fence is the minimum necessary variance as it exceeds the typical human height and eyeline.

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

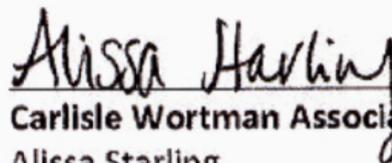
CWA Comment: The requested variance, if granted, will not compromise the public health, safety, and welfare. In addition we are of the opinion this will improve the quality of life to for the adjacent resident.

RECOMMENDATION

We recommend approval of the requested variance.



Carlisle Wortman Associates, Inc.
John Enos, AICP
Principal



Carlisle Wortman Associates, Inc.
Alissa Starling
Planner



Carlisle | Wortman
ASSOCIATES, INC.

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

Date: November 3, 2022

**VARIANCE ANALYSIS
FOR
THE CITY OF SOUTHGATE**

APPLICANT INFORMATION

APPLICANT: Raymond and Sarah Good
ADDRESS: 12930 Churchill Street
PARCEL ID: 53 005 02 0050 000
CURRENT ZONING: R-1B, One Family Residential
ACTION REQUESTED: Variance approval to allow extended driveway made of brick pavers

VARIANCE REQUEST

The applicant is requesting a variance for an approximately ten (10) by forty (40) foot extension of their driveway. The site is located at 12930 Churchill Street in the R-1B, One Family Residential District, southeast of Dix-Toledo between McCann Ave and Devoe Street. Parcel size is 0.27 acres and is shown in Figure 1 on the following page, with a white dashed line delineating the location of the subject site.

The application to extend the driveway was denied per the ordinance in Section 1292.03(k)(5) that reads *"Single-family residences with a garage may install a driveway as wide as the garage wall subject to the requirements of Sections 1298.04(a)(1) and 1298.04(a)(3) containing the vehicle entrance door."*

Applicant has noted on their application the reason for the requested variance is because of the location of their home on a corner and lack of sufficient lighting. In addition, the driveway extension allows them to pull their cars out of the right-of-way and into their driveway, therefore, reducing the likelihood of vehicles being damaged. Diagram provided on application shows the driveway being widened from the residence up to the sidewalk and then continuing at the same width to the curb. Figure 2 shows the existing conditions of the driveway.

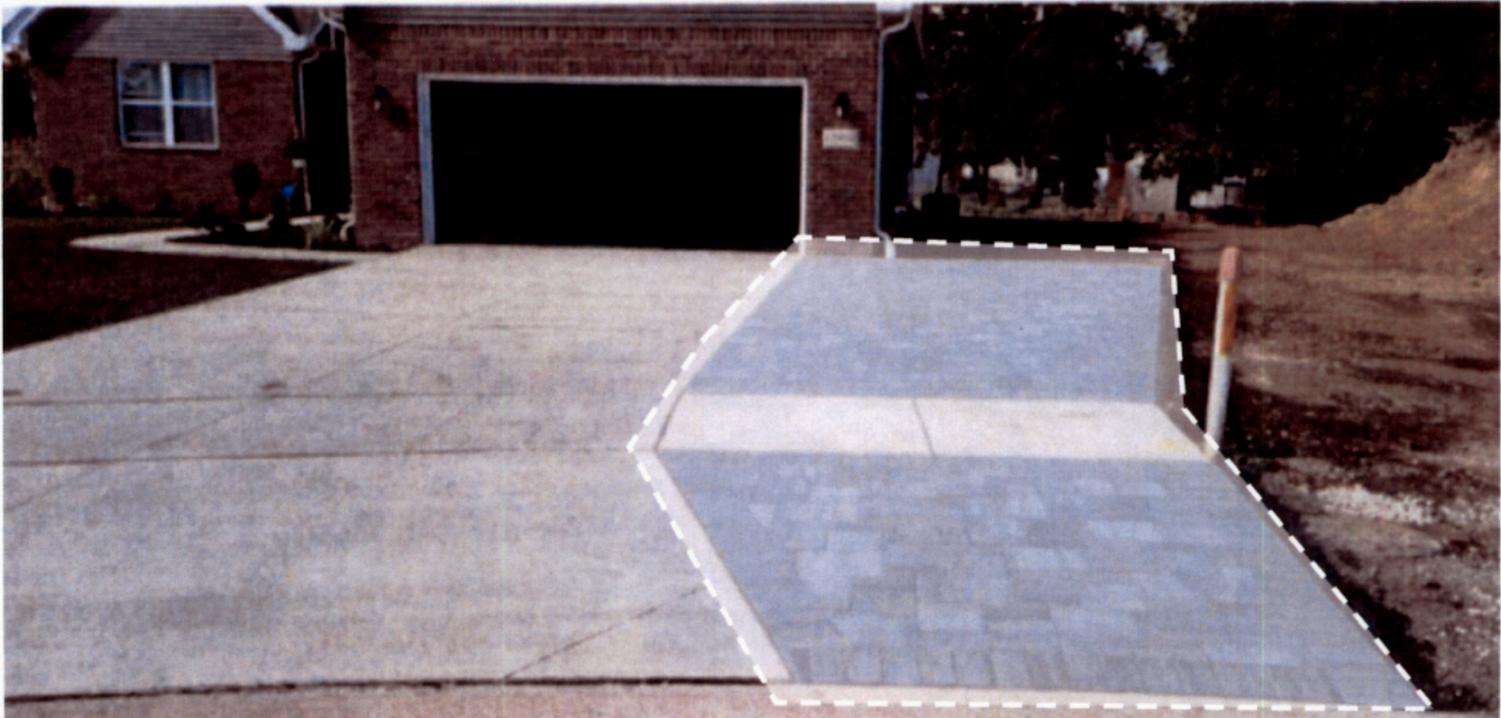
Richard K. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Vice President*
David Scurto, *Principal* Benjamin R. Carlisle, *Principal* Sally M. Elmiger, *Principal* Craig Strong, *Principal* R. Donald Wortman, *Principal*
Laura K. Kreps, *Senior Associate* Paul Montagno,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

Figure 1. Aerial View of Property



Source: NearMap

Figure 2. Existing Conditions



Source: Applicant

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: The applicant states that compliance with the ordinance would require removing the already installed brick pavers. However, the applicant can widen the driveway as wide as the garage itself without any zoning issues. If the applicant chose to extend the driveway on each side of the garage to each wall, it would be approximately twenty (20) feet and could accommodate two (2) parallel parked cars.

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 problem requiring a variance is not unique to the applicant’s property and is shared by other properties on the same street/in same zoning district. Applicant notes they are concerned with their car being damaged if parked in the street. However, the imaging provided shows the applicant has a two-car garage.

c) That the problem is not self-inflicted:

CWA Comment: The problem is self-inflicted as the variance isn’t absolutely necessary to park in the driveway and/or garage however, the risk of damage is not self-inflicted as many adjacent properties face the same concern.

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

CWA Comment: We do not find this is the minimum variance necessary.

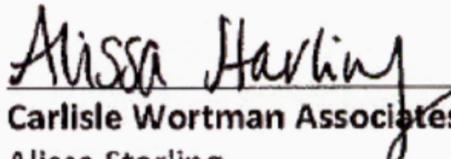
e.) That the variance, if granted, would not compromise the public health, safety, and welfare:

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

RECOMMENDATION

We do not recommend approval of the requested variance.


Carlisle Wortman Associates, Inc.
John Enos, AICP
Principal


Carlisle Wortman Associates, Inc.
Alissa Starling
Planner