

City of Southgate Board of Zoning Appeals Agenda

Monday, May 9, 2022

5:30 PM

1. Roll Call: Anderson, Ayres-Reiss, Coombs, Foucher, Martin, Poirier, Richardson
2. Minutes: Minutes of BZA Meeting dated January 10, 2022
3. Correspondence:
4. Old Business:
5. New Business:
 - A. Gerish-Curtis Development Company LLC is requesting a dimensional variance for a side yard setback from 13' to 10' @ 12449 Timber Ct. new construction home.
6. Adjournment:

04/14/2022

City of Southgate
Board of Zoning Appeals
January 10, 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, January 10, 2022 and called to order by Tom Coombs, Chairman at 5:30 p.m.

Present: Linda Clark, Patricia Anderson, Dennis Richardson, Tom Coombs

Absent: Jerry Orman, Tim Foucher

Also Present: Plan Consultant John Enos, City Administrator, Dustin Lent, City Attorney, Ed Zelenak, Building Director Tim Leach.

Minutes:

Moved by Anderson, supported by Clark, to approve the minutes of the Board of Zoning Appeals Special Meeting dated April 5, 2021. Motion Carried Unanimously.

New Business:

- A. Keith & Kathleen Short at 15595 Applewood Ln are requesting a dimensional variance to install a side lot steel fence. (BZA 01-2022)

Notices were sent out. There were no letters of objection received by the Clerk's Office. There were (3) letters from neighbors in support of this request.

The Public Hearing was opened at 5:32 p.m.

Plan Consultant Enos stated they are requesting expanding a fence that will encroach into the Applewood front yard. The lot fronts two streets creating two front yards. The applicant is requesting this fence variance in order to increase privacy, enclose the rear yard for pets and grandchildren and provide for fencing that most homes in the City not on a corner lot are permitted to install. The fence will be decorative aluminum, five feet in height and will circumvent most of the yard. We recommend approval of requested dimensional variance.

The applicants shared pictures of what they are planning on doing.

Moved by Anderson, supported by Richardson, to close this Public Hearing. Motion carried unanimously.

Discussion was held by the Board.

Moved by Anderson, supported by Richardson, that the Board of Zoning Appeals, SUPPORTS and APPROVES, the application at the request of Keith & Kathleen Short at 15595 Applewood Ln for a dimensional variance to install a side lot steel fence. (BZA 01-2022) Variance from Section 1298.01(c). Motion Carried Unanimously.

Moved by Clark, supported by Anderson, that this meeting of the Board of Zoning Appeals be adjourned at 5:41 p.m. Motion Carried Unanimously.

Angie Shurkus
Recording Secretary
January 10, 2022

City of Southgate

2022 BOARD OF ZONING APPEALS MEETINGS

Meetings held in the Council Chambers
On the **second** Monday bi-monthly @ 5:30 p.m.
(Special Meetings may be necessary)

January 10

March 14

May 9

July 11

September 12

November 14

1/5/2021

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

Form No. 02

Case No. BZA 001-2022

Date Received 4-14-2022

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:

TO BE COMPLETED BY THE APPLICANT:

Owner/Applicant		Agent	
Name <u>Gerish-Curtis Development Company LLC</u>		Name <u>Mark Menuck</u>	
Address <u>20869 Prairie Creek Blvd.</u>		Address <u>990 Pierce</u>	
<u>Brownstown Township, MI</u>	<u>48183</u>	<u>Birmingham, MI</u>	<u>48009</u>
(City)	(State)	(City)	(State)
Telephone <u>734-479-0552</u>		Telephone <u>248-730-0300</u>	

Information regarding the site:

Street Address: 12449 Timber Court, Southgate, MI 48195 (Lot 22)

Major Cross Streets: Northline and McCann

Parcel No. 53-005-02-0022-000

Acreage: approx. 1/3 ac Dimensions of Parcel: Front 44.52' (radius) Rear 155.57'
Left 146.73' Right 152.38' Frontage: 44.52' (Radial)

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: Single Family Residential

Requested action:

☒ Dimensional Variance Requested Variance: Minimum Distance Between Buildings (13')
(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 _____

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.)

We are requesting a variance as a mistake was made. Gerish-Curtis Development Company ("GC") is building on all remaining vacant lots. This lot was proposed with the house situated as it is currently being built, which is with a proposed minimum distance of only 10.01' between the garage and the neighboring home. Unfortunately, the engineer (Zeimet-Wozniak) made the mistake and missed the minimum distance requirement when plotting the house. It is important to state that we DO NOT attribute any blame to any City of Southgate departments. The dimensions on the plot plan (see attached) were proposed with the current distance between buildings. Without having been caught, we simply built the home in accordance with the proposed plot plan as drawn. Again, realizing that the mistake is with the private engineer, if it was caught this encroachment could have been prevented. Now that the house is under construction, we are herein asking for a variance of 2.99'.

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 May 9, 2022
(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:

4/14/2022

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?

Since the cause of the need for variance was caught after the construction commenced, it would be necessary to remove the structure and the foundation in order to be in compliance. For what it's worth, applicant did cease construction on the house until this matter is properly resolved.

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

The problem giving rise to this request is a mistake made by an 3rd party professional consultant. It should not and will not happen again.

3. Why the problem is not self-inflicted?

Though Owner/Applicant did in fact hire the professional consultant (Zeimet-Wozniak) that caused the problem to occur, Owner merely relied on its accuracy, as did the city officials.

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

We are only requesting a variance for the amount needed to meet what would otherwise have been the minimum distance between buildings.

We would also request that the variance ONLY apply to the current encroachment and that no additional along this wall be allowed in the future so that no further encroachments would be allowed or additional variance requests for this dimension may be implied or made

(in other words, limit the length of the variance to 25', even though, based on the angles of the buildings, the minimum distance gradually) approaches the minimum distance by only a few feet farther back).

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

The only impact from this request would be by the neighbor and the proximity to the use and enjoyment of their home. All emergency vehicles and such would have similar access to the properties from the front and the rear of the homes.

The minimum distance requirement spans only a few feet back, where, due to the angles of the subject property and the neighbor start to diverge enough to meet the minimum required distance under the ordinance.





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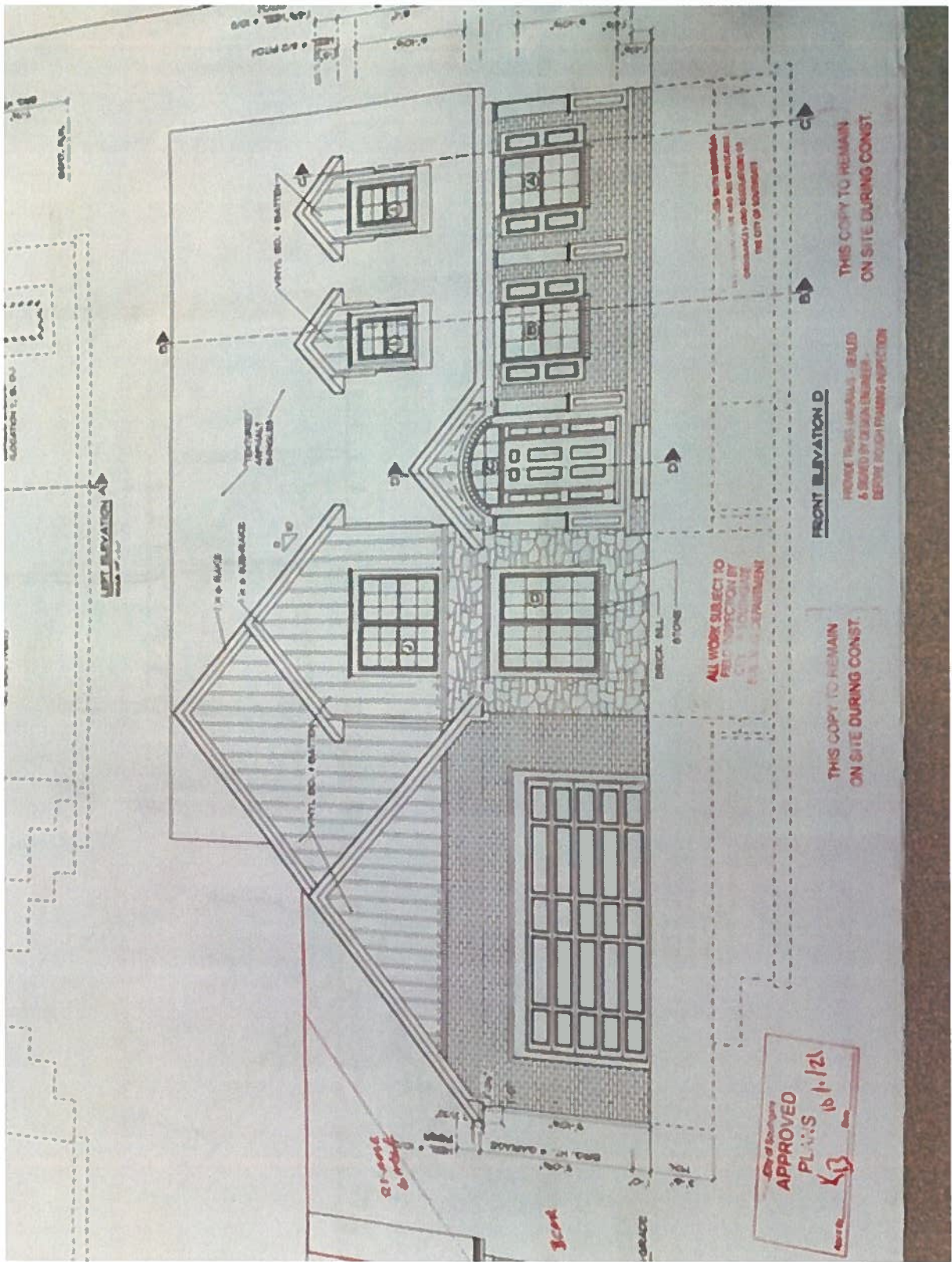
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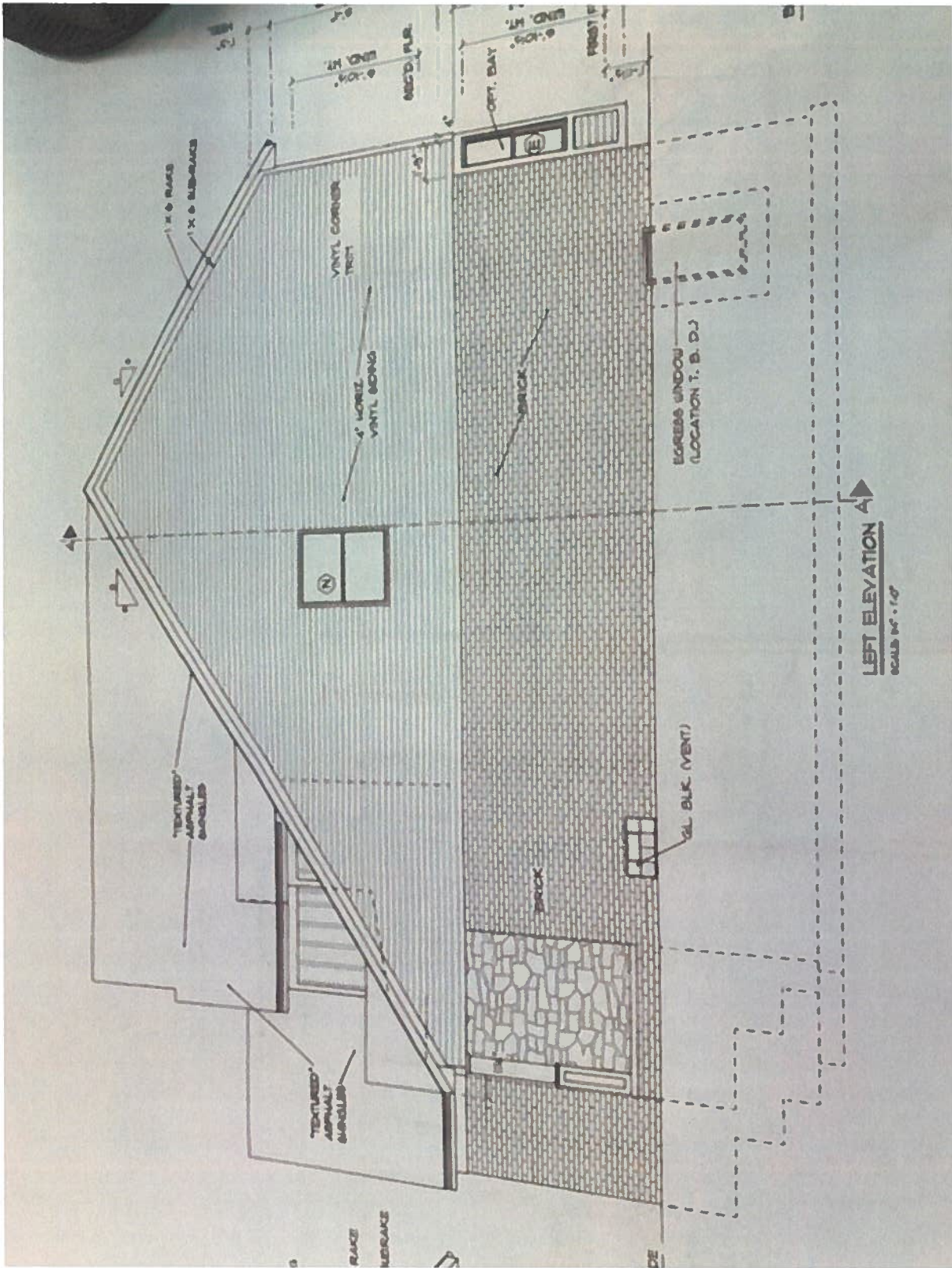
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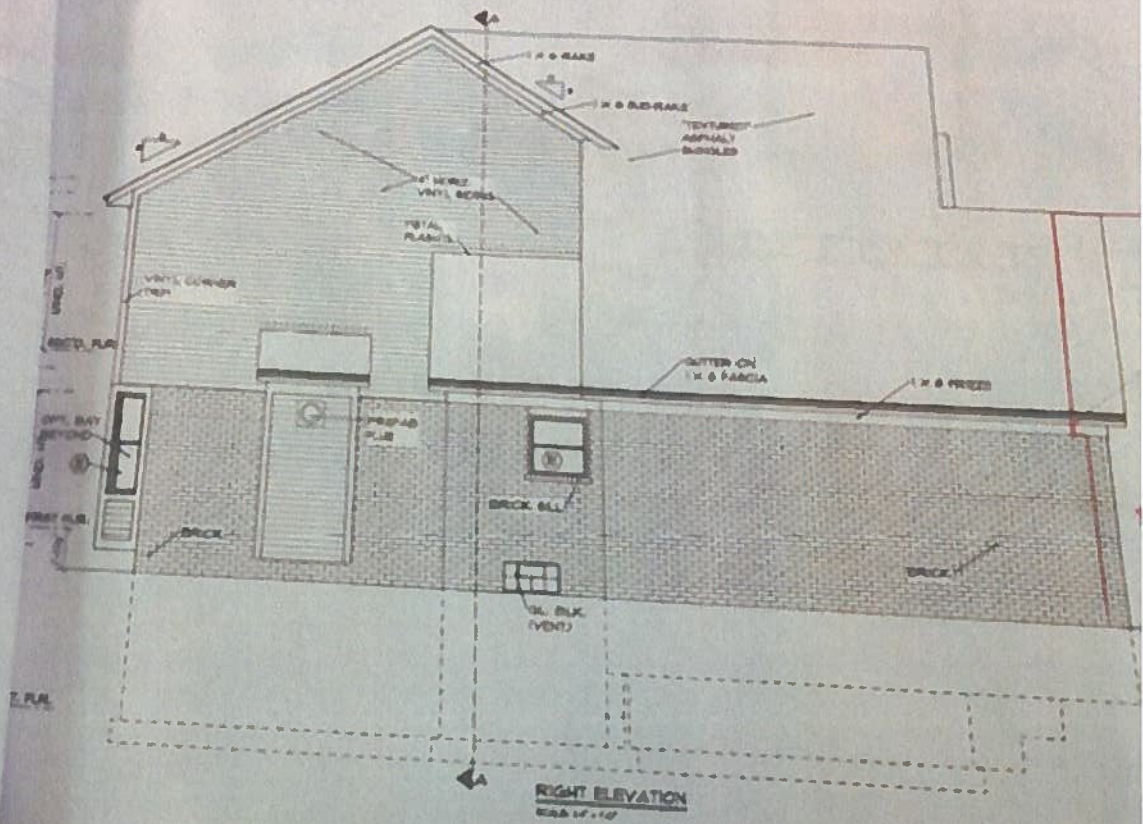
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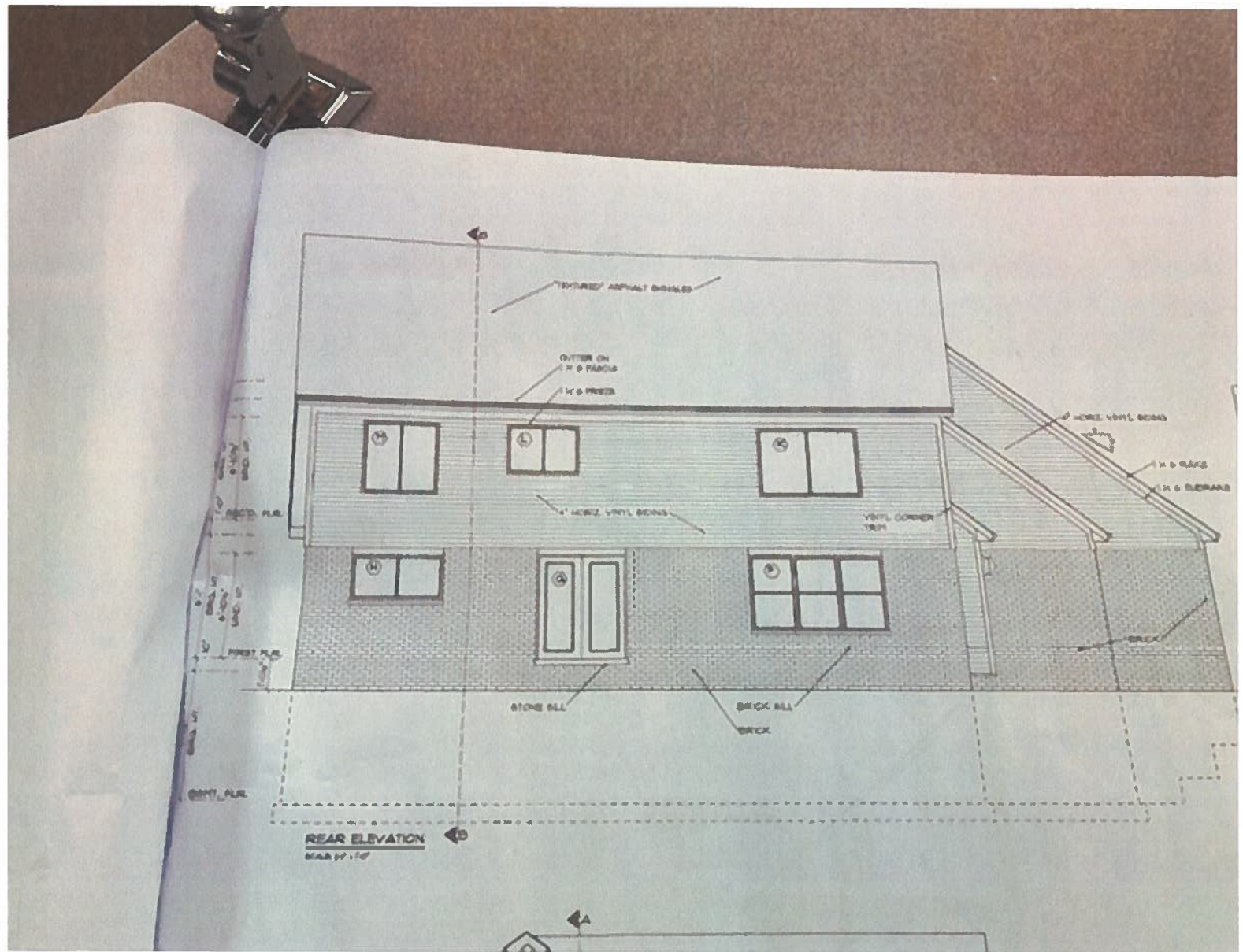




REAR ELEVATION
S&B 14' x 10'



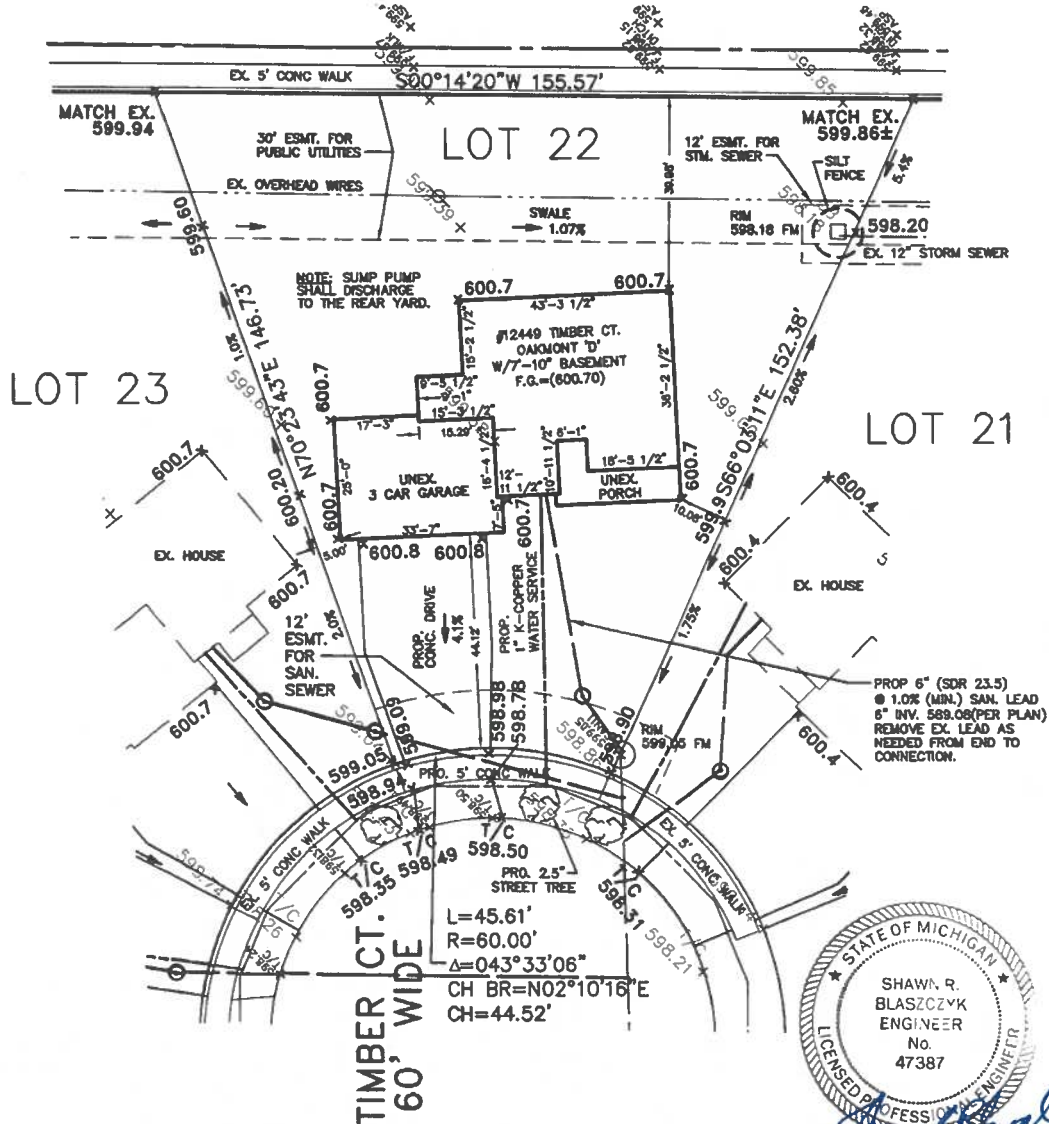
RIGHT ELEVATION
S&B 14' x 10'



LOT 22 "WOODLAND RIDGE SUB."

PART OF THE S.E. 1/4 OF FRACTIONAL SECTION 23,
T. 3 S., R. 10 E., CITY OF SOUTHGATE, WAYNE COUNTY, MICHIGAN AS
RECORDED IN LIBER 122, PAGES 88-91 W.C.R.

SCALE: 1"=30'



NOTES:

- DO NOT CONNECT SUMP PUMP DISCHARGE LINE TO THE STORM SEWER SYSTEM BECAUSE THE STORM SEWERS DISCHARGE TO A COMBINED SEWER SYSTEM.
- DO NOT EXCAVATE WITHIN 5' OF BACK OF CURB. UNDERDRAINS HAVE BEEN INSTALLED UNDER EACH CURB. THEY ARE APPROXIMATELY 48 INCHES DEEP AND HAVE BEEN BACKFILLED WITH 2NS SAND.
- GAS SERVICE ROUTE & TAP LOCATION SHALL BE WHOLLY WITHIN THE LOT FRONTAGE. CONTACT CITY ENGINEER AT (734)759-1600 THREE (3) BUSINESS DAYS PRIOR TO CONSTRUCTION TO DETERMINE IF INSPECTION IS REQUIRED.
- THE BUILDER/CONTRACTOR IS RESPONSIBLE FOR REAR YARD INLET FABRIC FILTERS DURING CONSTRUCTION. REPLACE AS NECESSARY.

ZEIMET WOZNAK & ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS
55800 GRAND RIVER AVE., SUITE 100
NEW HUDSON, MICHIGAN 48165
(248)437-5099 (248)437-5222 (FAX)

BENCHMARK: ARROW ON
HYDRANT, FRONT OF LOT 25
ELEV. = 600.06

LEGEND

EXISTING TOPOGRAPHY
ELEVATION
X 600.3 PROPOSED ELEVATION
FM DENOTES FIELD MEASURED

REVISIONS		
ITEM	DATE	BY

ZEIMET WOZNAK
& ASSOCIATES
PLOT PLAN LOT 22
WOODLAND RIDGE SUBDIVISION
SOUTHGATE, MICHIGAN

DATE	7-21-21	SCALE	HOR 1"=30'
DESIGNED BY	SRB	FIELD BOOK NO.	685
DRAWN BY	PTG	JOB NO.	92113
		SHEET NO.	1



Carlisle | Wortman
ASSOCIATES, INC.

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

Date: April 27, 2022

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

APPLICANT INFORMATION

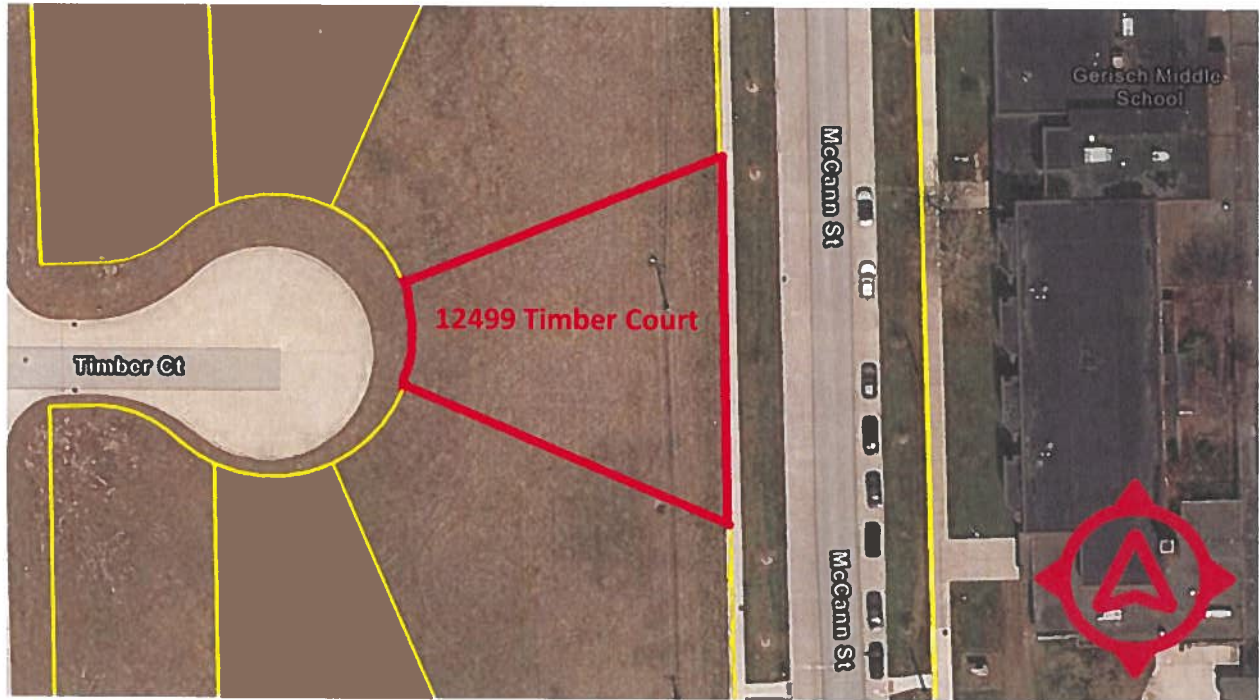
APPLICANT: Gerish-Curtis Development Company
LOCATION: 12499 Timber Court (Lot 22)
PARCEL NUMBER: 53-005-02-0022-000
CURRENT ZONING: R-1A, Single-Family Residential

VARIANCE REQUEST

The applicant is 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 ten (10') feet from the property line. The applicant is building the remaining vacant lots in the Woodland Ridge subdivision, located off McCann Avenue, across from Gerisch Middle School, and between Wesley Street/Woodland Ridge Drive. The zoning Code requires a setback distance of twenty (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.

An aerial of the property is shown in Figure 1 with red delineating the location of the subject site.

Figure 1 Aerial 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.

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: Applicant has already began building structure and compliance with Zoning Code would entail tearing down entire structure and foundation already in place. Due to angle of garage, the home meets setback requirements at rear however, it slowly angles in toward the face of the home, requiring a variance at the front-most point.

- 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: Other homes in the adjacent parcels were built to code and do not share this difficulty in meeting compliance.

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

CWA Comment: The problem is not self-inflicted as it was a mistake in the administrative protocol prior to construction o building.

- 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: The requested variance, if granted, is not likely to compromise the public health, safety, and welfare. The space required is prevent loss in case of a neighbor fire. We ask the applicant to demonstrate if additional safety measures are proposed to ensure fire safety.

RECOMMENDATION

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