

City of Southgate
Board of Zoning Appeals
JULY 14, 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, July 14, 2025 and called to order by Pat Poirier, Vice Chairperson at 5:30 p.m.

PRESENT: Pat Poirier, Jill Stephan, Tim Foucher, Jake Orman, Patricia Anderson

ABSENT: Tom Coombs (excused)

ALSO PRESENT: City Planners John Enos, Joe Pezzotti, Building Official Tim Leach, City Attorney Ed Zelenak

A moment of silence was held for the passing of Gary Martin, Chairperson of the BZA

Minutes:

Moved by Foucher, supported by Anderson, to approve the minutes of the Board of Zoning Appeals Meeting dated May 12, 2025. Motion Carried Unanimously.

Public Hearing/New Business:

1. Marc Hansen, 15475 Leroy, Southgate, MI, variance from Section 1298.17, Exterior Building Wall Materials for property located at 14595 Fordline. BZA 04-2025

A PUBLIC HEARING WAS HELD FOR MARC HANSEN, 15475 LEROY, SOUTHGATE, MI, VARIANCE FROM SECTION 1298.17, EXTERIOR BUILDING WALL MATERIALS.

Notices were sent out.

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

The applicant stated they are requesting a variance from section 1298.17, Exterior Building Wall Materials to allow a new single-family home to be built with board and batten materials, rather than the required brick face material. The proposed home is part of a site condominium which was approved by the City in August of 2024. Using the board and batten materials would be beneficial to the students doing the work.

A realtor was present stating the boards decision could impact marketing issues.

Moved by Foucher, supported by Anderson, to close the Public Hearing.

Moved by Foucher, supported by Anderson, to deny the request by Marc Hansen, 15475 Leroy, Southgate, MI, for a variance from Section 1298.17, Exterior Building Wall Materials for property located at 14595 Fordline based on the following criteria from section 1264.06 not being satisfied.

- (a) The literal interpretation of the dimensional provisions of this Ordinance would require the applicant to construct the home using brick face materials. We do not find a practical difficulty that would deny the applicant from constructing the home.
- (b) The applicant's property is currently vacant, with what appears to be little elevation change and no natural resources. There does not appear to be any unique property features not shared by other properties in the same zoning district.
- (c) Requirement has been met, requested variance is not due to a self-inflicted condition.
- (d) The applicant can still reasonably use the property through compliance with the ordinance, as a home could still be constructed if brick face material was used.
- (e) Requirement has been met, the requested variance is not likely to compromise the public health, safety, and welfare of the City.

Motion to Deny Carried Unanimously.

- 2. Raymond and Sarah Good, 12930 Churchill Street, variance from Section 1294.08 Access Through Yards and Section 1292-03 Layout, Construction and Maintenance of Parking areas. BZA 05-2025

A PUBLIC HEARING WAS HELD FOR RAYMOND AND SARAH GOOD, 12930 CHURCHILL STREET, VARIANCE FROM SECTION 1294-08 ACCESS THROUGH YARDS AND SECTION 1292-03 LAYOUT, CONSTRUCTION AND MAINTENANCE OF PARKING AREAS.

Notices were sent out.

Moved by Anderson, supported by Foucher, to open the Public Hearing.

A representative for the applicant stated they are requesting a variance from section 1294.08, Access Through Yards and section 1292.03, Layout, Construction, and Maintenance of Parking areas for an access drive on the property at 12930 Churchill, designed with brick pavers, which will allow access to an accessory structure located in the rear yard.

No public comments were received.

Moved by Anderson, supported by Foucher, to close the Public Hearing.

Moved by Foucher, supported by Orman, to deny the request by Raymond and Sarah Good, 12930 Churchill Street, variance from Section 1294.08 Access Through Yards and Section 1292-03 Layout, Construction and Maintenance of Parking areas. Based on the following criteria from section 1264.06 not being satisfied and additional findings:

- (a) We find that compliance with the ordinance would not result in a practical difficulty, as the applicant would still be able to extend the driveway to the edges of the garage wall.
- (b) The problem requiring a variance is not unique to the applicant's property. There are additional properties within the R-IB District which are classified as a concave curve lot.
- (c) The applicant installed the driveway extension in 2024 without proper approval from the City Building Department, thus making the problem self-inflicted.
- (d) We do not find this is the minimum variance necessary. Adequate parking space could be provided if section 1292-03(k)(6) were to be followed.
- (e) The requested variance, if granted, has the potential to impact the overall health, safety

and welfare of the public, as the installed addition can lead to greater stormwater runoff on the adjacent property and parked vehicles on a property line within the side yard setback.

- (f) The BZA finds that the alleged “access drive” is a drive to nowhere, and merely a ruse to widen and extend the existing driveway.
- (g) The BZA, further finds that the applicant has not been denied equal protection under the codified ordinances. The BZA denies the application for variance based upon review of the facts, circumstances and findings enunciated herein.

Motion to Deny Carried Unanimously.

Old Business:

Moved by Foucher, supported by Stefan, to elect a new Chairperson at the next meeting. Motion Carried Unanimously.

Announcements:

None.

Moved by Foucher, supported by Stefan, that this meeting of the Board of Zoning Appeals be adjourned at 6:17 p.m. Motion Carried Unanimously.

Angie Shurkus
Recording Secretary
July 14, 2025

RETURN TO:

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

Case No. BZA 04-2025Date Received 4-29-25

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>Marc Hansen</u>	Name _____
Address <u>15475 Leroy</u>	Address _____
<u>Southgate</u> <u>MI</u> <u>48195</u>	_____
(City) (State) (Zip)	(City) (State) (Zip)
Telephone <u>734-246-4611 x2102</u>	Telephone _____

Information regarding the site: 14595 FordlineStreet Address: ~~14495~~ Fordline Southgate MI 48195Major Cross Streets: Fordline + EurekaParcel No. Unit 1Acreage: 0.25 Dimensions of Parcel: 133.6 x 81.38 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-1Current Use: Field**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 _____

RECEIVED**APR 29 2025**
**CITY OF SOUTHGATE
BUILDING DEPARTMENT**

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.)

City Building Code Section 1298.17(c)(1) state the homes need to be brick faced. I am applying for a variance to have this house have a board and batten exterior. The purpose of this build it to give students exposure to the most aspects of the build as possible. A brick face would eliminate a skill these student would be able develop since brick would require us to outsource that step.

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: 4/25/25

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 _____

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?

This ordinance would reduce the amount of work that students can take part in.

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

This house is being built by student to increase their skills in home construction. No other properties in Southgate are in this situation.

3. Why the problem is not self-inflicted?

Home does not exist at this time, so there is no self-inflicted issue.

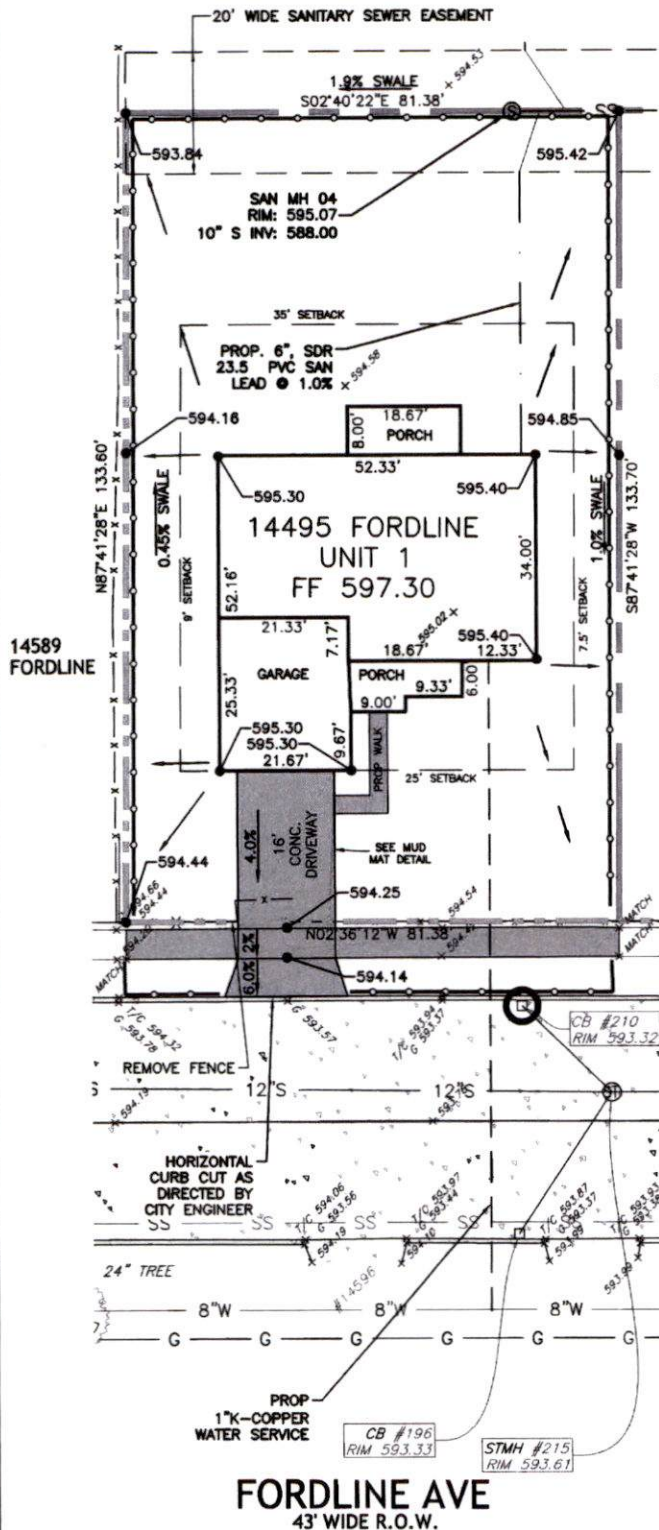
4. That the variance is the minimum necessary to permit reasonable use of the property?

This variance is the only request being made. The rest of the build will follow the ordinances as directed.

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

Nothing about this variance would compromise health or safety. The welfare of the students involved would be increased by building up their skill level.





- ☒ Approved
☐ Approved as Noted
☐ Not Approved

By: John M. Willis
 Date: 4/7/2025

HENNESSEY ENGINEERS, INC



UNIT 3
VACANT

LEGEND

- | | |
|-----------|------------------------------------|
| 000.00 | EX. ELEVATION |
| 000.00 | PROP. ELEVATION |
| | EX. CONCRETE |
| | PROP. CONCRETE |
| - X - X - | EX. FENCE |
| - - - - - | PROP. WATER SERVICE |
| - - - - - | PROP. SETBACK |
| - - - - - | PROP. SEWER LEAD |
| | PROP. DRAINAGE ARROW |
| | PROP. SILT FENCE |
| | PROP. DRAINAGE STRUCTURE SILT SACK |

BENCHMARK

BENCHMARK IS A MAGNAIL IN A POWERPOLE ON THE WEST SIDE OF FORDLINE AVENUE APPROXIMATELY 291' NORTH OF MERCIER AVENUE ELEVATION: 595.89 (NAVD88 DATUM)



400 N MAIN STREET
 SUITE 303 MILFORD
 MICHIGAN 48381
 (248) 684-1033
 HENGINEERS.COM

13500 REECK RD
 SOUTHGATE
 MICHIGAN 48195
 (734) 759-1600

TITLE

UNIT 1 14495 FORDLINE AVE.
 FORDLINE CONDOMINIUM
 CITY OF SOUTHGATE
 WAYNE COUNTY, MICHIGAN

LEGAL DESCRIPTION

UNIT 1 OF FORDLINE CONDOMINIUM, BEING
 WAYNE COUNTY CONDOMINIUM PLAN NUMBER 1241
 CITY OF SOUTHGATE,
 WAYNE COUNTY, MICHIGAN

DRAWN MEO

CHECKED MPM

PROJECT No. 52518

SCALE 1"=20'

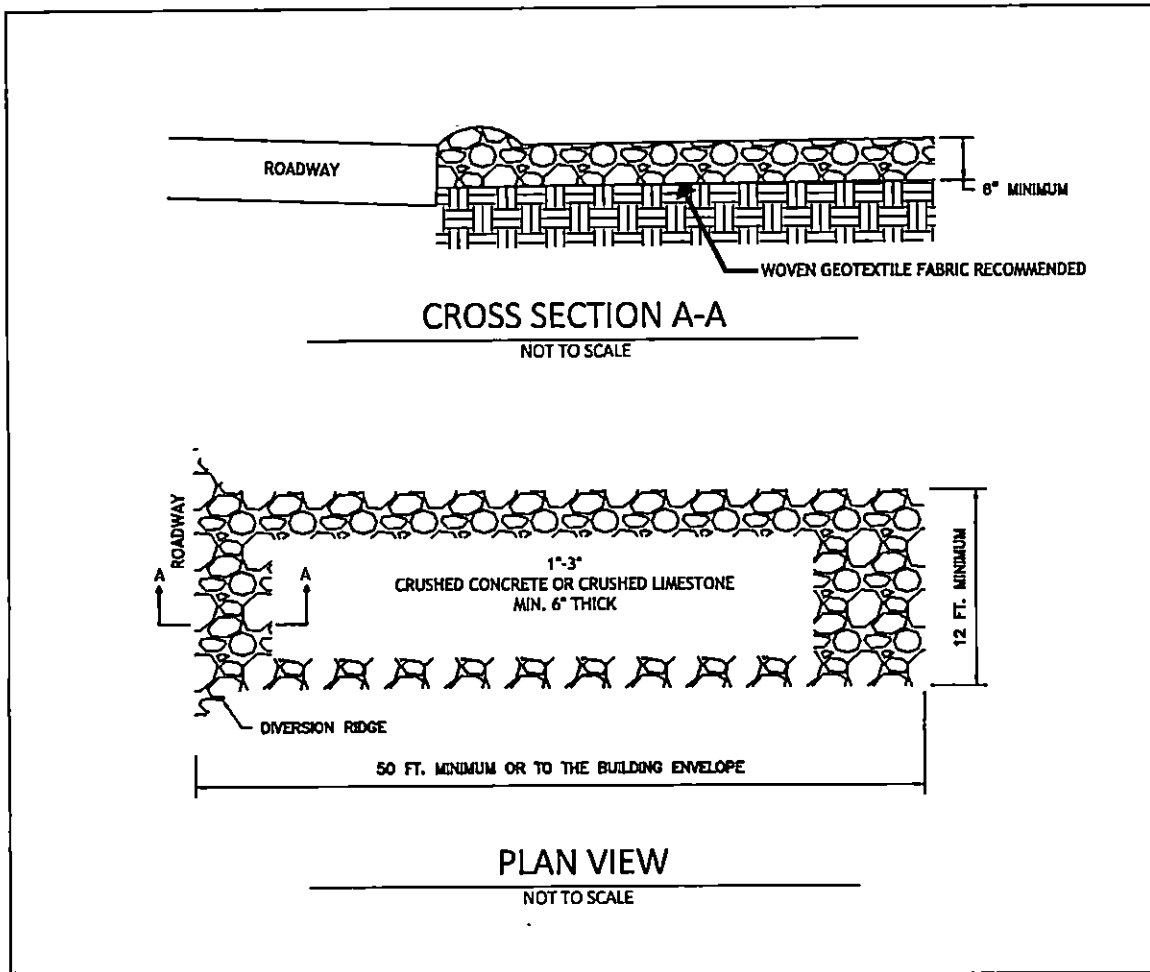
DATE 04/04/25

REVISED

DRAWING NUMBER
SHEET: 1 OF 2

NOTES & DETAILS:

- 1.) DO NOT CONNECT SUMP PUMP DISCHARGE LINE TO THE STORM SEWER SYSTEM BECAUSE THE STORM SEWERS DISCHARGE TO A COMBINED SEWER SYSTEM.
- 2.) DO NOT EXCAVATE WITH 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.
- 3.) 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.
- 4.) BUILDER/CONTRACTOR TO FIELD VERIFY ALL EXISTING UTILITY CONNECTIONS FOR LOCATION AND ELEVATIONS PRIOR TO CONSTRUCTION AND FURNISH INFORMATION TO DESIGN ENGINEER TO CONFIRM OR RE-DESIGN.
- 5.) INLET FILTERS SHALL BE APPROVED SILT SACKS AND SHALL BE MAINTAINED BY THE BUILDER/CONTRACTOR DURING CONSTRUCTION AND AS DIRECTED BY THE CITY ENGINEER. SILT FENCE SHALL BE MAINTAINED BY THE BUILDER/CONTRACTOR DURING CONSTRUCTION AND AS DIRECTED BY THE CITY ENGINEER. BUILDER/CONTRACTOR SHALL MAINTAIN STREET PAVEMENT BY SWEEPING/CLEANING DURING CONSTRUCTION AND AS DIRECTED BY THE CITY ENGINEER.
- 6.) BUILDER/CONTRACTOR SHALL CONTACT THE CITY WATER DEPARTMENT PRIOR TO CONSTRUCTION FOR WATER MAIN TAP AND METER FEES.
- 7.) EXISTING CURB SHALL BE HORIZONTALLY SAWED FOR THE NEW DRIVE APPROACH. CURB OPENING SHALL NOT EXCEED THE WIDTH OF THE PROPOSED DRIVEWAY PLUS 4-FEET.
- 8.) EXISTING SIDEWALK SHALL BE REMOVED AND REPLACED AS DIRECTED BY THE CITY ENGINEER. THIS WORK SHALL INCLUDE REPLACING THE EXISTING SIDEWALK WITH 6-INCH CONCRETE SIDEWALK FOR THE DRIVEWAY.



400 N MAIN STREET
SUITE 303 MILFORD
MICHIGAN 48381
(248) 684-1033

HENGINEERS.COM

13500 REECK RD
SOUTHGATE
MICHIGAN 48195
(734) 759-1600

TITLE

UNIT 1 14495 FORDLINE AVE.
FORDLINE CONDOMINIUM
CITY OF SOUTHGATE
WAYNE COUNTY, MICHIGAN

LEGAL DESCRIPTION

UNIT 1 OF FORDLINE CONDOMINIUM, BEING
WAYNE COUNTY CONDOMINIUM PLAN NUMBER 1241
CITY OF SOUTHGATE,
WAYNE COUNTY, MICHIGAN

DRAWN MEO

CHECKED MPM

PROJECT No. 52518

SCALE N.T.S.

DATE 04/04/25

REVISED -

DRAWING NUMBER
SHEET:2 OF 2



Carlisle | Wortman
ASSOCIATES, INC.

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

Date: July 8, 2025

VARIANCE ANALYSIS FOR THE CITY OF SOUTHGATE

APPLICANT INFORMATION

Applicant:	Marc Hansen 15475 Leroy Southgate, MI 48195
Property Address:	14595 Fordline Southgate, MI 48195
Zoning:	R-1B, One-Family Residential
Requested Variance:	The applicant is requesting a variance applicable to section 1298.17, Exterior Building Wall Materials

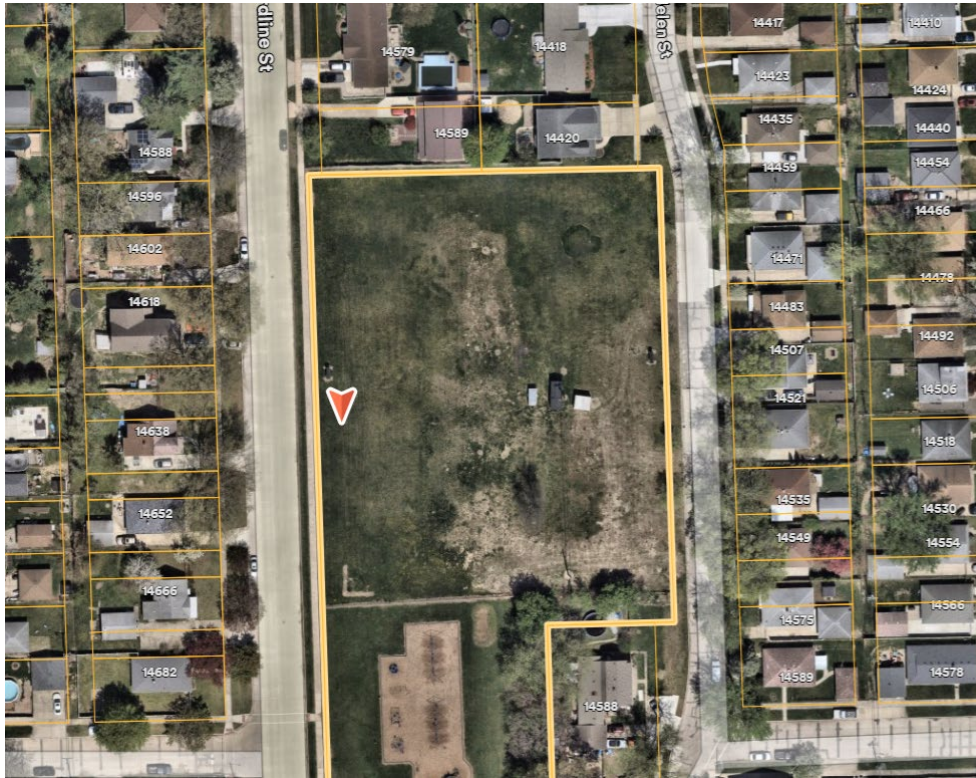
VARIANCE REQUEST

The applicant is requesting a variance from section 1298.17, Exterior Building Wall Materials to allow a new single-family home to be built with board and batten materials, rather than the required brick face material. Section 1298.17(c) states *"When four or more new single-family or two-family dwellings are erected on contiguous lots or condominium home sites, they shall consist of face brick materials, as defined in this Zoning Code, on all exterior walls or, in the case of a two-story building, a combination of materials, as set forth in paragraph (d)(1)C."* The proposed home is part of a site condominium which was approved by the City in August of 2024, hence the variance request.

The applicant is seeking the variance due to the home construction being part of the Southgate Community Schools "build a house" program, which teaches students trades skills such as carpentry, plumbing, and electrical work. The board and batten material would be used to give students additional experience in its installation. If brick face were to be used, the work would be outsourced. **Figure 1** on the next page shows an aerial view of the property, while **Figure 2** provides a concept rendering of the home 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: April 2025

Figure 2 – Concept Rendering



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 as listed by section 1264.06. The proposed home 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 require the applicant to construct the home using brick face materials. As mentioned on the first page, the applicant has stated the use of brick face material would not allow the students to construct that part of the home, and the work would need to be outsourced. Based on our review, we do not find a practical difficulty that would deny the applicant from constructing the home.

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 is currently vacant, with what appears to be little elevation change and no natural resources. There does not appear to be any unique property features not shared by other properties in the same zoning district.

c) That the problem is not self-inflicted:

CWA Comment: The property is currently undeveloped, as the applicant is seeking BZA approval before beginning construction. The granting of the requested variance beforehand would not result in a self-inflicted problem.

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

CWA Comment: The applicant should prove the requested variance is the minimum necessary to permit reasonable use of the property. Compliance with the current ordinance standards would still allow the home to be constructed.

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 the findings presented above, we recommend denial of the requested variance due to not all the requirements of section 1264.06 being met.

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 ASSOC., INC.

John L. Enos, AICP

Vice-President



CARLISLE/WORTMAN ASSOC., INC.

Joe Pezzotti

Community Planner

Approval:

Board of Zoning Appeals Comment: The Board of Zoning Appeals approves the requested variance for the property located at 14595 Fordline based on all the criteria of section 1264.06 being satisfied.

Moved by _____, supported by _____, to approve requested variance due to all requirements of section 1264.06 being met.

Denial – Action Chosen

Board of Zoning Appeals Comment: The Board of Zoning Appeals denies the requested variance for the property located at 14595 Fordline based on the following criteria of section 1264.06 not being satisfied:

Moved by Foucher, supported by Anderson, to deny requested variance due to conflict with requirements a, b, and d of section 1264.06.

- (a) The literal interpretation of the dimensional provisions of this Ordinance would require the applicant to construct the home using brick face materials. As mentioned on the first page, the applicant has stated the use of brick face material would not allow the students to construct that part of the home, and the work would need to be outsourced. We do not find a practical difficulty that would deny the applicant from constructing the home.
- (b) The applicant's property is currently vacant, with what appears to be little elevation change and no natural resources. There does not appear to be any unique property features not shared by other properties in the same zoning district.
- (c) Requirement has been met, requested variance is not due to a self-inflicted condition.
- (d) The applicant can still reasonably use the property through compliance with the ordinance, as a home could still be constructed if brick face material was used.
- (e) Requirement has been met, the requested variance is not likely to compromise the public health, safety, and welfare of the City.

005 (mk)
BZA PR-25-004 Application 6/18/2025

RECEIVED

JUN 18 2025

CITY OF SOUTHGATE
BUILDING DEPARTMENT

Form No. 02

Case No. BZA 05-2025

Date Received 6-18-25

ADD TO THE JULY 2025
BZA MEETING AGENDA

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>Raymond / Sarah Good</u>	Name _____
Address <u>12930 Churchill</u>	Address _____
<u>Southgate, MI. 48195</u>	_____
(City) (State) (Zip)	(City) (State) (Zip)
Telephone <u>313-402-8635</u>	Telephone _____

Information regarding the site:

Street Address: 12930 Churchill

Major Cross Streets: McCann - Northline

Parcel No. 53 005 02 0050 000

Acreage: 0.189 Dimensions of Parcel: 55.00ft x 130.46ft Frontage: 55.00 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: 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 _____

005
BZA PR-25-004 – Application 6/18/2025

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.)

I am requesting a variance for an Access Drive on my property, specifically designed with brick pavers, as permitted by the Southgate Zoning Ordinance (SMO) Section 1294.08, Access Through Yard (Fig. 1). If granted, this will allow access to my accessory structure (Fig. 2) located in the rear yard.

The Honorable Judge Charlene M. Elder has remanded the appeal back to the City of Southgate Board of Zoning Appeals, for a **De Novo Hearing** (A de novo hearing is a new hearing, essentially starting from scratch, where a case is reviewed by a higher court or decision-making authority without regard to the prior court's decision. The term "de novo" is Latin for "anew" or "from the beginning". This means the new body will consider the evidence and legal issues as if the case had never been heard before.) (Fig. 6)

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.

Fig. 3a&3b

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 _____

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.: _____

005
BZA PR-25-004 – Application 6/18/2025

Created on February 15, 2007
Revision Record:

**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:

The Honorable Judge Charlene M. Elder has remanded the appeal back to the City of Southgate Board of Zoning Appeals, for a **De Novo Hearing** (A de novo hearing is a new hearing, essentially starting from scratch, where a case is reviewed by a higher court or decision-making authority without regard to the prior court's decision. The term "de novo" is Latin for "anew" or "from the beginning". This means the new body will consider the evidence and legal issues as if the case had never been heard before.) (Fig. 6)

I have listed some facts below based on my attempt to install an Access Drive.

Fact 1: I tried to set up a meeting with Mr. Leach on March 17th 2023 to discuss the 1294.08 ordinance.

From: Ray Good <rgood308@gmail.com>
Sent: Friday, March 17, 2023 7:21 PM
To: Timothy Leach <tleach@southgatemi.gov>
Subject: Re: 12930 Churchill Permit question

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Tim,

I would like to set up a meeting with you as soon as possible, maybe Tuesday 3/21/23 anytime to discuss 1294.08 Access Through Yard. I am having a hard time understanding your answer of not allowing an access drive in the front and side yard?

Fact 2: Mr. Leach replied, "This isn't a point you're going to change my view on".

← Timothy Leach <tleach@southgatemi.gov>
to me ▾

Mon, Mar 20, 2023, 1:19 PM

☆ 😊 ↩ ⋮

Ray,

No need for a meeting. This isn't a point you're going to change my view on. Note: 1260.05 "Whenever any provision of this Zoning Code imposes a more stringent requirement, regulation, restriction or limitation than is imposed or required by any other law or ordinance, then the provision of this Zoning Code shall govern." Send in the new site plans, construction plans, and applications that comply with the Michigan Residential Code and/or City of Southgate Zoning Ordinance when you're ready to move forward.

Timothy L. Leach

Fact 3: I submitted permit PB23-0135 (Fig. 4), requesting to install an Access Drive per 1294.08. (This is proof that I followed the process so there is no saying that I did not file for a permit)

Fact 4: City Denied my request "March 29th 2023" per 1292.03 (k)(6) (Fig. 5)

Fact 5: 1 year later in March of 2024 I finally received interpretations of 1294.08 from the city.

Per Mr. Leach "Not for Homeowner Use"

Per Mr. Enos "Commercial Uses, Not Residential"

Per Mr. Enos "The word Residential is not found in 1294.08"

Please respect the Judges direction when reviewing this application.

005
BZA PR-25-004– Application 6/18/2025

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

I would like to avoid driving through mud and dirt to access my rear yard and without durable surface to drive over I am left with the picture below. (Note: Service walks and other pavement structures are allowed per 1294.08) Adding a service walk or pavement would solve this problem I am facing.

**Damage
to yard**



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

This is unique to my situation because I have been denied a pavement-like structure to allow access to my rear yard; when many properties were granted permits having the same requests that I have requested. The difference is, I requested with the verbiage (access drive) and other residents used verbiage (service walks, driveways, parking pads.) But when you break down the verbiage from 1294.08 you will notice the approved properties check the boxes for an Access Drive. Below you will see the comparison of approved properties.

13739 Flanders St.

Check 1: They have an **existing driveway** that leads to garage. (Noted)

Check 2: A pavement-like structure (concrete, brick pavers) in the **front and side yards**. (Per 1294.08)

Check 3: An accessory building located in the rear yard. (Per 1294.08)

Check 4: A permit approved by the city. **Zoning Permit PB20-0137** (Noted)

The project was approved by Tim Leach, the current Building Department Director.



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BZA PR-25-004 – Application 6/18/2025

12301 Kent Ct.

Check 1: They have an **existing driveway** that leads to garage. (Noted)

Check 2: A pavement-like structure (concrete, brick pavers) in the **front and side yards**. (Per 1294.08)

Check 3: An accessory building located in the rear yard. (Per 1294.08)

Check 4: A permit approved by the city. **Zoning Permit PB16-0372** (Noted)



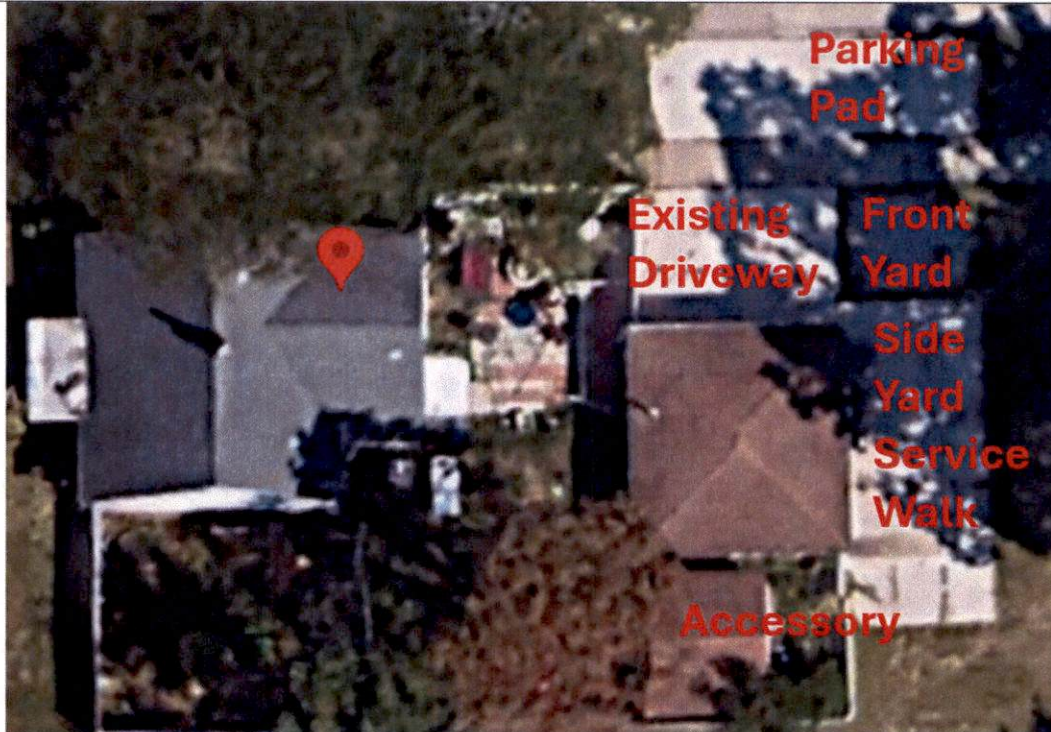
16029 Helan St

Check 1: They have an **existing driveway** that leads to garage. (Noted)

Check 2: A pavement-like structure (concrete, brick pavers) in the **front and side yards**. (Per 1294.08)

Check 3: An accessory building located in the rear yard. (Per 1294.08)

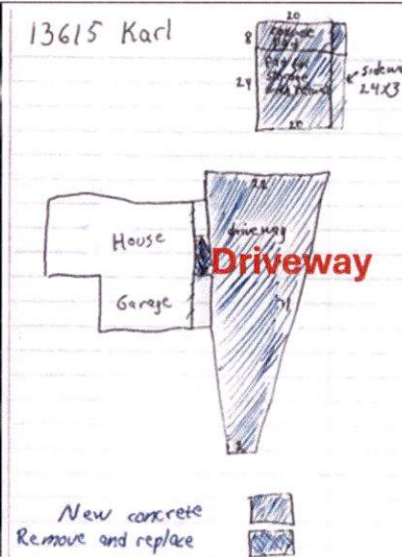
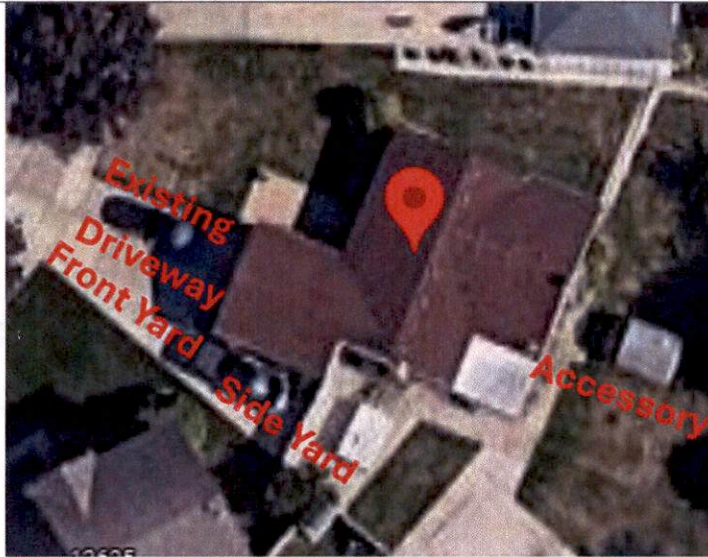
Check 4: A permit approved by the city. **Zoning Permit PB18-0188** (Noted)



005
BZA PR-25-~~004~~– Application 6/18/2025

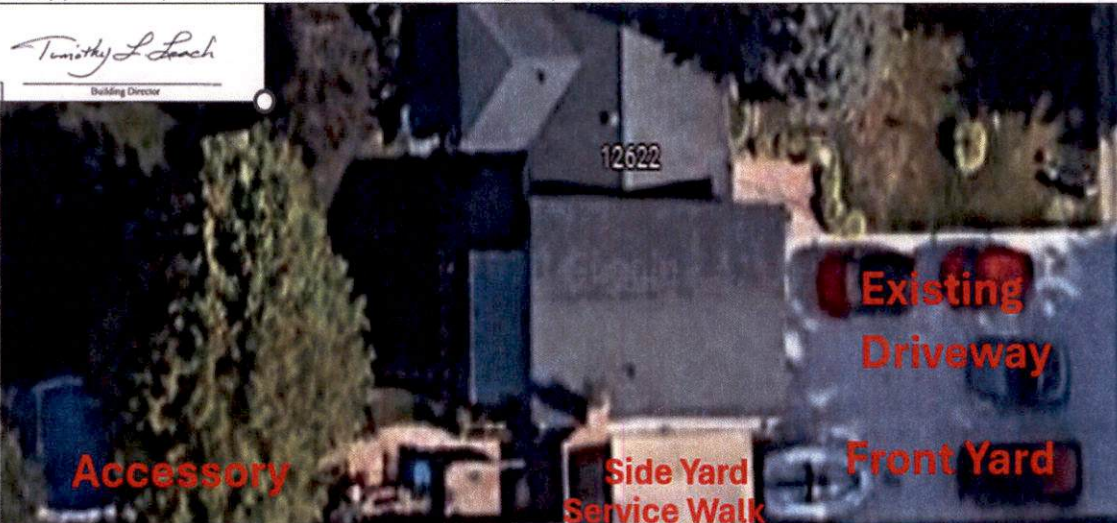
13615 Karl St.

- Check 1: They have an **existing driveway** that leads to garage. (Noted)
- Check 2: A pavement-like structure (concrete, brick pavers) in the **front and side yards**. (Per 1294.08)
- Check 3: An accessory building located in the rear yard. (Per 1294.08)
- Check 4: A permit approved by the city. **Zoning Permit PB13-0004** (Noted)



12622 Devoe St.

- Check 1: They have an **existing driveway** that leads to garage. (Noted)
 - Check 2: A pavement-like structure (concrete, brick pavers) in the **front and side yards**. (Per 1294.08)
 - Check 3: An accessory building located in the rear yard. (Per 1294.08)
 - Check 4: A permit approved by the city. **Zoning Permit PB18-0701** (Noted)
- The project was approved by Tim Leach, the current Building Department Director.



005
BZA PR-25-004 – Application 6/18/2025

13574 Karl St.

- Check 1: They have an **existing driveway** that leads to garage. (Noted)
- Check 2: A pavement-like structure (concrete, brick pavers) in the **front and side yards**. (Per 1294.08)
- Check 3: An accessory building located in the rear yard. (Per 1294.08)
- Check 4: A permit approved by the city. **Zoning Permit PB21-0585** (Noted)

The project was approved by Tim Leach, the current Building Department Director.



12930 Churchill Ave.

- Check 1: They have an **existing driveway** that leads to garage. (Noted)
- Check 2: A pavement-like structure (concrete, brick pavers) in the **front and side yards**. (Per 1294.08)
- Check 3: An **accessory** building located in the rear yard. (Per 1294.08)
- Check 4: A permit **DENIED** by the city. **Zoning Permit PB23-0131** (Noted)

The permit was denied by Tim Leach, the current Building Department Director.



005
BZA PR-25-004 – Application 6/18/2025

3. Why the problem is not self-inflicted?

The problem is not self-inflicting:

Before filing for a permit to build per 1294.08, I reached out to the city and requested a meeting to discuss 1294.08 and they denied me my meeting and said, "This isn't a point you're going to change my view on". I was denied courtesy of having a civil discussion. So, I applied for the permit and was denied for the reason of 1292.03 (k)(6) which applies towards residential property. Then a year later the city provided their interpretation of 1294.08.

1294.08 ACCESS THROUGH YARDS.

For the **purpose** of this Zoning Code, **access drives** may be placed in the required **front or side yard** so as to provide access to accessory or attached structures. These drives **shall not be** considered as **structural violations** in **front and side yards**. Further, no walk, terrace or other pavement servicing a like function, and not in excess of nine inches above the grade upon which it is placed, shall, for the purpose of this Zoning Code, be considered to be a structure, and the same **shall be permitted in any required yard**.

The **interpretation** of 1294.08 presented **by the city** does not reflect what the meaning of a 3rd Party Non-Bias interpretation.

Per Mr. Leach "Not for Homeowner Use"

Per Mr. Enos "Commercial Uses, Not Residential"

Per Mr. Enos "The word Residential is not found in 1294.08"

I have received a **3rd Party Non-Bias interpretation** of 1294.08 Access Through Yards.

Let's break down what this paragraph is saying:

- **Access Drives in Front or Side Yards:** In this zoning code, it's allowed to have access drives (like driveways) in the front or side yards of a property. These drives are meant to provide access to other structures, like garages or additional buildings on the property. Having these drives in these areas won't be seen as breaking the rules about where structures can be placed.
- **Not Considered Structural Violations:** This means that having these access drives in the front or side yards won't be considered as breaking any rules regarding the placement of structures. So, even though they're in areas where structures aren't usually allowed, they're allowed for the purpose of providing access to other parts of the property.
- **Walks, Terraces, and Pavements:** The zoning code also says that any walks, terraces, or other pavements (like paths or patios) that serve a similar function are allowed in any required yard. They're not considered structures as long as they're not more than nine inches above the ground where they're built. So, you can have these kinds of paths or paved areas in your yard without breaking any rules about structures.

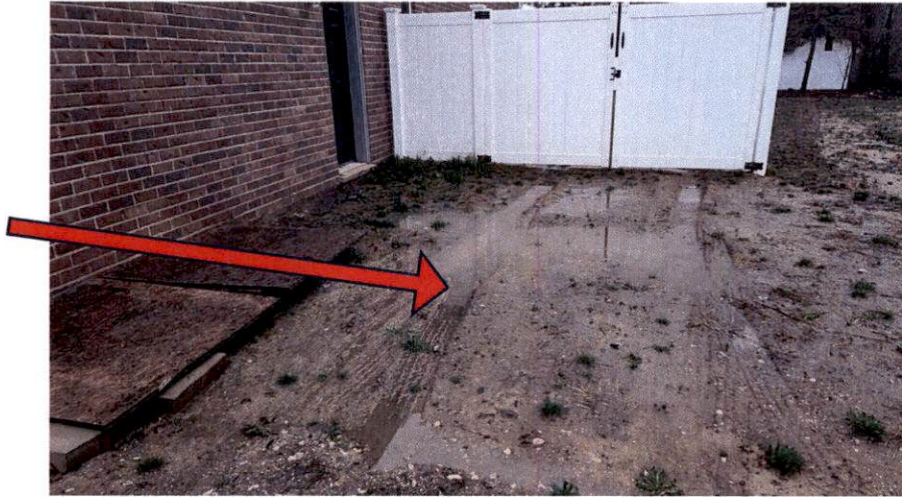
In simple terms, this paragraph basically says that it's okay to have driveways and paved paths in the front or side yards of a property, as long as they're used for providing access to other parts of the property and not considered structures violating the zoning rules.

005
BZA PR-25-004 – Application 6/18/2025

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

Yes, this approved variance would allow reasonable use of the property by allowing access to my accessory in the rear yard and preventing further damage to my yard. See an example of a damaged yard below.

**Damage
to yard**



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

If granted it would not compromise public health, safety, and welfare. To avoid any flooding concerns to the neighboring property the option of a drainage system can be added, running the length of the access drive.

1294.08 ACCESS THROUGH YARDS.

For the **purpose** of this Zoning Code, **access drives** may be placed in the required **front or side yard** so as to provide access to accessory or attached structures. These drives **shall not** be considered as **structural violations** in **front and side yards**. Further, no walk, terrace or other pavement servicing a like function, and not in excess of nine inches above the grade upon which it is placed, shall, for the purpose of this Zoning Code, be considered to be a structure, and the same **shall** be permitted in any **required yard**.

3rd Party Non-Bias Interpretation:

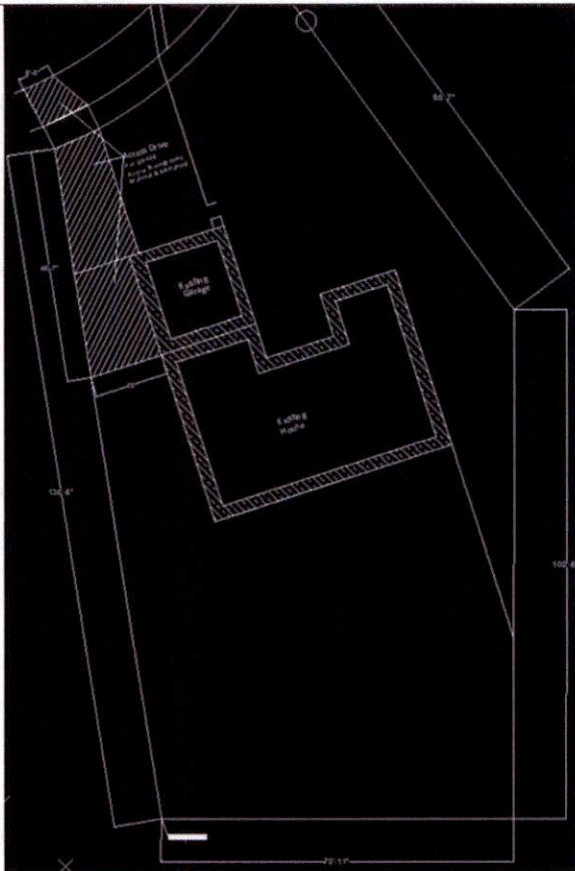
1. **Access Drives in Front or Side Yards:** In this zoning code, it's allowed to have access drives (like driveways) in the front or side yards of a property. These drives are meant to provide access to other structures, like sheds or additional buildings on the property. Having these drives in these areas won't be seen as breaking the rules about where structures can be placed.
2. **Not Considered Structural Violations:** This means that having these access drives in the front or side yards won't be considered as breaking any rules regarding the placement of structures. So, even though they're in areas where structures aren't usually allowed, they're allowed for the purpose of providing access to other parts of the property.
3. **Walks, Terraces, and Pavements:** The zoning code also says that any servicing walks, terraces, or other pavements (like paths or patios) that serve a similar function are allowed in any required yard. They're not considered structures as long as they're not more than nine inches above the ground where they're built. So, you can have these kinds of paths or paved areas in your yard without breaking any rules about structures.

In simple terms, this paragraph basically says that it's okay to have driveways and paved paths in the front or side yards of a property, as long as they're used for providing access to other parts of the property and not considered structures violating the zoning rules.

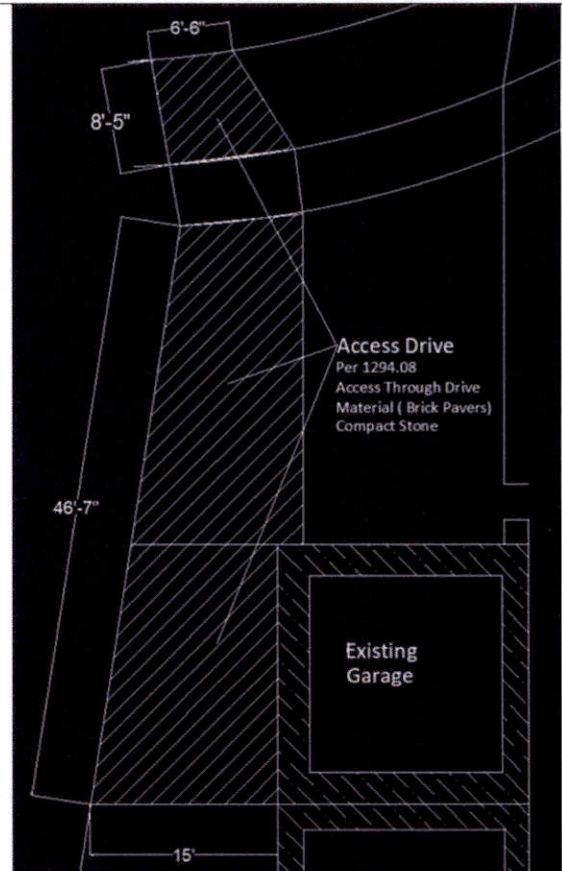
Fig. 1



Fig. 2



Current requested Site Plan
Fig. 3a



Current requested Site Plan
Fig. 3b

005
BZA PR-25-004- Application 6/18/2025

Number	PB23-0135	Category	DRIVEWAY
Type	ZONING	Status	HOLD FOR INVOICE
Applied Date	03/22/2023	Expire Date	No Data to Display
Issue Date	No Data to Display	Finaled Date	No Data to Display
Work Description	INSTALL ACCESS DRIVE (PER 1294.08) LOCATION (APPROACH,FRONT,SIDE YARD) MATERIAL: BRICK PAVERS AS PER APPROVED		

Fig. 4



City of Southgate
 DEPARTMENT OF BUILDING AND SAFETY ENGINEERING
 14400 DIX-TOLEDO ROAD, SOUTHGATE MICHIGAN 48195
 PHONE: (734) 258-3027
 FAX: (734) 281-6670
www.southgatemi.org

March 29, 2023

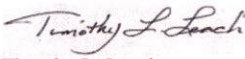
Raymond Good
 12930 Churchill
 Southgate, MI 48195

The application to install an access drive on approach, front and side yard @ 12930 Churchill has been reviewed.

This proposed site plan is not permitted as defined by Section 1292.03 (k) (6) 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 @ 734-258-3010 ext. 3131

Sincerely,


 Timothy L. Leach
 Building Inspections Director

TLL/mg

Fig. 5

005
BZA PR-25-004- Application 6/18/2025

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE
CIVIL DIVISION

RAYMOND GOOD, et al,
Appellant,

vs.

Case No. 24-007834-AV
Hon. Charlene M. Elder

**CITY OF SOUTHGATE
BOARD OF ZONING APPEALS,**
Appellee,

STAVER & ANDERSON, P.C.
By: Bryan Anderson (P77075)
Attorneys for Appellants, Raymond Good, et al
20300 Superior Road, Suite 240
Taylor, MI 48180
(734) 374-1930

ED ZELENAK (P27611)
Attorney for Appellee
2933 Fort Street
Lincoln Park, MI 48146
313-386-6400

ORDER FOLLOWING HEARING

At a session of said court held in the
County of Wayne, State of Michigan,

ON 6/10/2025

THE HONORABLE JUDGE CHARLENE M. ELDER
Circuit Court Judge

This matter having come before the Court on Appellants' Appeal; and,

The Court having considered the Briefs filed by the Appellant and Appellee and
the Court being otherwise aware of the matter now brought before the Court, and the
Appeal being decided sua sponte;

NOW, THEREFORE, IT IS HEREBY ORDERED that the case shall be
remanded back to the Appellee, City of Southgate Board of Zoning Appeals, for a de novo
hearing.

IT IS ALSO HEREBY ORDERED that the Appellee, City of Southgate Board of

005
BZA PR-25-004— Application 6/18/2025

Zoning Appeals, shall provide a court reporter to be present at and provide a transcript of the de novo hearing.

IT IS ALSO HEREBY ORDERED that the Appellants shall refile their application for approval to the City of Southgate Board of Zoning Appeals, without filing fee costs, within 60 days of the entry of this Order.

IT IS ALSO HEREBY ORDERED that the Appellants' right to appeal the decision of the Appellee at the de novo hearing to the Wayne County Circuit Court is preserved.

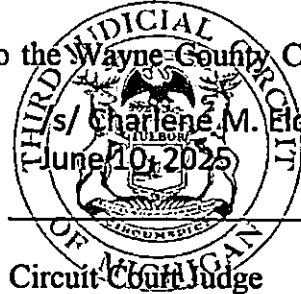

s/ Charlene M. Elder
June 10, 2025
Circuit Court Judge

Fig. 6



Carlisle | Wortman
ASSOCIATES, INC.

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

Date: July 8, 2025

VARIANCE ANALYSIS FOR THE CITY OF SOUTHGATE

APPLICANT INFORMATION

APPLICANT: Raymond and Sarah Good

ADDRESS: 12930 Churchill Street

PARCEL ID: 53-005-02-0050-000

CURRENT ZONING: R-1B, One Family Residential

ACTION REQUESTED: Variance from sections 1294.08, Access Through Yards & 1292.03, Layout, Construction, and Maintenance of Parking areas

VARIANCE REQUEST

The applicant is requesting a variance from section 1294.08, Access Through Yards and section 1292.03, Layout, Construction, and Maintenance of Parking areas for the approval of an existing fifteen (15) by forty-six (46) foot driveway extension consisting of brick pavers. The reason for extension is to provide access to the rear yard where a detached accessory structure is located on the opposite corner of the property. The site is located at 12930 Churchill Street in the R-1B, One Family Residential District, south of Brest Street between McCann Avenue and Devoe Street. The parcel is 0.27 acres and is shown in Figure 1 on the following page.

Section 1294.08 states, *“access drives may be placed in the required front or side yard so as to provide access to accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, no walk, terrace or other pavement servicing a like function, and not in excess of nine inches above the grade upon which it is placed, shall, for the purpose of this Zoning Code, be considered to be a structure, and the same shall be permitted in any required yard.”*

Section 1292.03(k)(6) states, *“Single-family residences with an attached garage on a cul-de-sac or concaved curve lot at the street property line may install a driveway as wide as the front garage wall, subject to Section 1298.04(a)(1), containing the vehicle entrance door; however, the drive must gradually taper to the City sidewalk not to exceed forty percent of the front lot width.”*

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*

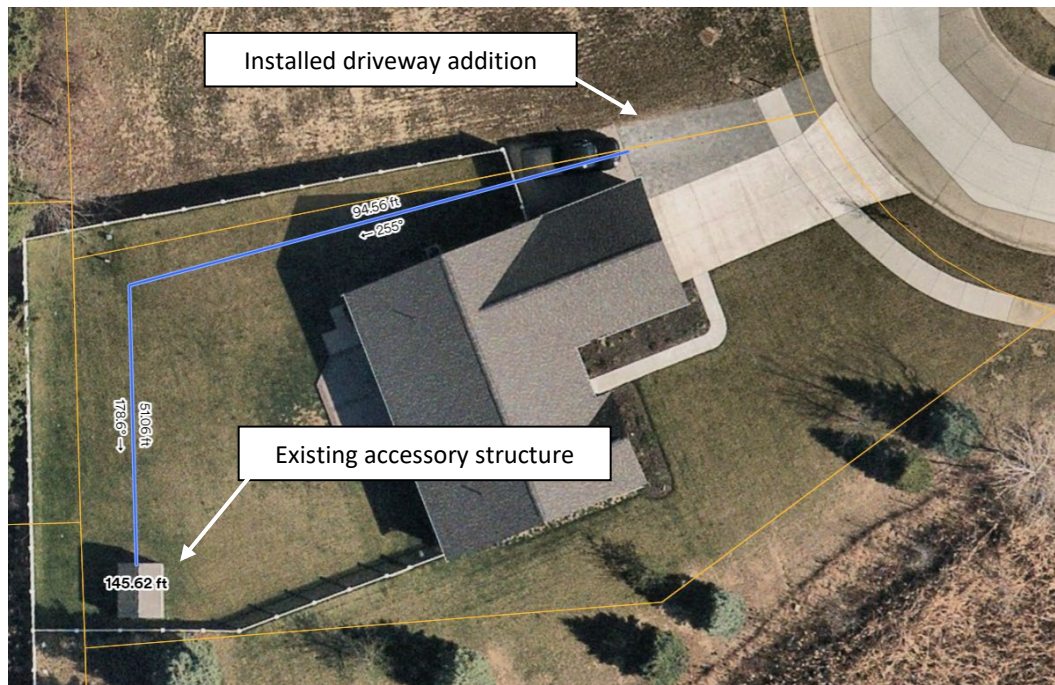
The basis for classifying the request as a driveway extension, and **not** an access drive is due to the following definition per section 1260.07, Rules of Construction; Definitions: ***"Driveway" means any area or portion of a premises, lot, parcel or yard used or proposed to be used to provide a means of ingress, egress, access and circulation of vehicles and traffic to, from and between any public or private street or road, principal or accessory building, use or structure, loading space or parking lot or space.***

Figure 1. Aerial View of Property



Source: NearMap, aerial photo date April 2025

Figure 2. Location and Distance to Accessory Structure



VARIANCE CONSIDERATIONS

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 per section 1264.06:

1. That compliance with the ordinance results in a practical difficulty.

- We find that compliance with the ordinance would not result in a practical difficulty, as the applicant would still be able to extend the driveway to the edges of the garage wall.

2. That the problem requiring the variance is unique to the applicant's property and is not shared by properties in the same zoning district.

- The problem requiring a variance is not unique to the applicant's property. There are additional properties within the R-1B District which are classified as a concave curve lot.

3. That the problem is not self-inflicted.

- The applicant installed the driveway extension in 2024 without proper approval from the City Building Department, thus making the problem self-inflicted.
- The applicant built the accessory building in the southwest portion of the property, preventing practical access from the driveway.

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

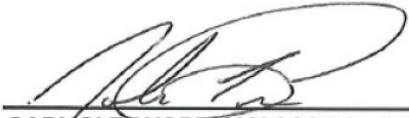
- We do not find this is the minimum variance necessary. Adequate parking space could be provided if section 1292.03(k)(6) were to be followed.
- Even if the variance were granted, the applicant still has approximately 145 feet of lawn space before the accessory structure could be accessed.

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

- The requested variance, if granted, has the potential to impact the overall health, safety, and welfare of the public, as the installed addition can lead to greater stormwater runoff on the adjacent property and parked vehicles on a property line within the side yard setback.
- The City has uniformly denied similar requests of driveway extensions in connection to the preservation of public health, safety and welfare of its residents.
- The illegally installed driveway extension is currently impeding a drain easement located on the northern portion of the property.

RECOMMENDATION

We recommend denial of the requested variance based on the request being unable to meet all the required criteria of section 1264.06 mentioned above.



CARLISLE/WORTMAN ASSOC., INC.
John L. Enos, AICP
Vice-President



CARLISLE/WORTMAN ASSOC., INC.
Joe Pezzotti
Community Planner

Approval:

Board of Zoning Appeals Comment: The Board of Zoning Appeals approves the requested variance for the residence located at 12930 Churchill based on all the criteria of section 1264.06 being satisfied.

Moved by _____, supported by _____, to approve requested variance due to all requirements of section 1264.06 being met.

Denial – Action Chosen

Board of Zoning Appeals Comment: The Board of Zoning Appeals denies the requested variance for the residence located at 12930 Churchill based on the following criteria of section 1264.06 not being satisfied:

Moved by Foucher, supported by Orman, to deny requested variance due to conflict with requirements a through e of section 1264.06.

- (a) We find that compliance with the ordinance would not result in a practical difficulty, as the applicant would still be able to extend the driveway to the edges of the garage wall.
- (b) The problem requiring a variance is not unique to the applicant's property. There are additional properties within the R-1B District which are classified as a concave curve lot.
- (c) The applicant installed the driveway extension in 2024 without proper approval from the City Building Department, thus making the problem self-inflicted.
- (d) We do not find this is the minimum variance necessary. Adequate parking space could be provided if section 1292.03(k)(6) were to be followed.
- (e) The requested variance, if granted, has the potential to impact the overall health, safety, and welfare of the public, as the installed addition can lead to greater stormwater runoff on the adjacent property and parked vehicles on a property line within the side yard setback.

Additional Findings:

- (f) The BZA finds that the alleged "access drive" is a drive to nowhere, and is merely a ruse to widen and extend the existing driveway
- (g) The BZA further finds that the applicant has not been denied equal protection under the codified ordinances. The BZA denies the application for variance based upon review of the facts, circumstances and findings enunciated herein.