

CITY OF SOUTHGATE

Board of Zoning Appeals

AGENDA

MONDAY, September 11, 2023

5:30 PM

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 August 14th,
2023

IV. ADMINISTRATIVE REPORTS

V. PUBLIC HEARINGS

1. 14772 Burns Fence Variance

VI. NEW BUSINESS

VII. OLD BUSINESS

VIII. ANNOUNCEMENTS

IX. ADJOURNMENT

City of Southgate
Board of Zoning Appeals
AUGUST 14, 2023

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, August 14, 2023 and called to order by Gary Martin, Vice Chairperson at 5:30 p.m.

PRESENT: Gary Martin, Pat Poirier, Dennis Richardson, Tim Foucher, Patricia Anderson, Jill Stephan

ABSENT: Tom Coombs

Also Present: City Planners John Enos and Joe Pezzotti, Building Official Tim Leach, City Administrator Dan Marsh, City Attorney Ed Zelenak, Council Member Graziani

Minutes:

Moved by Stephan, supported by Foucher, to approve the minutes of the Board of Zoning Appeals Meeting dated June 12, 2023. Motion Carried Unanimously.

Administrative Reports:

None.

Public Hearing:

1. Kirk Cheresko & Sofia Tomasic, 12919 Wesley, Variance for a Fence.

A PUBLIC HEARING WAS HELD FOR KIRK CHERESKO & SOFIA TOMASIC, 12929 WESLEY, VARIANCE FOR A FENCE.

Notices were sent out.

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

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 Barberrry 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.

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.

No public comments were received.

Moved by Poirier, supported by Richardson, to close this Public Hearing.

Moved by Richardson, supported by Poirier, that the Board of Zoning Appeals, APPROVES, the application at the request of Kirk Cheresko & Sofia Tomasic, 12919 Wesley, for 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 6 foot 8 inches. Motion Carried Unanimously.

New Business:

1. Temporary Construction Signage Interpretation.

As you may be aware the former PNC Tower, 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.

We would recommend approval of the requested variances in sign sizes/types and locations.

Moved by Foucher, supported by Richardson, to approve the Fence Signage on Trenton Road, the Freestanding signage, and the Construction Fence Wrap Signage for the PNC Tower. All signs must be removed 90 days after a Certificate of Occupancy is issued. Sign areas must be kept clean and maintained. Motion Carried Unanimously.

Old Business:

None.

Announcements:

None.

Moved by Martin, supported by Foucher, that this meeting of the Board of Zoning Appeals be adjourned at 5:51 p.m. Motion Carried Unanimously.

Angie Shurkus
Recording Secretary
August 14, 2023



Carlisle | Wortman
ASSOCIATES, INC.

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

August 14, 2023

VARIANCE ANALYSIS
The City of Southgate

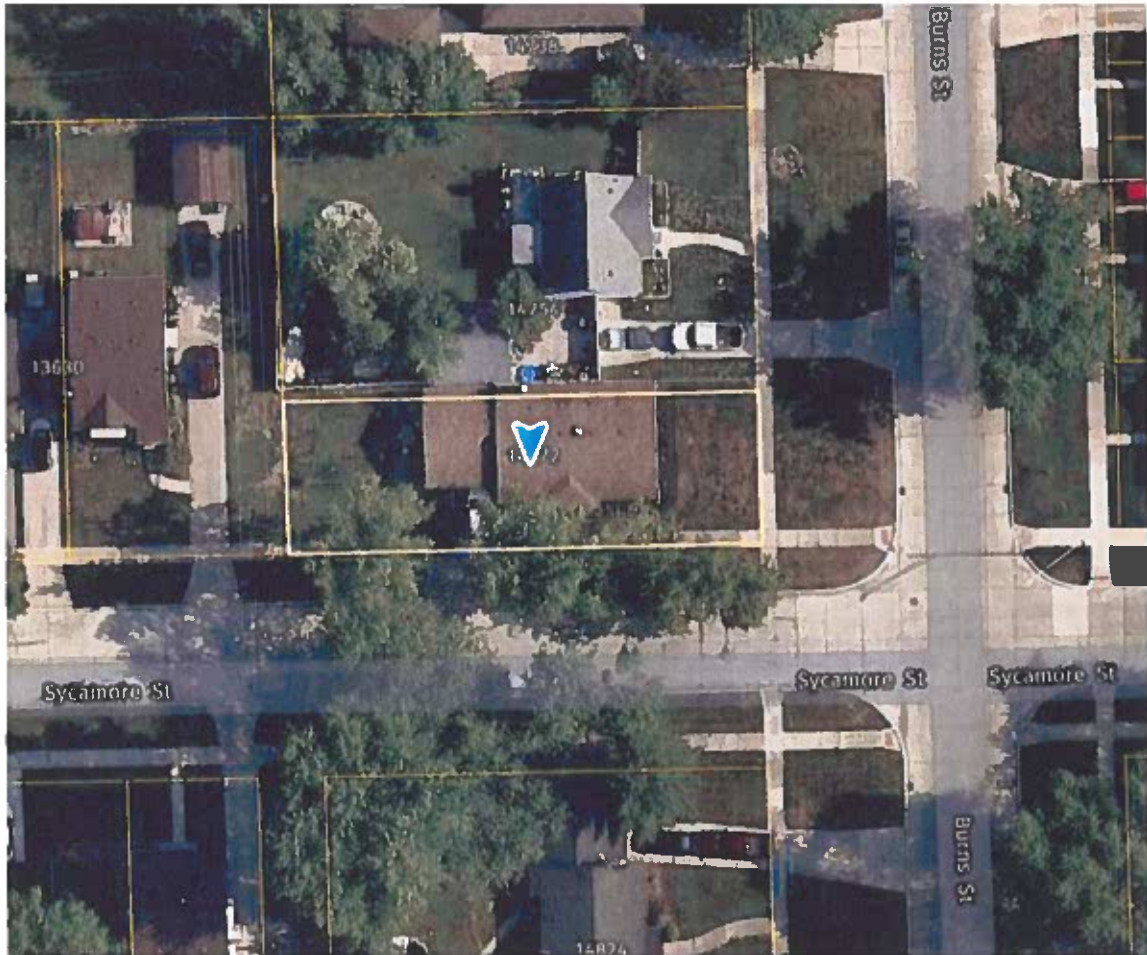
Applicant:	Rocco Daversa 13327 Mark Southgate, MI 48195
Property Address:	14772 Burns Southgate, MI 48195
Zoning:	R-1B, One-Family Residential
Requested Variance:	The applicant is requesting a dimensional variance from section 1298.14 which discusses standards for fencing requirements in order to allow for enough room to enjoy backyard.

VARIANCE REQUEST

The applicant is requesting expanding a fence that will encroach into the Sycamore front yard. The lot fronts two streets creating two front yards. The applicant is requesting this fence variance in order to extend the existing fence in the backyard closer to the sidewalk 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 six feet (6') in height consisting of white PVC material will replace the current wire fencing that is visible from the front yard along Sycamore Street. The requested variance is an encroachment of approximately fifteen feet (15') into the required twenty-five-foot (25') front yard setback.

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 the blue dotted line delineating the location of the proposed privacy fence and the solid green line delineating the existing fence. The proposed privacy fence will be one foot (1') from the sidewalk leaving little landscaped area and may be a visibility issue for passing cars and for neighbors to the west when backing out of their driveway. Currently several homes on corner lots in the City and have been granted variances for privacy fences with a similar proximity to the sidewalk.

Figure 1 - Aerial View



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

Figure 2 - proposed fence location

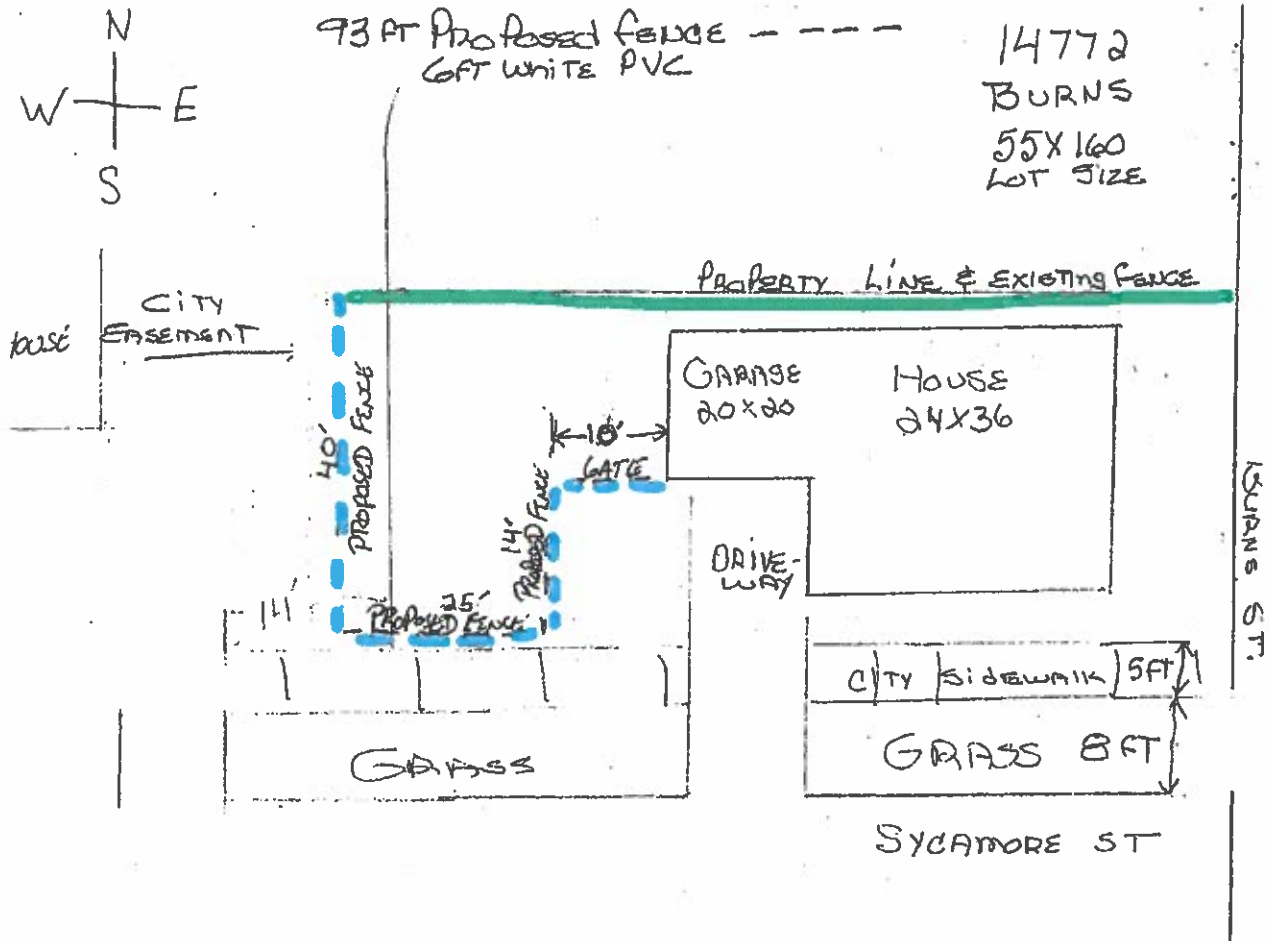


Illustration provided by applicant.

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 six-foot (6') privacy 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, Sycamore and Burns, 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 privacy fence in the front yard setback is the minimum necessary to permit reasonable use of the property.

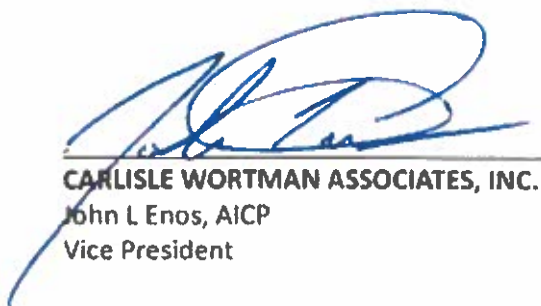
- e) **That the variance, if granted, would not compromise the public health, safety, and welfare:**

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

RECOMMENDATION

We believe the requested variance is reasonable and appropriate based on the location of the site. We recommend approval of the requested dimensional variance.

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

RETURN TO
Building Department
City of Southgate
11400 D. Toledo Road
Southgate, MI 48185

Case No. BZA 05-2023

Date Received 8-10-2023

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>Rocco DIVERSA</u>	Name _____
Address <u>13327 MARK</u>	Address _____
<u>SGTE</u> <u>MI</u> <u>48195</u>	_____
(City) (State) (Zip)	(City) (State) (Zip)
<u>SOUTHGATE</u> <u>Mich</u> <u>48195</u>	_____
Telephone <u>734 341-3489</u>	Telephone _____

Information regarding the site:

Street Address 14772 BUANS, SGTE, MI 48195

Major Cross Streets SUBARA & TRENTON Rd

Parcel No. 53 012 030418 000

Area: 5,140 Sqft Dimensions of Parcel 55 X 160 Frontage: 55 FT

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: PRIVATE HOME RESIDENTIAL

Requested action:

Dimensional Variance Requested Variance: _____
(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 project is compatible with a given land use and zoning district, any information you feel is pertinent to your application, and feel free to attach additional documents to this application that will help describe the project and if you need more than the items included below.

I AM REQUESTING APPROVAL FOR A PRIVACY FENCE TO BE INSTALLED BY LOWES THAT WOULD FULLY ENCLOSE THE BACKYARD AREA ONLY. IT WOULD HAVE 13' OFFSET FROM THE DRIVEWAY AND BE A MINIMUM 12" AWAY FROM THE PUBLIC SIDEWALK. THE FENCE WOULD FOLLOW THE EXISTING FENCING LINE BUT WOULD EXTEND AN APPROXIMATE 15' TOWARD THE SIDEWALK. THE CURRENT FENCE CLOTS THE BACKYARD BY 1/3 WHICH CAUSES A HARDSHIP WITH MAINTENANCE AS WELL AS NOT ALLOWING FULL USE OF A SAFE AND SECURE AREA. THERE ARE NO CONFLICTS / CONCERNS W/ NEIGHBORS. THIS VARIANCE HAS ALSO BEEN GRANTED MULTIPLE TIMES.

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: Karen Newman Date: Aug 09, 2013

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 _____

Fee Charged _____ (Staff's Name)

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 BZA-1

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 BACKYARD AREA IS CURRENTLY NOT 1/3 (1/2) FROM ITS FULL SIZE, CREATING A HARD SHIP ON MI. WITH BEING ABLE TO FULLY UTILIZE THE AREA, MAINTAIN IT AS WELL AS ACCESS THE AREA. IT ALSO DENIES MY ABILITY TO PROVIDE A SAFE, PRIVATE AREA, PROTECTED FROM ANIMALS WALKING BY.

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

THE HOUSE FACES SEACAMORE BUT IS POSITIONED ON BORN ST, WHICH FORCES THE BACKYARD TO HAVE A FENCE LINE THAT CUTS THROUGH IT. THIS CUTS OFF A LARGE PORTION OF THE AREA MAKING IT INACCESSIBLE AS A PRIVATE BACKYARD AS WELL AS A HANDSHIP IN REGARD TO MAINTENANCE. THERE ARE MORE THAN 12 HOUSES THAT HAVE THE SAME PROBLEM AND HAVE BEEN GRANTED VARIANCES TO RESOLVE THE ISSUE.

Why the problem is not self-inflicted?

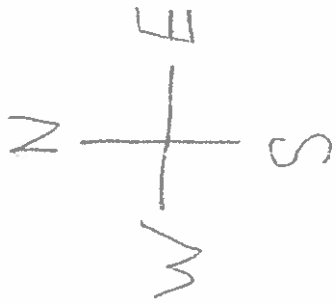
THE PROPERTY SITS ON A CORNER LOT WITH CURRENT FENCE RESTRICTIONS ONLY, ALLOWING FOR 1/3 OF THE BACKYARD TO BE SECURED, CAUSING HANDSHIP WITH MAINTENANCE, UPKEEP AND ACCESS TO THE AREA.

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

THE VARIANCE WOULD ALLOW THE FULL USE OF THE LISTED BACKYARD PROPERTY WHILE MAINTAINING SECURITY AND SAFETY FOR THE PUBLIC AND PETS EITHER IN THE YARD OR PASSING ON THE SIDEWALK.

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

THE VARIANCE WOULD ONLY ALLOW THE FULL BACKYARD TO BE SECURED AND PRIVATE. IT WOULD NOT INTERFERE WITH PUBLIC HEALTH OR WELFARE OR INTERFERE WITH PUBLIC SAFETY AT ALL.



93 FT Proposed fence - - - -
6 FT WHITE PVC

14772
BURNS
55 X 160
LOT SIZE

PROPERTY LINE & EXISTING FENCE

CITY
EASEMENT

HOUSE

40' Proposed fence

10' GATE

14' Proposed fence

25' Proposed fence

GARAGE
20 X 20

HOUSE
24 X 36

DRIVE-
WAY

CITY SIDEWALK 5 FT

GRASS 8 FT

GRASS

SYCAMORE ST

BURNS ST.