

March 24, 2023

City of Lathrup Village
Zoning Board of Appeals
27400 Southfield Road
Lathrup Village, MI 48076

ZBA Review

Site: 26710 Meadowbrook Way
Applicant: Charles Dotson, Jr.
Plan Date: January 23, 2023
Zoning: R-1 Single-Family Residential
Parcel ID: 24-23-230-037



Dear Zoning Board of Appeals:

We have reviewed the request for variance referenced above and a summary of our findings is below.

SUMMARY OF FINDINGS

Existing Conditions

1. **Summary.** The subject property is located west of Southfield Road, south of I-696 and at the southeast corner of Meadowbrook Way and Ramsgate Drive. The property is zoned R-1 Single-Family Residential, contains an existing single-family home, abuts other R-1 zoned parcels, and only takes vehicular access from Meadowbrook Way. The property owner proposes an accessory building (storage shed) on the northeast side of the property.

Upon first review of the plans, it was revealed an existing, detached storage building at the southeast corner of the property, did not receive proper permitting when erected in years past. Additional information pertaining to the size and use of the building has been provided and is explained in further detail below.

2. **Variances Requested.**

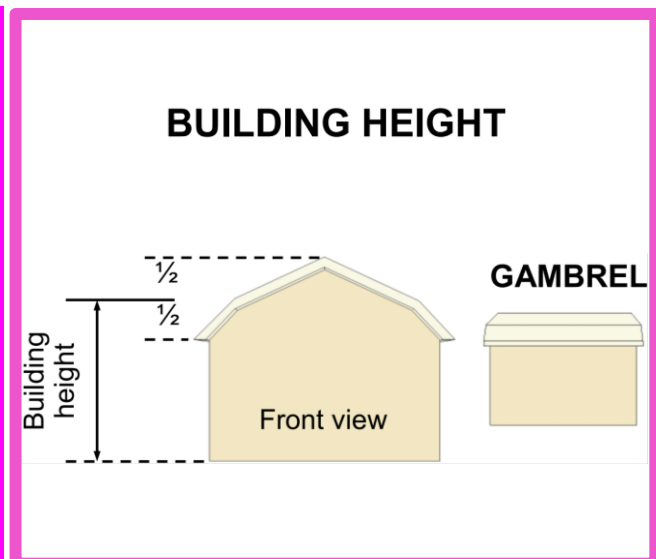
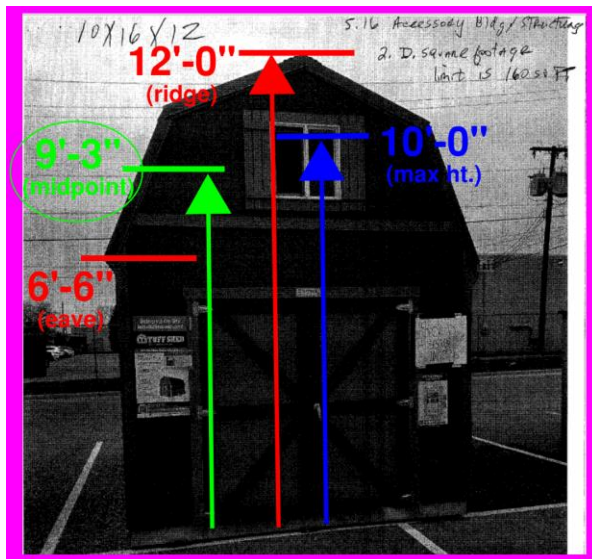
- 1) To allow an accessory building (proposed shed) to be (partially) located in a front yard (Sec. 5.16.1.B.).
- 2) **Yard, Front.** An open space extending the full width of the lot, between the front lot line and the front of the main building, and unoccupied from the ground upwards by any structures other than those expressly permitted by this ordinance (see yard determination graphic below).
- 2) To allow an accessory building of greater floor area than 100 square feet (160 square feet) to not be installed on a 4-inch-thick concrete foundation slab (5.16.1.F.).

- 3) To allow an existing accessory building (shed) to be 240 square feet in lieu of the 160 square feet maximum allowed on a lot. Together, both sheds will amount to 400 square feet of accessory building space: 240 square feet beyond the permitted area.
- 4) To allow an existing accessory building (shed) to be located 5 ½ feet from the east property line in lieu of the 9 ½ feet minimum required by the ordinance.
- 5) To allow an existing accessory building (shed) to be built without a concrete slab foundation as required by the ordinance.

3. Dimensional Standards				
Development Standard	Zoning Ord. Section	Required	Provided	Comments
PROPOSED ACCESSORY BUILDING (SHED)				
Front setback (Ramsgate Drive)				
District minimum	3.1.2.D.	40 ft.	42 ft.	Compliant ₁
Pr. Accessory building	5.16.1.B.	Not in front yard	In front yard	Not Compliant ₁
From main building	5.16.1.C.	10 ft. minimum	63 ft.	Compliant ₂
Front setback (Meadowbrook Way)				
District minimum	3.1.2.D.	40 ft.	N/A	Not Applicable
Side setback (east)				
District minimum	3.1.2.D.	5 ft. one side	28 ft.	Compliant ₂
	5.16.1.B.	15 ft. total		
Structural standards				
Maximum height	5.16.2.C.	10 ft.	9 ft.-3 in.	Compliant ₃
Foundation	5.16.1.F.	Concrete slab	None proposed	Not Compliant ₄
Building size	5.16.2.D.	≤ 160 square feet	160 square feet	Not Compliant ₅
EXISTING ACCESSORY BUILDING (SHED)				
Side setback (south)				
District minimum	3.1.2.D.	5 ft. one side	5 ½ ft.	Compliant ₆
	5.16.1.B.-C.	15 ft. total		
Side setback (east)				
District minimum	3.1.2.D.	5 ft. one side	5 ½ ft.	Not Compliant ₆
	5.16.1.B.-C.	15 ft. total		
Accessory Building Use				
	5.16.1.G.	No dwelling units	Not a dwelling unit	Compliant ₇
Structural standards				
Maximum height	5.16.2.C.	10 ft.	9 ft. to roof eave	Not Compliant ₈
Foundation	5.16.1.F.	Concrete slab	Deck blocks	Not Compliant
Building size	5.16.2.D.	< 160 square feet	240 square feet	Not Compliant ₅

*Numbered subscript comments from the above table are listed on the following page (comments 1 through 8).

1. The front yard along Ramsgate Drive extends beyond the 40 ft. minimum setback requirement, as well as the 42 ft. proposed placement of the shed. Therefore, the shed will encroach into the designated front yard along Ramsgate Drive. As required by the ordinance, the proposed shed should be setback no closer to Ramsgate Drive than the existing house which defines the front yard line (see yard determination graphic below).
2. The proposed shed is dimensioned to be 63 feet from the main home and 28 feet from the east side property line. Based on the scaled dimensions determined during review, the side setback appears to be greater than 28 feet.
3. While the roof ridge of the pre-manufactured shed is 2 feet above the maximum 10 feet permitted, the maximum building height is measured as the midpoint between the roof eave and roof ridge, which is 9'-3". See graphic below.
4. The proposed structure must be placed on a 4-inch slab. A form inspection is required prior to installing the required cement slab.
5. The proposed shed is 10' x 16' (160 square feet) and is the maximum size for all accessory structures on a single lot. The existing shed is 12' x 20' (240 square feet) and exceeded the maximum size for all accessory structures on a single lot by 80 square feet. Together, the two accessory buildings amount to 400 square feet.
6. The applicant states the existing shed is setback 5 ½ feet from both the east and south property lines. We note, parcel number 24-23-230-039 (2554 Meadowbrook Way) is under common ownership with the subject site. There does not appear to be utility easements along the east or south property line; however, to comply with side yard setback requirements, one of the setbacks is required to be a minimum of 9 ½ feet, or a total of 15 feet for both side setbacks.
7. The floor plan, as verified by the applicant, is open and does not include any component of a habitable dwelling unit (kitchen, bathroom, bedroom, etc.). The building is served by an electrical connection but no plumbing or mechanical features.
8. While the total height has not been verified, the plans dimension the height of the walls to be 9 feet. Maximum building height is measured to the midpoint of the roof, so ***the applicant shall provide the remaining height dimensions in order to verify the height of the building. If the maximum height exceeds 10 feet, an additional variance request will be added to the ZBA application.***



Yard Determination Graphic & Location of Proposed Storage Shed

**The location of the proposed shed is approximate, based on the dimensions provided in the application.*



4. **Standards for Considering Variance Requests.** Section 7.7.14. provides the criteria for the applicant to present and the ZBA to consider when considering variance requests:
- A. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship will result to the applicant if the strict letter of the regulations are carried out. Mere inconveniences or increased development costs shall not be deemed hardships under the terms of this provision.
 - B. The factual circumstances upon which an application for a deviation is based are unique to the property for which the deviation is sought, and are not applicable to the city generally, or to other property within the same zoning classification.

- C. Any alleged practical difficulty or unnecessary hardship caused by this ordinance has not been created by any persons presently or previously having an interest in the property.
- D. The proposed deviation will not adversely affect the purpose or objectives of this ordinance, nor impair the adequate supply of light and air to adjacent property, nor increase the hazard from fire, flood, and other dangers of said property, nor diminish the marketable value of adjacent lands and buildings, nor increase the congestion in public streets.
- E. The proposed deviation will not otherwise impair the public health, safety, comfort, and general welfare.
- F. The benefit to the applicant will be real and substantial and any detriment to the neighboring property owners and occupants or the community at large is not substantial or is illusory. Benefits and detriments shall be determined in relation to the factors which impair the value and use of properties as related in D & E, above.
- G. The applicant is both willing and able to provide additional amenities beyond those minimally required by this ordinance and/or restrict the use of the property beyond those limitations placed on the property by this ordinance so that the fair market value of neighboring properties will be enhanced beyond the values which would accrue to them if the property were developed and used in strict conformity with the ordinance.
- H. The same or a substantially similar request shall not have been presented to the council in the form of a petition for a zoning amendment and been expressly denied and rejected after a public hearing.
- I. Any special criteria listed for specific deviations in Sections 3.2.2, 4.1.4, and 5.13.15. *This does not appear to apply for this situation.*



The application for zoning appeal includes responses to some of the above items for ZBA consideration.

Staff will be available to discuss this review at the next ZBA meeting.

Respectfully,
Giffels Webster



Jill Bahm, AICP
Partner



Eric Pietsch
Senior Planner