

CITY OF SOUTHGATE

Board of Zoning Appeals

AGENDA

MONDAY, May 12th, 2025

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 January 13th, 2025.

IV. ADMINISTRATIVE REPORTS

V. PUBLIC HEARINGS

1. Variance application for proposed deviation of allowed residential driveway width located at 16228 Poplar.

VI. NEW BUSINESS

VII. OLD BUSINESS

VIII. ANNOUNCEMENTS

IX. ADJOURNMENT

City of Southgate
Board of Zoning Appeals
JANUARY 13, 2025

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 13, 2025 and called to order by Gary Martin, Vice Chairperson at 5:30 p.m.

PRESENT: Gary Martin, Pat Poirier, Jake Orman, Jill Stephan

ABSENT: Tom Coombs, Tim Foucher, Patricia Anderson (all excused)

Also Present: City Planner Joe Pezzotti, Building Official Tim Leach, City Administrator Dan Marsh, City Attorney Ed Zelenak, City Attorney Amelia Zelenak

Minutes:

Moved by Poirier, supported by Stephan, to approve the minutes of the Board of Zoning Appeals Meeting dated July 8, 2024. Motion Carried Unanimously.

Public Hearing:

1. Cavalry Church 15500 Howard Street Southgate, MI, variance for a proposed deviation from constructing a screening wall in a residential district for a proposed church establishment.
BZA 07-2024

The applicant is requesting a variance from section 1292.03(g), Layout, Construction and maintenance of Parking Areas for an exemption to the requirement of providing a screening wall between any adjacent residential uses. Section 1292.03(g) states "The off-street parking area of any nonresidential use permitted in a Residential District shall be provided with a continuous and obscuring wall or landscaped earth berm not less than four feet, six inches in height measured from the surface of the parking area. This wall or berm shall be provided on all sides where the next zoning district is designated as a Residential District and shall contain materials as set forth in Section 1298.13."

The subject property currently consists of a building operating as a church, with residential homes on all sides. During site plan approval of the church, a condition of reopening the building required a five (5) foot tall screening wall along Howard Street due to the nonresidential nature of the use, which has still not been constructed, hence the variance request.

The applicant stated that a wall will create a safety hazard to those coming in and going out of the parking lot. They have invested well over 1 million to enhance its practical use and make it an aesthetically pleasing part of the community and said wall would not enhance the property.

A PUBLIC HEARING WAS HELD FOR CAVALRY CHURCH, 15500 HOWARD STREET, SOUTHGATE, MI, VARIANCE FOR A PROPOSED DEVIATION FROM CONSTRUCTING A SCREENING WALL IN A RESIDENTIAL DISTRICT FOR A PROPOSED CHURCH ESTABLISHMENT.

Notices were sent out.

Moved by Poirier, supported by Stephan, to open the Public Hearing.

No public comments were received.

Moved by Poirier, supported by Stephan, to close the Public Hearing.

Moved by Poirier, supported by Martin, that the Board of Zoning Appeals, approve a 3 ft. obscuring wall or a landscaped earth berm, for Cavalry Church, 15500 Howard Street, Southgate, MI, variance of 2 ft. from Section 1292-03, Layout, Construction, and Maintenance of Parking Areas. Motion Carried Unanimously.

2. Randall Kalfayan, 13438 Kimberly Street, Southgate, MI, variance for proposed driveway expansion. BZA 08-2024

The applicant is requesting a variance from section 1292.03, Layout, Construction, and Maintenance of Parking Areas to allow an extension of the existing driveway to be wider than the garage. Section 1292.03(k)(5) states “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.”

The applicant previously applied for a concrete permit and was approved for a new driveway which showed a width as wide as the garage, meeting ordinance requirements. A do not pour order was placed on the project once it was discovered the new driveway did not follow the approved plan and had a width wider than the garage.

The applicant stated he hired a contractor to replace his existing driveway, not realizing it did not meet city ordinance requirements. The driveway was poured being that it had already been torn out.

A PUBLIC HEARING WAS HELD FOR RANDALL KALFAYAN, 13438 KIMBERLY STREET, SOUTHGATE, MI, VARIANCE FOR PROPOSED DRIVEWAY EXPANSION, FROM SECTION 1292-03, LAYOUT, CONSTRUCTION, AND MAINTENANCE OF PARKING AREAS.

Notices were sent out.

Moved by Poirier, supported by Stephan, to open the Public Hearing.

No public comments were received.

Moved by Poirier, supported by Stephan, to close the Public Hearing.

Moved by Poirier, supported by Stephan, that the Board of Zoning Appeals, Deny, the application from Randall Kalfayan, 13438 Kimberly Street, Southgate, MI, variance for proposed driveway expansion, was not approved by the City and does not meet City ordinance, from Section 1292-03, Layout, Construction, and Maintenance of Parking Areas. Motion Carried Unanimously.

New Business:

Election of Chairperson for 2025

Moved by Poirier, supported by Stephan, to nominate Gary Martin, to serve as Chairperson of the Board of Zoning Appeals for the year 2025, and having no other nominations for Chairperson, Gary Martin, is hereby elected to serve as Chairperson of the Board of Zoning Appeals for the year 2025. MOTION APPROVED UNANIMOUSLY.

Election of Vice Chairperson for 2025

Moved by Poirier, supported by Stephan, to nominate Pat Poirier, to serve as Vice Chairperson of the Board of Zoning Appeals for the year 2025, and having no other nominations for Vice Chairperson, Pat Poirier, is hereby elected to serve as Vice Chairperson of the Board of Zoning Appeals for the year 2025. MOTION APPROVED UNANIMOUSLY.

Old Business:

None.

Announcements:

None.

Moved by Poirier, supported by Stephan, that this meeting of the Board of Zoning Appeals be adjourned at 6:14 p.m. Motion Carried Unanimously.

Angie Shurkus
Recording Secretary
January 13, 2025

RETURN TO:

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

Case No. BZA 02-2025Date Received 4-11-25

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>Steve Massengill</u>	Name _____
Address <u>16228 Poplar</u>	Address _____
<u>Southgate</u> <u>MI</u> <u>48195</u>	<u>48195</u>
(City) (State) (Zip)	(City) (State) (Zip)
Telephone <u>(313) 627-3090</u>	Telephone _____

Information regarding the site:

Street Address: 16228 Poplar

Major Cross Streets: LeRoy and Pennsylvania

Parcel No. Lot 54

Acreage: .5-ish Dimensions of Parcel: 61' x 283' Frontage: 61'

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: Residential

Requested action:

☒ Dimensional Variance Requested Variance: Replace existing driveway
(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 _____

Board of Zoning Appeals Application
Page 2

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 permission to replace the existng driveway with the same demensions that
have been in place prior to 1988 when we purchased the home. The driveway has been this size
for approximately 50 years whcih is well before we took ownership of the property.

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 05/12/25
(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: St. O. M. J. 11 Date: 04/10/25

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 SM SM

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

02-2025

Date Received

4-11-25

**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 driveway has been it's current size for approximately 50 years. When off street parking is required a smaller driveway would not allow for us to move our three vehicles off the street. This makes it difficult for us to comply with city ordinance to remove vehicles from the street each week and when snow emergencies are issued.

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

Our property is the only one on the street that has this issue. We do not have a garage. Many of our neighbors have double wide driveways because they have 2-car garages. This driveway was not installed by us and predates our ownership. Many of the driveways in our area have been replaced in the last 20-25 years and ours is one of the last on the street needing to be replaced.

3. Why the problem is not self-inflicted?

We did not install the driveway that exists on our property. We have not added to it in any way. It predates our ownership and we are simply asking that we be permitted to replace the driveway to the same size that has been there for at least 50 years.

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

In order to be able to meet city ordinance for off street parking this would be the minimum needed. The replacement of this driveway to the same size also adds to the value and beauty of the property as we have completed significant work on the home to make it pleasant to the eye rather than an eye sore.

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

Replacing the driveway allows for the safe passage of those visiting as they pass by the vehicles parked therein. There would not be any portion of this job that would put anyone at risk.

DRIVEWAYS
APPROACHES
PATIOS
SIDEWALKS
GARAGE FLOORS

BOOTH

CONCRETE & CONSTRUCTION

Southgate, MI 48195
(734) 284-5352

FOUNDATIONS
PORCHES
BRICK &
BLOCKWORK
STEPS

PROPOSAL SUBMITTED TO

STEVE MASSINGER

Date 3-22-25

16228 Poplar

SOUTHGATE

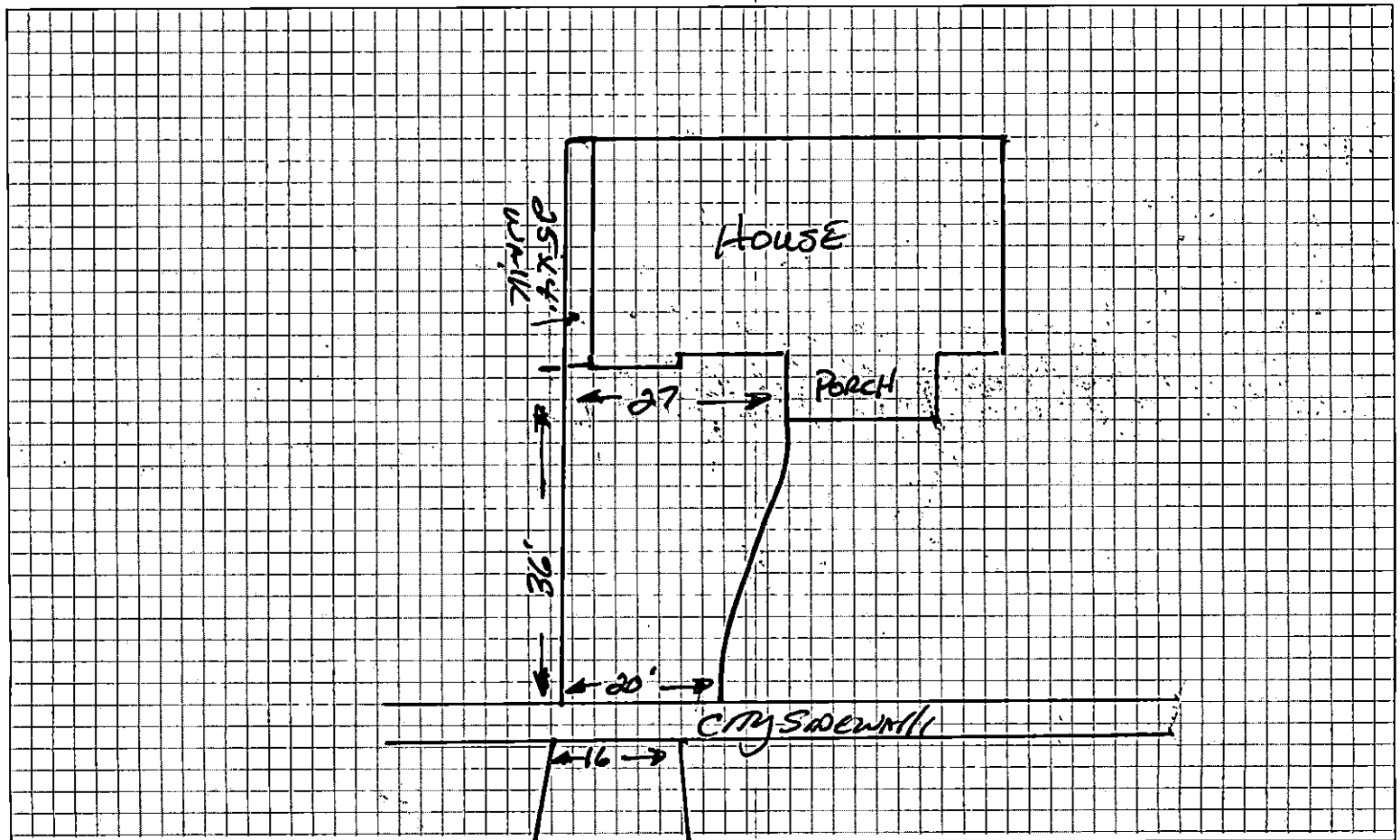
Phone (313) 627-3090

STREET CITY STATE ZIP CODE

We hereby submit applications and estimates for:

REMOVE & REPLACE DRIVEWAY FROM FRONT OF HOUSE TO CITY SIDEWALK
NEW SIDEWALK TO BACK OF HOUSE (ALL SIZES SAME AS EXISTING)
HAUL AWAY EXISTING CONCRETE. REGRADE WITH STONE. BASE. INSTALL WIRE
MESH REINFORCEMENT. REPAIR WITH 6 BAR MIX CONCRETE

Area below for additional description and or drawings:



Payment to be made as follows:

ACCEPTANCE OF PROPOSAL - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to the work as specified.
Payment will be made as outlined above.

Signature _____

Date _____

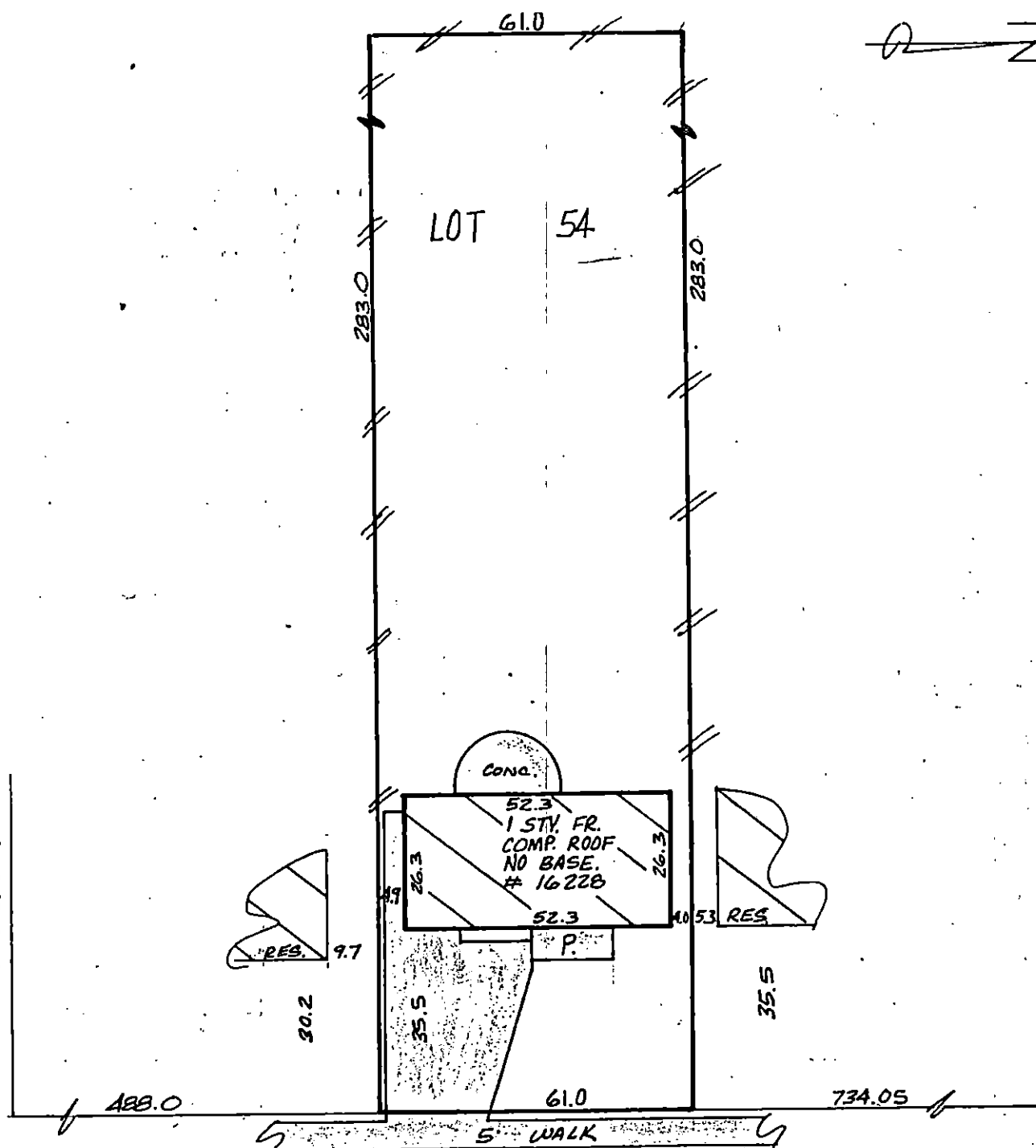


REMOVE & REPLACE ONLY
(ALL SIZES SAME AS EXISTING)

16228 Popular Southgate

LUDINGTON AVE. 60'

LEROEY AVE. 86'



POPLAR ST. 60'

WE HEREBY CERTIFY that we have had a survey made of the property hereon delineated and described, that the buildings and improvements on said property are located as shown and that the property bears no encroachments.

Photographs of the buildings on said property were taken and prints thereof are attached hereto.

NOTE: This survey is for mortgage purposes only and no property corner stakes are set. Do not use for establishing fence lines.

Certified to:
 Burton Abstract & Title Co.
 Lawyers Title Insurance Corp.
 American Title Co. of Michigan
 Great Lakes Title Agency of Detroit, Inc.
 Michigan Title Co.
 Midwest Title Co., Inc.
 Minnesota Title Agency
 Pioneer Title Co.
 Transamerica Title Co.

LAWRENCE F. CALLAHAN

21922 Van Born Road • Dearborn Heights, MI 48125
 Phone (313) 562-1180

Registered Land Surveyor

Scale 1"=30'

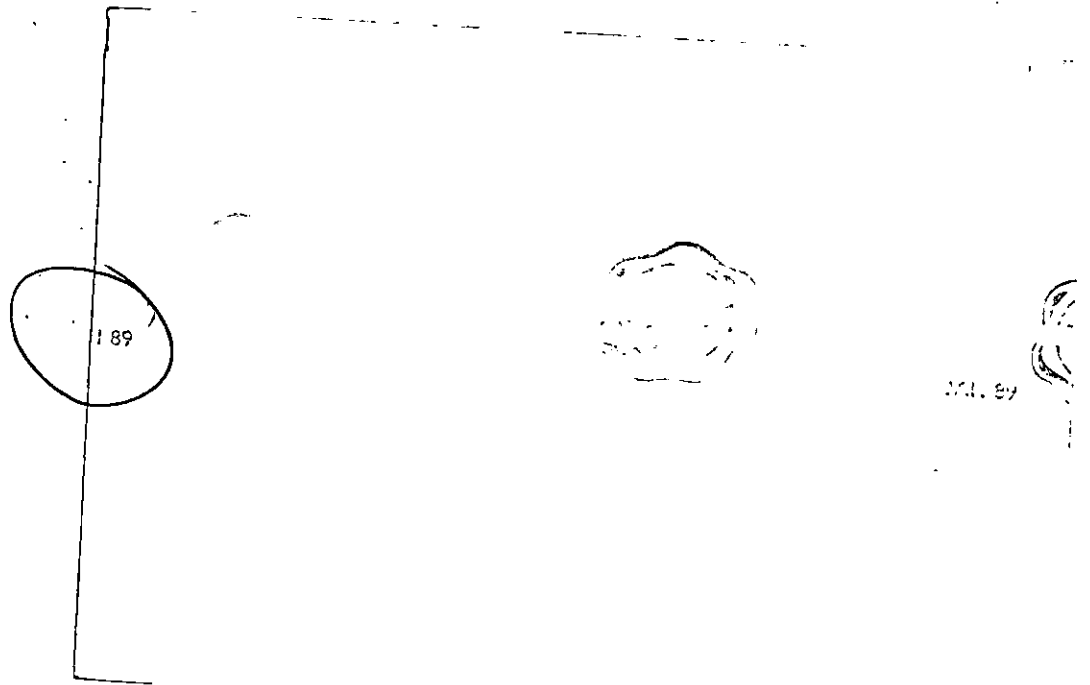
Date 9-30-88

Job No. 35080

Drn. E.A.S.

Ckd.

Existing
Cement





Carlisle | Wortman
ASSOCIATES, INC.

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

Date: April 23, 2025

VARIANCE ANALYSIS
The City of Southgate

Applicant:	Steve Massengill 16228 Poplar Street Southgate, MI 48195
Property Address:	16228 Poplar Street Southgate, MI 48195
Zoning:	R-1B, One-Family Residential
Requested Variance:	The applicant is requesting a variance applicable to section 1292.03, Layout, Construction, and Maintenance of Parking Areas.

VARIANCE REQUEST

The applicant is requesting a fifteen (15) foot variance from section 1292.03, Layout, Construction, and Maintenance of Parking Areas to allow the replacement of an existing driveway. Section 1292.03(k)(4) states *"Single-family residences **without a garage** may install a driveway not more than **twelve feet wide**. When the width of the side yard between the house and the side lot line is less than twelve feet wide, in front of the house the driveway may be expanded to the maximum permitted width but may not extend across the front of the house more than two feet, and may extend to the street at that width."*

The applicant is seeking to replace the existing twenty-seven (27) foot driveway with new concrete, as the driveway has existed for approximately fifty (50) years and is in need of touch ups, hence the variance request. **Figure 1** on the next page shows an aerial view of the property, while **Figure 2** provides a sketch plan of the resurfacing supplied by the applicant.

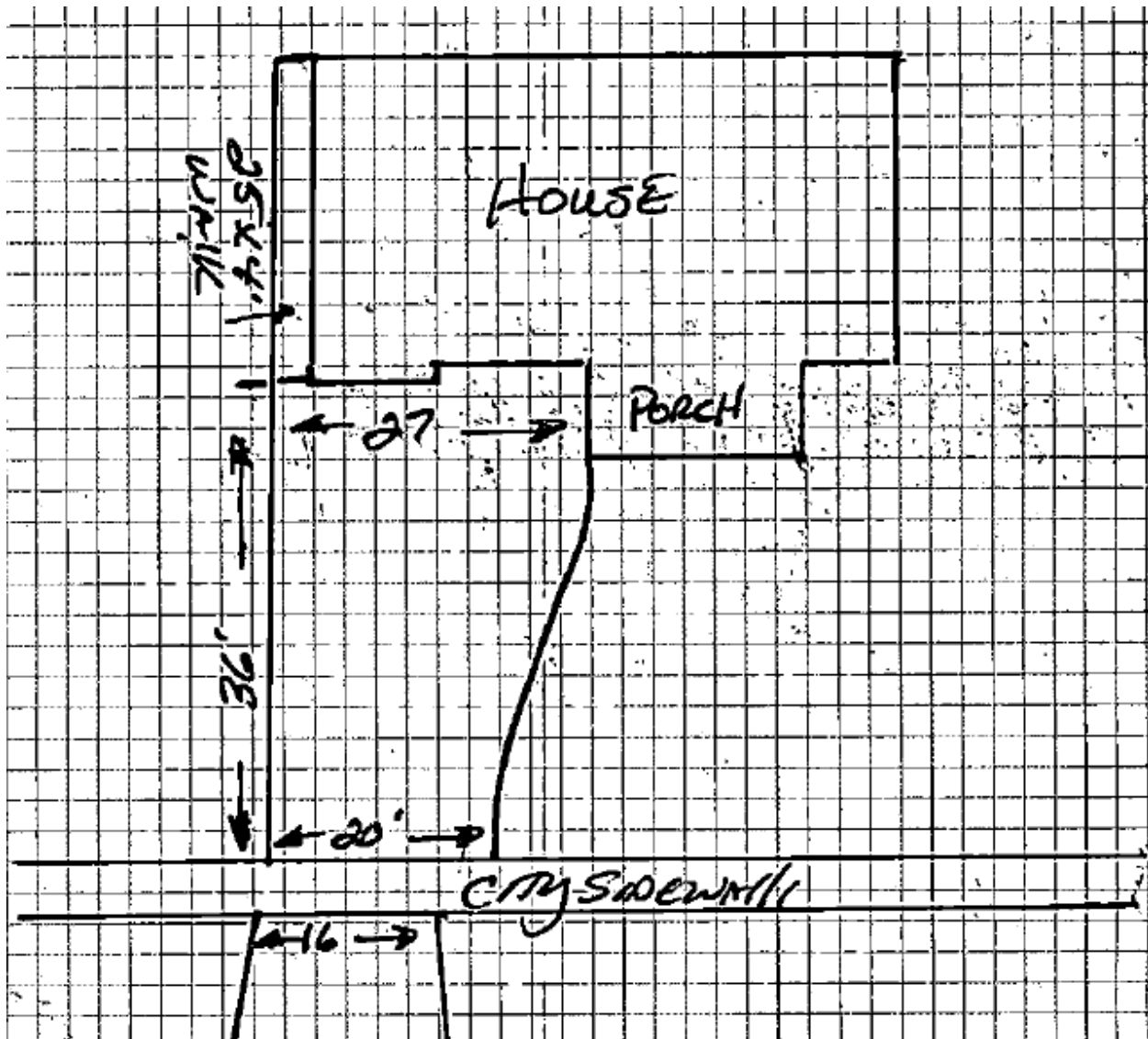
Benjamin R. Carlisle, *President* John L. Enos, *Vice President*
Paul Montagno, *Principal* Megan Masson-Minock, *Principal* Laura Kreps, *Principal* Brent Strong, *Principal*
David Scurto, *Principal* Sally M. Elmiger, *Principal* Craig Strong, *Principal* Douglas J. Lewan, *Principal*
Richard K. Carlisle, *Past President/Senior Principal* R. Donald Wortman, *Past Principal*

Figure 1 - Aerial View



Source: Nearmap, date of photo: October 7, 2024

Figure 2 – Sketch Plan



Source: Provided by applicant

VARIANCE CONSIDERATIONS

Section 1264.04 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 existing driveway 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 allow the applicant to have a driveway with a width of twelve (12) feet. Due to the southern side yard area being less than twelve feet wide, the driveway could also extend two (2) feet in front of the home while maintaining the same width. Based on our review of the property, no significant feature of the property is preventing compliance with ordinance requirements.

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's property consists of a single-family home with no garage. While not as common as homes with garages, there are still a number of homes throughout the city with the same composition. All homes of this type are subject to the requirements of section 1292.03 requiring a driveway to be only twelve (12) feet wide.

c) That the problem is not self-inflicted:

CWA Comment: The driveway was installed by previous homeowners. So, while the non-conforming driveway was not poured by the applicant, the driveway was still imposed on the property.

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

CWA Comment: The applicant should further prove why the requested variance is necessary. Current parking space width for 90-degree parking within the City is ten (10) feet.

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 of the City.

RECOMMENDATION

Based on not all the criteria mentioned above being met, we recommend denial of the requested variance, most notably due to the lack of unique property features that would deny reasonable use of the property.

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