

City of Southgate Board of Zoning Appeals Agenda

Monday, March 13, 2023

5:30 PM

1. Call to Order
2. Roll Call: Anderscn, Stephan, Coombs, Foucher, Martin, Poirier, Richardson
3. Reading & Approval of Meeting Minutes - Dated February 13th, 2022
4. Communications and Petitions:
 - 1) Case BZA-01-2023 – 15071 Walnut Avenue – Application Packet – February 17, 2023
 - 2) Case BZA-01-2023 – 15071 Walnut Avenue – Carlisle|Wortman Review – March 2, 2023
5. Public Hearings:

None.
6. Old Business:

None.
7. New Business:
 - 1) Case BZA-01-2023 – 15071 Walnut Avenue – Dated February 17, 2023
8. Adjournment:

Next meeting: April 10, 2023

City of Southgate
Board of Zoning Appeals
FEBRUARY 13, 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, February 13, 2023 and called to order by Patricia Anderson, Acting Chairperson at 5:30 p.m.

PRESENT: Patricia Anderson, Gary Martin, Pat Poirier, Dennis Richardson

ABSENT: Tim Foucher, Tom Coombs, Jill Stephan (all excused)

Also Present: Plan Consultant John Enos, Building Official Tim Leach, City Attorney Ed Zelenak, City Administrator Dan Marsh, Council Member Graziani

Minutes:

Moved by Poirier, supported by Martin, to approve the minutes of the Board of Zoning Appeals Meeting dated January 9, 2023. Motion Carried Unanimously.

Old Business:

A. Raymond & Sarah Good at 12930 Churchill Street is requesting a variance for approximately ten (10) by forty (40) foot extension of their driveway. BZA 08-2022

Plan Consultant Enos stated the applicant is requesting a variance for approximately 10 by 40 foot extension of their driveway. The site is located at 12930 Churchill St. in the R-1B, One Family Residential District. BZA 08-2022

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

Moved by Martin, supported by Poirier, that the Board of Zoning Appeals, Denies, the application for Raymond & Sarah Good at 12930 Churchill Street, for a variance of approximately (10) by (40) foot extension of their driveway. BZA 08-2022

AYES: Martin, Poirier, Anderson, Richardson

NAYS: None

ABSENT: Coombs, Foucher, Stephan

MOTION APPROVED TO DENY.

New Business:

Election of Chairperson for 2023

Moved by Anderson, supported by Poirier, to nominate Tom Coombs, to serve as Chairperson of the Board of Zoning Appeals for the year 2023, and having no other nominations for Chairperson, Tom Coombs, is hereby elected to serve as Chairperson of the Board of Zoning Appeals for the year 2023. MOTION APPROVED UNANIMOUSLY.

Election of Vice Chairperson for 2023

Moved by Poirier, supported by Richardson, to nominate Jill Stephan, to serve as Vice Chairperson of the Board of Zoning Appeals for the year 2023, and having no other nominations for Vice Chairperson, Jill Stephan, is hereby elected to serve as Vice Chairperson of the Board of Zoning Appeals for the year 2023. MOTION APPROVED UNANIMOUSLY.

Moved by Poirier, supported by Richardson, that this meeting of the Board of Zoning Appeals be adjourned at 6:07 p.m. Motion Carried Unanimously.

Angie Shurkus
Recording Secretary
February 13, 2023

RETURN TO

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

Form No. 02

Case No. BZA 01-2023Date Received 2-17-2023

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>Roberto & Martina Merucci</u>	Name _____
Address <u>15071 WALNUT AVE</u>	Address _____
<u>Southgate</u> <u>MI</u> <u>48195</u>	_____ (City) (State) (Zip)
Telephone <u>248 808-9534</u>	Telephone _____

Information regarding the site:

Roberto Merucci e mail . Com.Street Address: 15071 WALNUT AVEMajor Cross Streets: Northwest of Dix Toledo, South of NorthlineParcel No. 53 010 080011 000Acreage: 0.18 Dimensions of Parcel: 67.90' x 115.00' Frontage: 68'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 VarianceRequested Variance: Sideyard shed / location within 10 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.)

Please see typed out + attached plan + additional
info

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: _____

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 RM/MM

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

OFFICE USE:

Date Received 2.17.2023

Fee Charged 400.00

Check No.: _____

Received By Michelle Gendron
(Staff's Name)

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 01-2023

Date Received 2-17-2023

**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?

Please see attached typed out version.

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

3. Why the problem is not self-inflicted?

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

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

Roberto and Mattina Merucci
15071 Walnut Ave
Southgate Michigan 48195

Members of the Southgate Board of Zoning Appeals

Variance Request

We are requesting a building ordinance variance to erect a shed in our backyard on the west side of our home. We are requesting this action as this area of the yard, given its location and sloped terrain, will have very little functionality.

The project is to erect a minimally sized (8'x7') shed in that portion of the yard to store our yard furniture, such as chairs and umbrellas, mulch, fertilizer, shovels, weed killer, rakes, lawn bags, bicycles, sports equipment, electric leaf blower and electric weed whipper as well as other lawn tools we may acquire in the future.

Attached you will find pictures of the rear yard via satellite view, hand drawn blueprint, multiple angles of the rear yard to display the amount of slope in the rear yard and other features unique to our yard of which I don't believe others in the neighborhood are burdened by.

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

Due to the layout and terrain makeup of our backyard, we are left with no other practical choice but to place the shed in said area. We have a storm drain that is to remain clear at all times in on our rear property line in the southeast corner. Our backline southwest corner is the low point of the backyard due to its slope, floods significantly and results in standing water. Short of placing the shed in the middle of the yard, or blocking the entrance of the walk way to the back yard, this otherwise nonfunctional side corner was a perfect fit. (I have attached a picture of the yard, its various slopes views and fence lines for reference, one pictures shows a small dot which I have circled to show the laser pointer resting on my patio pointing at the fence line)

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

To my knowledge, no other property in the zoning neighborhood has a storm drain in one corner of their yard and a low-point flood area opposite of it in the other corner. Also, no other properties have backyards sloped at 12-15degrees making utilization much more difficult.

3. Why is the problem not self-inflicted?

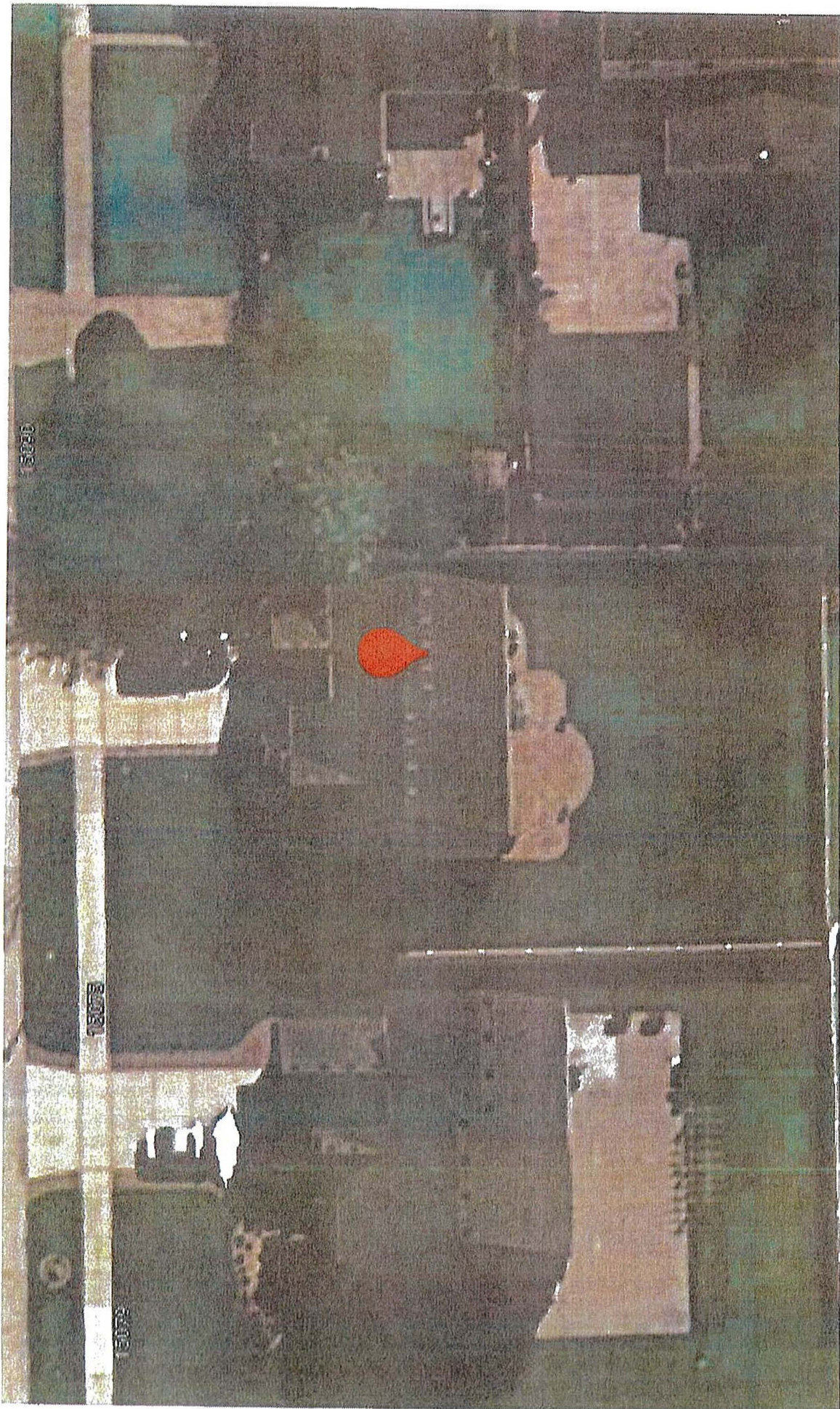
This is how the home was built and backyard created upon completion of the home when the subdivision was first built in 2015. We did not have the yard sloped to this degree, place the storm drain or make any other changes to our yard that would result in standing water/ flooding in certain areas or its limited functionality.

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

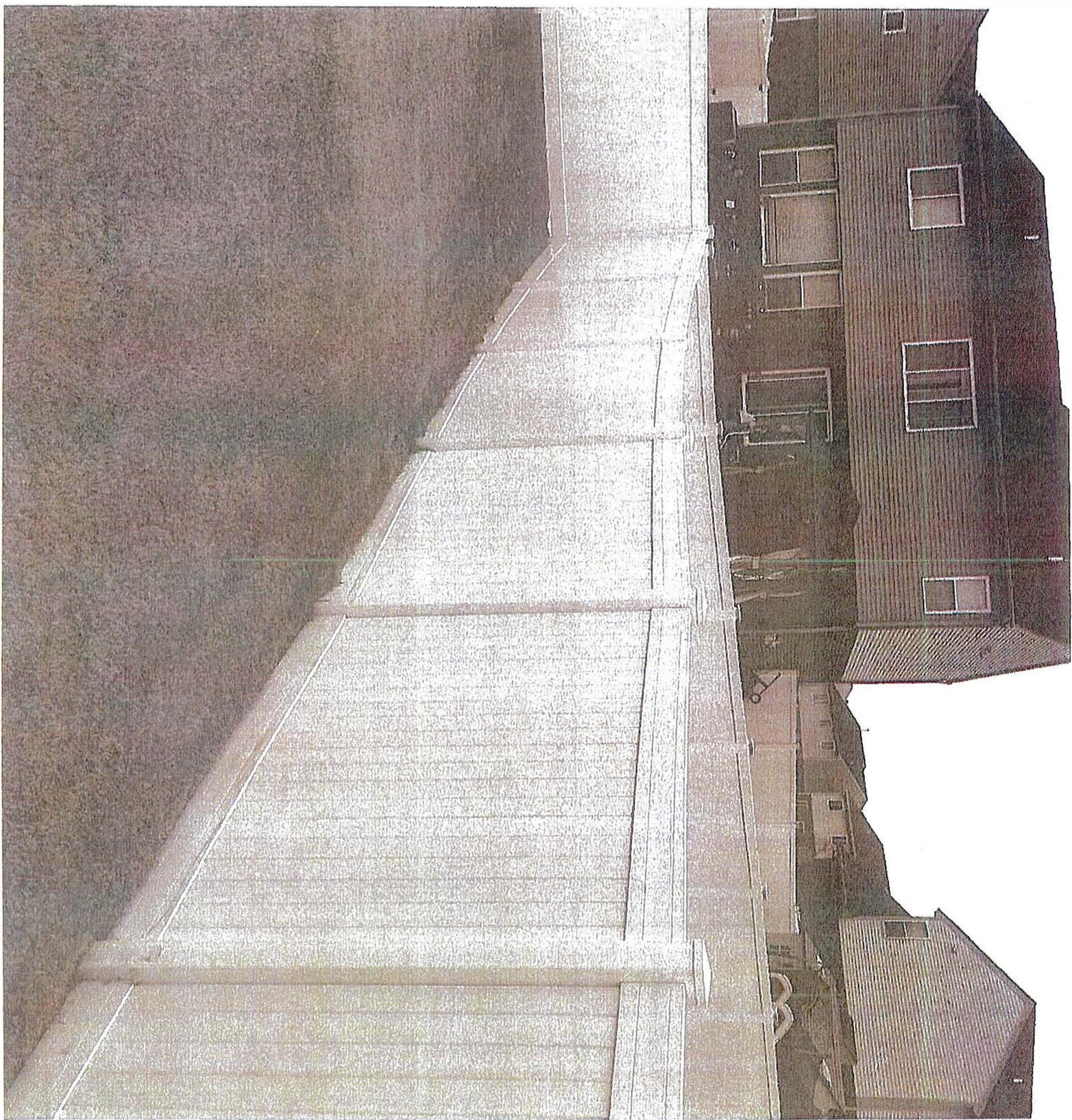
This is the minimum necessary to make reasonable use of the property. I chose a shed reasonable in size in relation to my yard as well as its location in my yard to maintain a clean yard; with minimal clutter and residential appearance. This ultimately will allow for practical use of the rear yard.

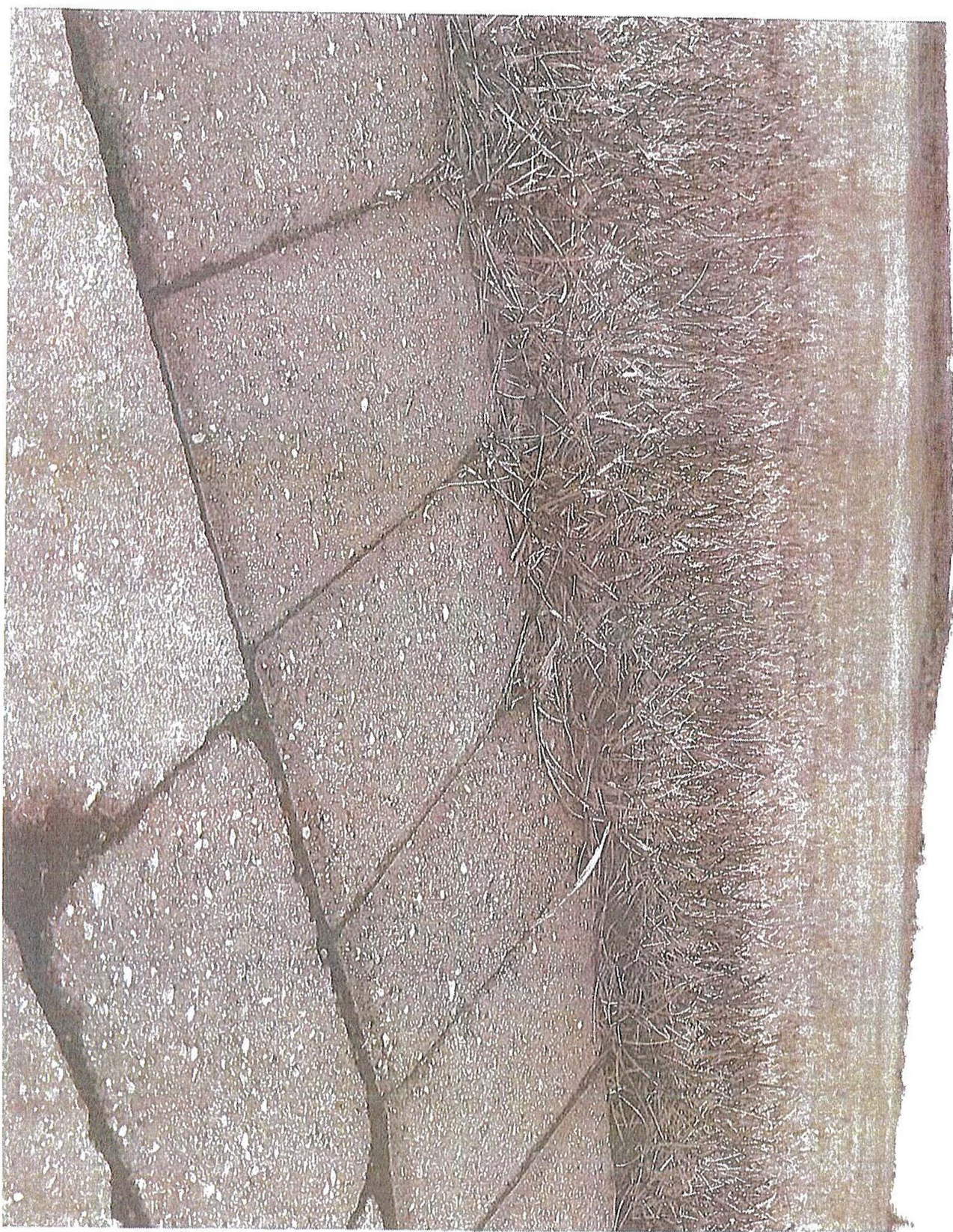
5. That the variance, if granted would not compromise the public health, safety and welfare?

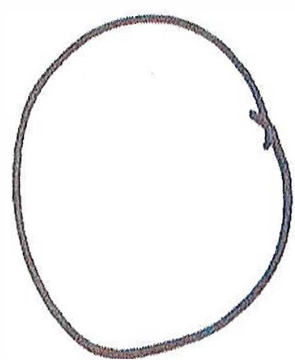
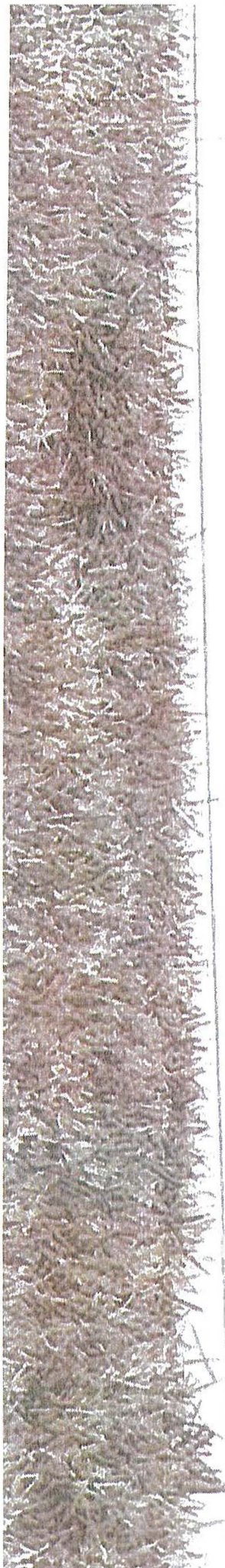
This shed has no running power/ electrical lines to it with no future plans of ever adding it. There are no overhead nor underground powerlines near the shed. It is tucked in the corner opposite my backyard entrance in an area of no foot traffic. Entrance to back yard is also gated and under video surveillance. Shed can also be locked for increased safety.











CITY WALL

Roberto + Mattina Menici
15071 Walnut Ave Southgate
98195

Driveway

GARAGE

Residence

Privacy fence

36"

shed

8'

7'

48"

38'

48'

General Notes:

1. 14° slope (10/12)

2. Deck construction to adjust
for slope (3390) lumbar & concrete

↳ cemented posts for stability
& rat wall



60'



Carlisle | Wortman
ASSOCIATES, INC.

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

Date: March 2, 2023

Dimensional Variance Analysis FOR The City of Southgate

APPLICANT INFORMATION

APPLICANT: Roberto & Mattina Menucci
LOCATION: 15071 Walnut Ave
CURRENT ZONING: R-1B, Single-Family Residential

VARIANCE REQUEST

An application was received for a dimensional variance at 15071 Walnut Ave, on the south side of Walnut between Cameron Avenue and Mark Street. The applicant is requesting relief for a detached accessory structure (shed) in the interior side yard, positioned four (4) feet from the primary structure and requires the following variances:

1. Per Section 1298.04(a)(5) *"No detached accessory building shall be located within an easement, nor closer than ten feet to any main building, nor closer than eighteen inches to any interior side lot line, or three feet from rear lot line"*.
2. Per Section 1298.04(a)(9) *"....One shed shall be allowed in the rear yard at a maximum size of twelve feet by twelve feet."*

The applicant has provided building plans that show the proposed shed width at seven (7) feet by eight (8) feet for a total area of fifty-six (56) square feet. The western side yard where the shed will be placed has a total length of twelve and a half (12.5) feet with the shed one and a half (1.5) feet from the fence and four (4) feet from the residence.

An aerial image of the property is shown on the following page labeled Figure 1, with a white dashed line delineating the location of the subject site. Figure 2 shows the proposed shed, outlined in red, in the approximate location, and size in relation to the lot and existing conditions.

Figure 1. Aerial View of Subject Site



Source: NearMap

Figure 2. Proposed Shed



Source: NearMap

VARIANCE CONSIDERATIONS

Pursuant to Public Act 110 of 2006, as may be amended, the Board of Zoning Appeals has the authority to exercise jurisdiction over the incorporated area of the City as outlined in the Act.

Per Section 1264.06 of the City of Southgate Zoning Ordinance, 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.

The Board of Zoning Appeals may require the applicant to provide such additional information as is necessary to make a decision. In making a decision, the Board of Zoning Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Code. No variance may be granted or decision overruled unless a majority of the voting members vote in favor thereof. Any variance shall expire one year from the date it is granted unless use of the property has begun or construction has been undertaken pursuant to the variance. The Board of Zoning Appeals shall state the grounds of each decision, which shall be based on the following:

a) That compliance with the ordinance results in a practical difficulty:

*CWA Comment: The ordinance requires accessory structures, such as sheds, to be placed in the rear yard. The proposed subject site has a storm drain easement in the southeast corner of the rear yard. In addition, the applicant notes the southwest corner, opposite of the drain, has a slope of 14°. The degree of the slope causes this area to flood, producing standing water and prohibiting placement closer to the rear lot line. While we find this creates a difficulty, we also find that additional measures such as leveling the concrete pad the shed will be placed on or adding soil to the rear yard could alleviate proposed difficulty. **We ask the applicant to describe to the Board why a variance is necessary as opposed to other various methods as described above.***

*Further, the purpose of the building-to-building setback is to reduce the likelihood of fire spreading from one structure to another. The subject site has an enclosed fence around the rear yard which will be a foot and a half (1.5) from the outside wall of the requested shed and the neighboring home is an additional twelve and a half (12.5) feet west. In total, the closest point of the neighboring home is approximately fourteen (14) feet from the exterior wall of the requested shed, per aerial image measurements. No elevations or building materials were provided for review to determine if sufficient fire-proofing measures have been planned for or to verify dimensions. **If the Board approves the requested variance, we ask the applicant to demonstrate what measures will be taken to prevent or reduce damage to the principal structure and/or adjacent property, in the event of a fire.***

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 applicant states their property is unique due to the slope of the land and placement of a municipal storm drain within the southwest corner, unlike adjacent properties.

c) That the problem is not self-inflicted:

CWA Comment: Due to the topography of the property, we do not opine the problem is self-inflicted.

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

CWA Comment: After assessing similar detached structures in the neighborhood, we find the proposed variance is the minimum necessary to permit reasonable use of the property. The applicant notes the gate to his rear yard is located on the opposite side so the shed will not prevent access to the storm drain or the yard itself. In addition, the proposed shed will not be connected to any utilities, reducing risk of fire, and is of minimal size.

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

CWA Comment: We do not anticipate approval of the requested variance would compromise public health, safety, and welfare of the adjacent properties.

RECOMMENDATION

We find that the applicant has other measures available for remediation outside the requested variance and have concerns about the risk of fire to the neighboring property. However, if addressed to the satisfaction of the Board of Zoning Appeals, we recommend approval of the requested variance for a detached accessory structure at 15071 Walnut Avenue, contingent upon the following conditions:

1. Describe to the Board necessity for a variance;
2. Demonstrate planned fire prevention or remediation measures.

Possible Condition.

1. Accessory Structure must receive approval from City of Southgate Fire Department.


Carlisle Wortman Associates, Inc.
John Enos, AICP
Principal


Carlisle Wortman Associates, Inc.
Alissa Starling
Planner