

*City of Southgate
Board of Zoning Appeals
Agenda*

Monday, January 10, 2022

5:30 PM

1. Roll Call: Anderson, Byers, Clark, Coombs, Foucher, Orman, Richardson
2. Minutes: Minutes of BZA Meeting dated April 5, 2021
3. Correspondence:
4. Old Business:
5. New Business:
 - A. Keith & Kathleen Short @ 15595 Applewood Ln are requesting a dimensional variance to install a side lot steel fence.
6. Adjournment:

12/21/2021



Carlisle | Wortman
ASSOCIATES, INC.

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

Date: December 30, 2021

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

APPLICANT INFORMATION

APPLICANT: Keith & Kathy Short
15595 Applewood
Southgate, Michigan 48195

PROPERTY OWNER: Keith & Kathy Short

LOCATION: 15595 Applewood

CURRENT ZONING: R-1A, Single-Family Residential

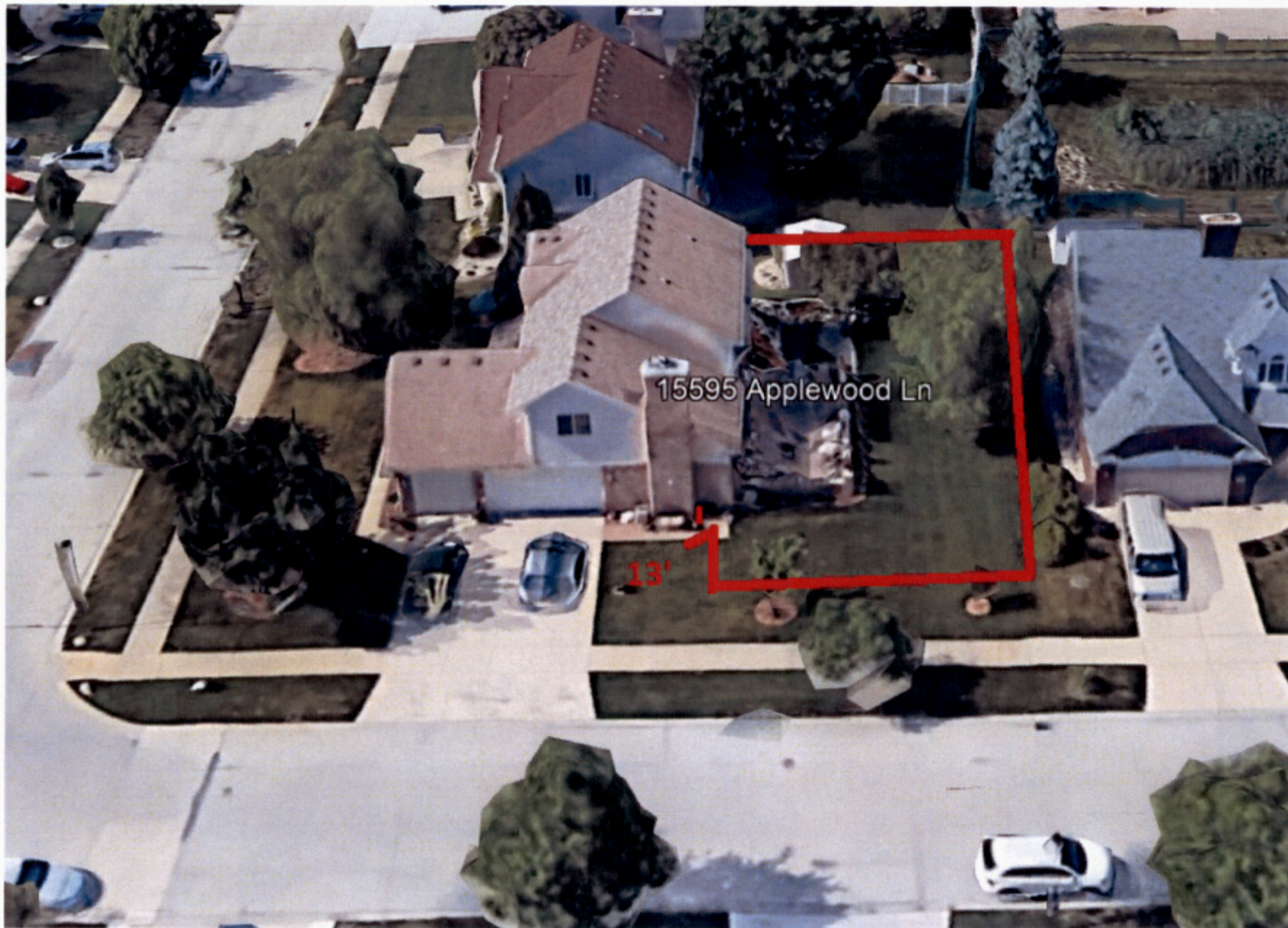
VARIANCE REQUEST

The applicant is 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 property is in the R-1A Single-Family Residential district. The fence will be decorative aluminum, five feet (5') in height and will circumvent most of the yard. The requested variance is an encroachment of approximately thirteen (13) feet into the required twenty-five-foot (25') foot front yard.

An aerial of the property is shown in Figure 1 with red delineating the location of the proposed fence and gate. Note the proposed fence is several feet (12') from adjacent to the sidewalk leaving a landscaped area and not being a visibility issue when backing out of the driveway. The fence will have a gate to access the front yard or elsewhere. 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.

Richard K. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Principal*
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



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. 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 decorative aluminum five (5') foot 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, Applewood and Orchard, 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 it is 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 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 applicant has noted that evidence of support from neighbors will be provided during the hearing.

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 five (5) feet in height. We recommend approval of the requested dimensional variance. With a clarification of the exact type of fence the Board of Zoning Appeals has sufficient information to approve the requested variance.

RETURN TO:

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

Form No. 02

Case No. BZA 001-2022Date Received 12-10-21

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>KATH Short + Kathleen Short</u>	Name _____
Address <u>15595 Applewood Ln</u>	Address _____
<u>SOUTHGATE MI 48195</u> (City) (State) (Zip)	_____ (City) (State) (Zip)
Telephone <u>734-771-1742</u>	Telephone _____

Information regarding the site:

Street Address: 15595 Applewood Ln

Major Cross Streets: Corner Applewood + Orchard

Parcel No. _____

Acreage: _____ Dimensions of Parcel: _____ Frontage: _____

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: _____

Requested action:

- ☒ Dimensional Variance Requested Variance: OFF CORNER OF HOUSE OUT 13 FT
(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 WANT TO INSTALL FENCE OFF CORNER of the
house OUT 13 FT AND back. 4 other houses
IN Neighborhood has fencing TO SIDEWALK - WE
ARE NOT going THAT FAR OUT. THIS IS AN
ALUMINUM FENCE - NOT PRIVACY FENCE

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 JAN 11, 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: Kath Stut Date: 12-8-21

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 KS

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

OFFICE USE:

Date Received: 12-10-21

Received By: Debra Mannum
(Staff's Name)

Fee Charged: 400.00

Check No.: 871

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?

WE HAVE A PANO THAT IS IN BACK OF HOUSE -
NEED FENCE TO BE AWAY FROM THERE TO ACCESS
YARD.

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

ALL OTHER HOUSES IN AREA HAVE FENCING TO SIDE
WALK OR ABOUT THE LENGTH WE ARE REQUESTING

3. Why the problem is not self-inflicted?

WE NEED THE FENCE FOR SECURITY WITH LOCKED GATE
FOR DOG TO STAY IN AND NO ONE HAVE ACCESS
TO YARD BESIDE US. WE ALSO HAVE 11 GRANDCHILDREN
WHEN THEY COME OVER TO PLAY WE NEED TO KEEP THEM IN
THE YARD.

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

TO BE ABLE TO ADD GATE TO ACCESS YARD
AND ADD PRIVACY & PROTECTION.

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

THIS WOULD NOT CAUSE ANY PROBLEM OR SAFETY
ISSUES. NEIGHBORS ON BOTH SIDES HAVE SIGNED
CONSENT FOR FENCE.



City of Southgate

DEPARTMENT OF BUILDING AND SAFETY ENGINEERING
14400 DIX-TOLEDO ROAD, SOUTHGATE MICHIGAN 48195
PHONE: (734) 258-3030
FAX: (734) 281-6670
www.southgatemi.org

12/01/2021

TOTAL D FENCE LLC
26771 ALLEN RD
WOODHAVEN, MI 48183

Re: Permit Application – 15595 APPLEWOOD LANE

The application to install 5' x 198' Steel fence on the above referenced property has been reviewed.

This proposed structure is nonconforming and therefore not permitted as defined by Section 1298.01 (c) of the Planning and Zoning Code. (See attached).

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

Sincerely,

Kraig Brown
Building Inspector

KB/mg

NOTES TO SCHEDULE OF REGULATIONS:

- (a) See the following sections regarding flexibility allowances in development within specified zoning districts:
- Section 1298.02.Subdivision open space plan
 - Section 1298.03.One-family clustering option
 - Section 1298.035.One-family site condominium option
- (b) For all nonresidential uses permitted in a Residential District, all setbacks shall be at least equal to the height of the main building, or when such measurement is less than the minimum setback requirements of the district, a setback equal to two additional feet for each ten feet or part thereof by which the length of the building wall exceeds the minimum setback requirement for the yard shall be provided, whichever is greater, except that no setback shall be less than the minimum setback required in the district.
- (c) (1) All exterior side yards (street side, side yards) shall be provided with a setback equal to the front yard setback requirement of the district in which located, and all regulations applicable to a front yard shall apply. However, in a Residential District when two rear yards abut each other at a block end, the exterior side yard setback may be equal to the minimum interior side yard setback of the District. When a nonresidential district abuts a Residential District, the exterior side yard setback in the nonresidential district shall be equal to one-half the corresponding yard set-back requirement of the abutting Residential District.
- (2) In addition to the specified side yards, no residential structure shall be located closer than fifteen feet to another residential structure, except that said distance may be reduced to thirteen feet for residential structures with an attached garage, provided that said garage is attached to that side of the structure wherein the 13-foot standard is utilized.
- (d) (1) In the RM Multiple-Family District, the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by 1,550 for conventional multiple dwelling units and 450 for senior citizen dwelling units, and all public utilities must be available. All units shall have at least one living room and one bedroom, except that not more than ten percent of the units may be of an efficiency apartment type.
- (2) For the purpose of computing the permitted number of dwelling units per acre in the RM District, the following room assignments and minimum floor area requirements, by dwelling unit type, shall apply:
- | Dwelling Unit Type | Room Assignment | Minimum Floor Area |
|--------------------|-----------------|--------------------|
| Efficiency | 1 room | 500 sq. ft.* |
| One-bedroom | 2 rooms | 675 sq. ft. |
| Two-bedrooms | 3 rooms | 800 sq. ft. |
| Three-bedrooms | 4 rooms | 1,000 sq. ft. |
- *Minimum floor area required for senior (elderly) housing unit.
- (3) For each additional bedroom over three an additional eighty square feet of floor area shall be provided.
- (4) Plans depicting one, two or three-bedroom units and including a den, library or other extra room shall count such extra room as a bedroom for the purpose of computing density.



City of Southgate – Fence Permit Application

DEPARTMENT OF BUILDING AND SAFETY ENGINEERING

14400 DIX-TOLEDO ROAD, SOUTHGATE, MI 48195

PHONE: (734) 258-3030 FAX: (734) 281-6670

www.southgatemi.org

COMPLETE ALL AREAS – MUST SUBMIT PAYMENT WITH APPLICATION

A planning/zoning review fee will be charged to all applications at the time they are submitted to the Building Department. Exceptions to the fee: removing/replacing roofing, siding and windows. The planning/zoning review fee does not include your building permit fee. There is a \$24 fee to all cancelled permits.

Plans will not be reviewed until your planning/permit fees have been paid.

Date	11/29/21	Job Address:	15595 Applewood Lane
<u>Property Owner Information:</u>			
Name:	Kathy Short		
Address:	15595 Applewood Lane Southgate MI		
Phone:	734 771 1742	Email:	Katsofwo@aol.com
<u>Contractor Information:</u>			
Name:	TotalDFenceLLC		
Address:	26771 Allen Rd Woodhaven MI 48183		
Phone:	734 672 8715	Email:	TotalDFenceLLC@gmail.com
Interior Lot or Corner Lot:	Corner	Cost of Construction:	\$ 4710 ⁰⁰

Type, height, and lineal feet of material to be used:

TYPE:	WOOD	VINYL	ORNAMENTAL/STEEL	METAL	WIRE	MASONRY	OTHER
HEIGHT			60"				
# OF FEET			198'				

Applicant is responsible for the payment of all fees and charges applicable to this application and must provide the applicant information. I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agents, and we agree to conform to all applicable laws by the State of Michigan.

NOV 29 2021
CITY OF SOUTHGATE
BUILDING DEPARTMENT

Section 23a of the state construction code, act 1972, 1972 PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of section 23a are subjected to civil fines. **A permit will be cancelled when no inspections are requested and conducted within six months of the date of issuance or the date of a previous inspection. Cancelled permits will not be refunded or reinstated.** NOTE: This permit specifically relates to City Ordinances and does not address Homeowner Association Bylaws.

TOTAL D-FENCES



734-672-8715

Quality Fences Installed With Integrity.

ESTIMATE DATE:

9-22-21

CONTRACT DATE:

CUSTOMER NAME:

Kathy Short

PHONE NUMBER:

PROPERTY ADDRESS:

15595 Applewood Ln

EMAIL:

Southgate

Katso two @ Aol.com

FENCE LOCATION

MATERIAL

- ☐ VINYL
- ☐ PT WOOD/CEDAR
- ☒ ALUMINUM
- ☐ CHAIN LINK

COLOR

WHITE
ALMOND
KAKHI
GREY
OTHER

CAPS

PYRAMID
GOTHIC
NEW ENGLAND
BALL
SOLAR

GATES

- ☐ SWING IN
- ☒ SWING OUT
- ☐ POOL CODE

DOUBLE GATE:

WALK GATES:

4'

EXISTING FENCE LINE

- ☐ FENCE TEAR OUT
- ☐ HAUL
- ☐ LINE CLEARING

PROPERTY GRADE

- ☒ LEVEL ON TOP
- ☐ FOLLOW GRADE
- ☐ TRANSITION
- ☐ STEP DOWN

EXCESS DIRT

- ☒ RAKED ALONG LINE
- ☐ MOVED- \$5 PER POST
- ☐ HAULED- \$10 PER POST

ADDITIONAL REQUEST

IN ACCORDANCE WITH THE SPECIFICATIONS ABOVE

CONTRACT PRICE

\$7,850⁰⁰

60% DEPOSIT

\$4,710⁰⁰

BALANCE

(UPON COMPLETION)

\$3,140⁰⁰

CHANGES

NEW BALANCE

NOTES: Furnish and Install Approx 198' of 60" high Martha style "Signature Series" in Royal Bronze w/ 4' walk thru gate

Permit Included.

TOTAL D-FENCE LLC IS NOT LIABLE FOR UNDERGROUND SPRINKLERS, THIRD PARTY GAS/ELECTRIC LINES, INVISIBLE FENCE, OR ANY OTHER UNDERGROUND WIRES/PIPES/HOSES. BUYER IS RESPONSIBLE FOR SURVEYS WHEN NECESSARY. WOOD IS A NATURAL PRODUCT THAT MAY CRACK, SPLIT, WARP, TWIST, SHRINK, MILDEW, OR STAIN. ANY CHANGES TO THE CONTRACT MUST BE MADE IN WRITING AND SIGNED BY BOTH PARTIES. NO VERBAL AGREEMENTS WILL BE BINDING ON EITHER SIDE OF THE CONTRACT. QUOTE IS VALID FOR 7 DAYS. UPON SIGNING BUYER HAS 3 BUSINESS DAYS TO CANCEL CONTRACT FOR A TOTAL REFUND

ACCEPTANCE OF CONTRACT

CUSTOMER SIGNATURE:

WITNESS SIGNATURE:



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14400 DIX-TOLEDO ROAD, SOUTHGATE, MICHIGAN 48195

PHONE: (734) 258-3030 FAX: (734) 281-6670

www.southgatemi.org

AGREEMENT IN LIEU OF SURVEY

We, the undersigned, do hereby mutually agree as to the location and placement of a partition fence between our properties described below and as indicated on the attached approved site plan.

Property Owner requesting fence: (please print) KEITH SHORT

15595 Applewood Ln Southgate MI 48195
Property Address:

Keith Short
Signature:

10

AND

Neighbor's Name: (please print)

16602 Orchard Dr.
Property Address:

Dennis Dermmyre
Signature:

Dennis Dermmyre



City of Southgate

DEPARTMENT OF BUILDING AND SAFETY ENGINEERING

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Property Owner requesting fence: (please print) KEITH Shoer

15595 Applewood Ln Southgate MI 48195
Property Address:

Keith Shoer
Signature:

AND

Neighbor's Name: (please print) Clarke Singstad

15585 Applewood Ln
Property Address:

Clarke Singstad
Signature:

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