

January 13, 2021

ZBA Review

Waiver of Parking Lot Screening

Address:	27215 Southfield Road	Applicant:	Ramil Yusubov
Parcel ID:	24-14-483-016	App. Date:	12-17-2020
Zoning:	MX-Mixed Use District	Reviewer:	Sri Ravali Komaragiri Jill Bahm

Proposed Improvements Requiring ZBA Approval

The applicant is seeking a variance to the required masonry screen wall to screen the parking lot from the adjacent residential district.

General Site Information:

- 1. Summary.** The subject property (0.413-acre) is located on the west side of Southfield Road between Cambridge and Sunnybrook and is zoned MX – Mixed-Use District. The subject site is currently developed with a 3,402-square foot office building. The applicant is proposing to use the property as a portable MRI facility, with the MRI trailer on site two-three days/week. There are no other uses proposed on the site at this time. The building fronts on Southfield Road and is 94 feet long. The applicant is requesting a deviation from the zoning standards to install a combination of a six-foot-tall brick wall and existing/proposed trees in lieu of a required continuous screen wall to screen the parking lot from the adjacent residential district.
- 2. Variances Requested. Screen Wall.** Section 5.5 of the zoning ordinance outlines barrier wall requirements for MX lots that abut residential (R-1 or R-2) lots. Section 5.5 of the zoning ordinance outlines barrier wall requirements for MX lots that abut residential (R-1 or R-2) lots. **The applicant is proposing a mix of a screen wall and evergreen trees (5 feet at the time of planting) to address this requirement. The applicant has provided a letter from the adjacent resident who strongly prefers landscape screening instead of a screen wall.**

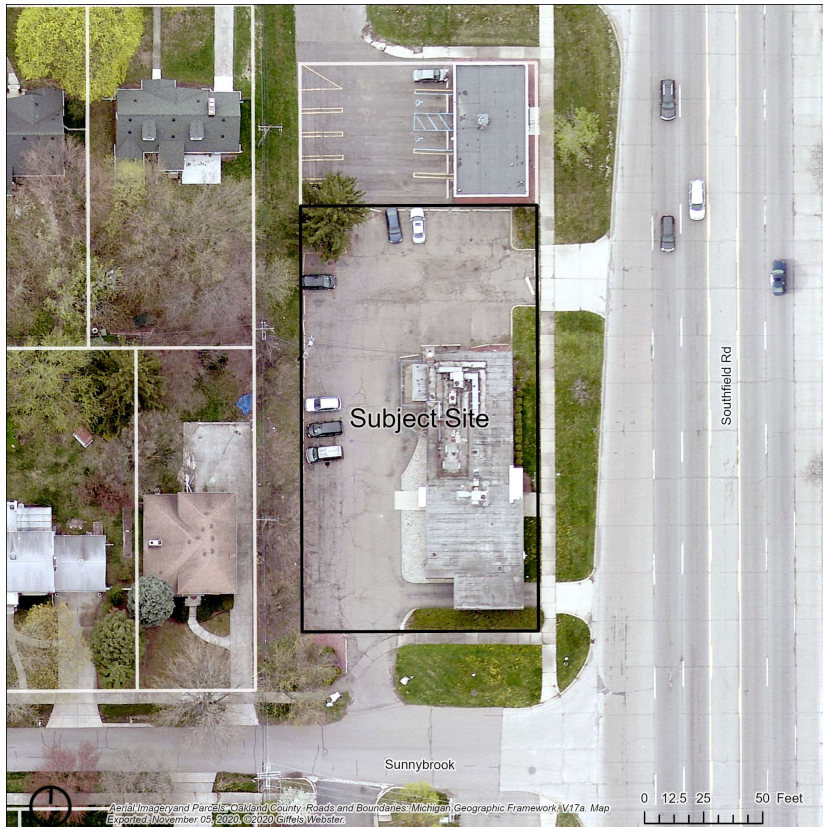
The building official may provide for minor deviations from the foregoing specifications as provided in Section 6.1.B. However, the proposed deviation is not minor and is subject to the approval of a dimensional variance by the ZBA. **The applicant’s cover letter also refers to two additional limitations from complying with the ordinance requirements for the proposed alternative screening option: 1) The removal or relocation of existing DTE poles and wires and 2) the removal of existing mature trees which could be located on neighboring residents' property.**

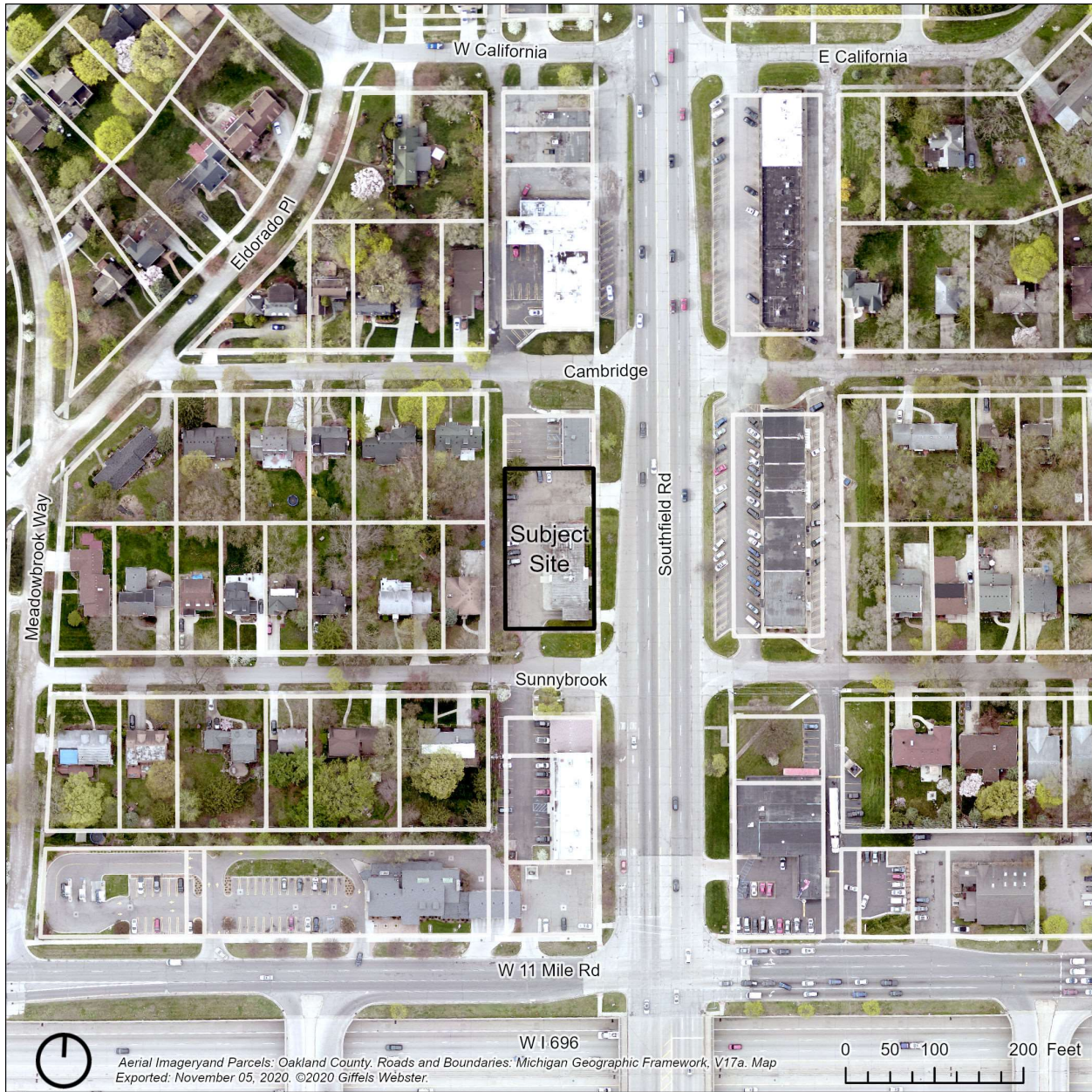
- 3. Encroachment License and City Council Approval.** The ordinance requires the screenwall to be placed on the property line, and on the R-1 side of an alley when present. This alley is unpaved at present. The applicant’s plan proposes to install evergreen trees within the public alley right-of-way. Few of those trees are located farther into the alley ROW to avoid conflict with the existing DTE poles. The applicant notes that the layout of parking on the subject property does not allow space for planting on site. **The planting of trees in the public right-of-way would require City Council approval and an encroachment license. Any potential approval of the variances by the Zoning Board of Appeals shall be subject to City Council approval of proposed trees within the alley.**

- 4. Planning Commission Approval.** On December 15, 2020, the Planning Commission reviewed the site plan request for the portable MRI facility and recommended approval subject to the approval of the variance for an alternative to the screen wall by the ZBA along with certain site landscape improvements. The applicant noted that the hours of operation of the truck are 7 am to 8 pm. The lighting from the truck entrance will be directed towards the building.



Existing vegetation at the edge of parking abutting a residential district





The alleys in the blocks north and south of the subject site are paved; the alley between Cambridge and Sunnybrook are unpaved.

ZBA Considerations for Review

5. **Standards for Considering Variance Requests.** Section 7.7.14. provides the criteria for 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.*

We are available to answer questions

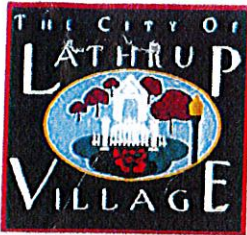
Respectfully,
Giffels Webster



Jill Bahm, AICP
Principal Planner



Sri Ravali Komaragiri, AICP, LEED Green Associate
Senior Planner



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

Phone: (248) 557-2600
 Fax: (248) 557-2602

A HERITAGE OF GOOD LIVING

Office Use Only

Date Submitted: _____
 ZBA Review #: _____
 Fee Paid: _____
 Hearing Date: _____

Application for Zoning Appeal

Subject Property Address: **27215 SOUTHFIELD ROAD**

Subject Property Parcel Number: **24-14-483-016**

Property Zoning: **MX - MIXED USE DISTRICT**

Applicant Information

Name: **RAMIL YUSUBOV 27215 SOUTHFIELD RD. LLC**

Address: **27215 SOUTHFIELD RD. LATHRUP VILLAGE** State: **MI** Zip Code: **48076**

Phone Number: **917-633-4444** Fax: **-**

Email Address: **RAMIL@FOCUSMRI.COM**

Interest in Property: **LANDLORD (OWNER)**

Property Owner Information

Name: **27215 SOUTHFIELD RD. LLC - RAMIL YUSUBOV**

Address: **27215 SOUTHFIELD** State: **MI** Zip Code: **48076**

Phone Number: **917-633-4444** Fax: **-**

Email Address: **RAMIL@FOCUSMRI.COM**

Variance Information (Attach Additional Pages as Necessary)

1) Section:	5.5	Variance Description:	SOLID FENCE OR SOLID LANDSCAPE
2) Section:		Variance Description:	INSTEAD OF SCREEN WALL
3) Section:		Variance Description:	

Please State the Reason for Requesting an Ordinance Variance: **SEE ATTACHED VARIANCE DESCRIPTION, REASON, PHOTOS & NEIGHBOR LETTER**

Required Items

Prior to 30 Days before next scheduled regular meeting of the Zoning Board of Appeals the applicant is required to file 10 copies of plans containing the following items with the Clerk's Office:

- An application fee for a Zoning Appeal. \$125.00 for Residential Parcels and \$200 for all other Parcels
- Actual shape and dimensions of the lot, Drawn to Scale
- The location and dimensions of all existing structures and the location and dimensions of the proposed change (i.e. new structure or alteration of existing one).
- Existing and intended use for each building or part thereof.
- Statement of practical difficulties that prevent conformities with the Ordinance Requirements
- Description of any unique circumstances regarding the property (i.e. parcel shape, location, building, etc)

Application for Zoning Appeal

The Zoning Board of Appeals has the responsibility for making the decision to approve or deny your appeal. Information such as photographs, evidence that you have discussed your appeal with your neighbors, detailed plans, examples of the type of building, structure or the like will provide a better basis for review and understanding of your appeal. Failure to provide adequate specifics and details will result in a refusal by the City staff to accept your application and delay your appearance before the Zoning Board of Appeals.

Standards Used by the Zoning Board of Appeals for Granting Variances

The Zoning Board of Appeals will use the following standards for granting variances. The Applicant is encourage to review Article 7.0 of the Zoning Ordinance prior to appearing before the Board.

Article 7.0, Section 7.7(14) Deviations and Standards

- 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
- 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 an 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 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) and (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 elsewhere in this ordinance.

Verbatim Minutes

If any party desires that a verbatim record be kept, \$200.00 shall be paid by the requesting party before the evidentiary portion of the hearing commences. The city shall refund such amount of the fee paid as exceeds the city's actual costs when the proceedings have been completed.

Owner's Affidavit

The undersigned being duly sworn, deposes and says that the foregoing statements and answers herein contained and supporting information and data are in all respects true and correct to the best of the Owner's knowledge and belief.

Signature:	<i>Barbara M. Watson</i>	Date:	12/17/2020
Subscribed and sworn to before me this:	SEVENTEENTH	Day of	DECEMBER, 2020
Notary Public Name:	BARBARA M. WATSON	County of:	WAYNE ACTING IN OAKLAND
With Commission to expire on:	SEPTEMBER 11, 2027		

Applicant Signature

I/We do hereby swear that the above stated information is accurate and complete.

Name:	<i>Ramil Yusubov</i>	Date:	12-17-2020
Signature:	<i>[Signature]</i>		

BARBARA M WATSON
Notary Public - State of Michigan
County of Wayne
My Commission Expires Sep 11 2027

Lathrup Village Zoning Appeal: 27215 Southfield Road

The Planning Commission, at its December 15, 2020 meeting indicated that a zoning variance will be necessary to **Section 5.5 "Protective or Barrier Walls Required"**.

Reason for Requesting an Ordinance Variance:

The subject property is zoned MX Mixed Use and abuts an R-1 Residential District continuously along its 180 foot long west property line with an existing chain link fence from the northwest corner and stopping approximately 24 feet from the southwest corner.

There are two DTE poles within 12 inches of the west property line in the alley, each with a guy wire running to the north. The north DTE pole has a 16'-4" long guy wire and the south DTE pole has a 26'-0" long guy wire. These will block wall construction along the property line.

At approximately six locations along the property line there are mature trees or clumps of trees and bushes that are growing on the fence line or very close to it. These provide a green barrier between the properties. Constructing a wall would require their removal.

The R-1 property owner along the south 115 feet of the west property line has written a letter (see attached letter) objecting to the construction of a masonry wall because of its appearance, and that it would obstruct his view and provide a safety issue for him.



To Whom It May Concern:

My name is Christopher Jones and I am the homeowner located at 18120 Sunnybrook Ave. It is my understanding that there is a wall that has been proposed on my property line. I am writing to address my concerns and am more than willing to schedule a visit to discuss.

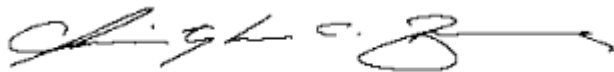
As it has been explained to me city ordinance which is being applied in the case of new ownership requires a solid barrier along the property line. If you review this carefully you will notice this means the proposed wall would run from the sidewalk beyond my northern property line. I feel as though this creates several inconveniences for me as a homeowner. My primary concerns are as follows:

- Obstruction of view when backing out my driveway which is less than 30" from property line
- The safety risk of having a complete blind spot running the length of my property
- Is an ugly wall that was not there when purchased my property going to impact the VALUE of my property

I am more than willing to allow a fence to be erected replacing the current chain fence. The owners of the commercial property and myself have already discussed building a privacy fence together. But I do not want that fence running any further, nor do I think it makes business sense for the owners, or aesthetic sense for my street to run a wall to the sidewalk.

The idea is gaudy, provides no benefit to me as a homeowner and as a Lathrup Village taxpayer I think my voice should be considered in the decision-making process of what impacts my immediate surroundings.

Yours Truly,

A handwritten signature in black ink, appearing to read 'Christopher Jones', written in a cursive style.

Christopher Jones
18120 Sunnybrook Ave
Lathrup Village, MI 48076
3133732529

Life Center Adaptive Reuse

Revised SPA and Building Permit - November 30, 2020

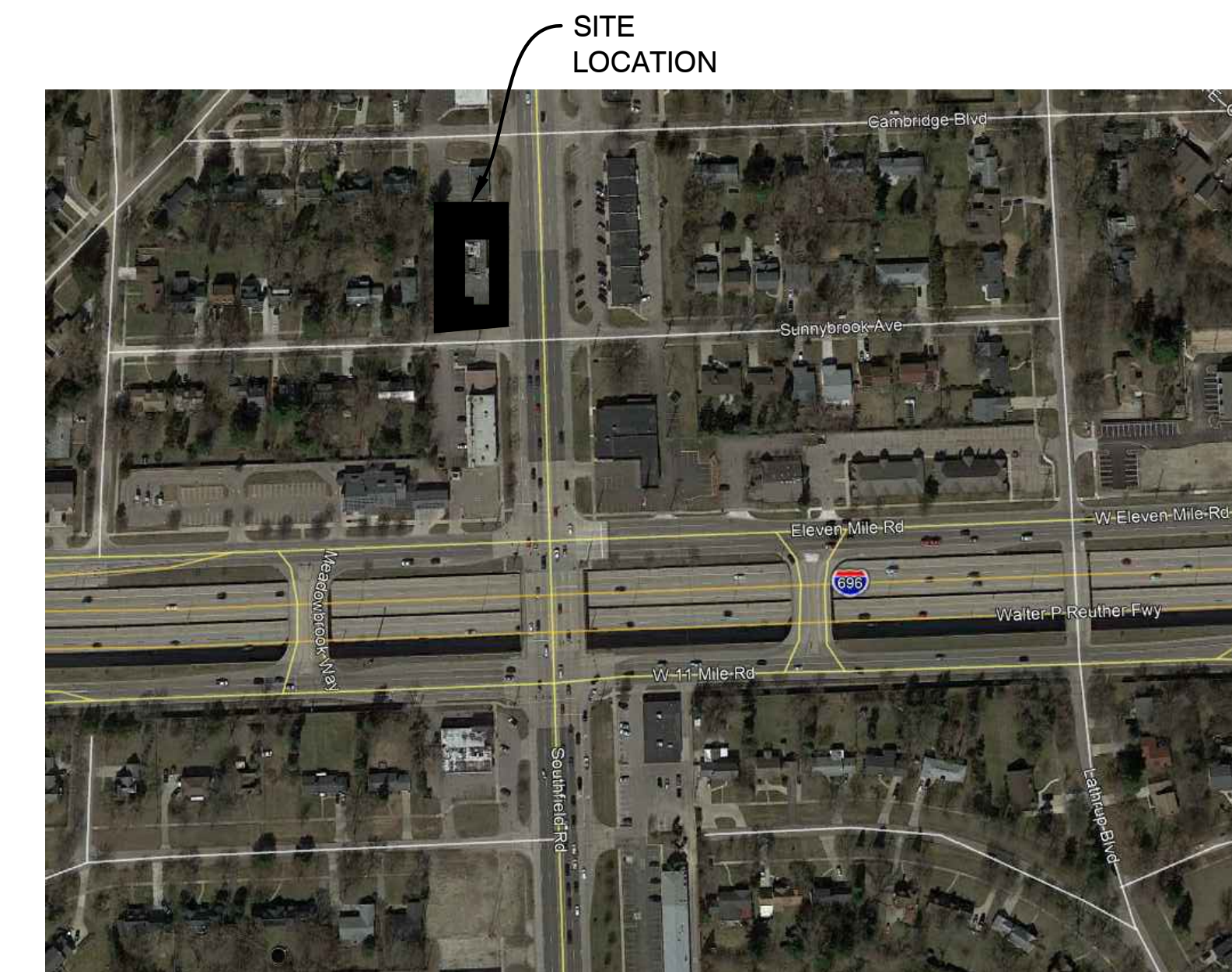
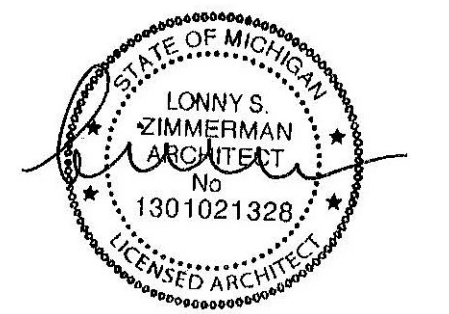
27215 Southfield Rd.
Lathrup Village, MI
48076



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ARCHITECTS &
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29200 northwestern hwy
suite 160
southfield, mi 48034

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f • 248 • 352 • 0088
www.sta-architects.com



SITE LOCATION MAP

project name:
Life Center
Adaptive Reuse

project location:
27215 Southfield Rd,
Lathrup Village, MI
48076

date/revision:
■ Nov. 6, 2020
■ Nov. 11, 2020
■ Nov. 25, 2020
■ Nov. 30, 2020 - Revised SPA
& Building Permit

sheet title:

Cover Sheet

project number:

2527

sheet number:

A.0

ARCHITECT:

SIEGAL/ TUOMAALA ASSOCIATES
ARCHITECTS & PLANNERS INC.

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OWNER:

MR. RAMIL YUSUBOV
27215 Southfield Rd. LLC

27215 Southfield Rd
southfield, mi 48076
p • 917 • 633 • 4444

SHEET INDEX:

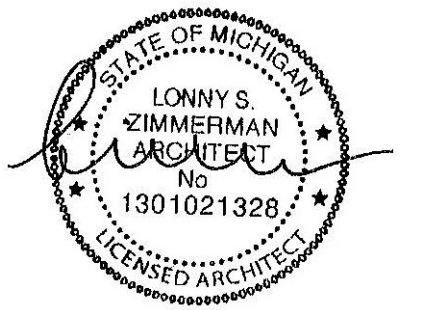
A.0	Cover Sheet
SITE-1	Existing Conditions Plan
SITE-2	Proposed Site Plan (Including Landscape)
A.101	Floor Plan
A.102	Reflected Ceiling Plan and Interior Elevations
A.103	Existing Building Elevations



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sheet title:
Floor Plan

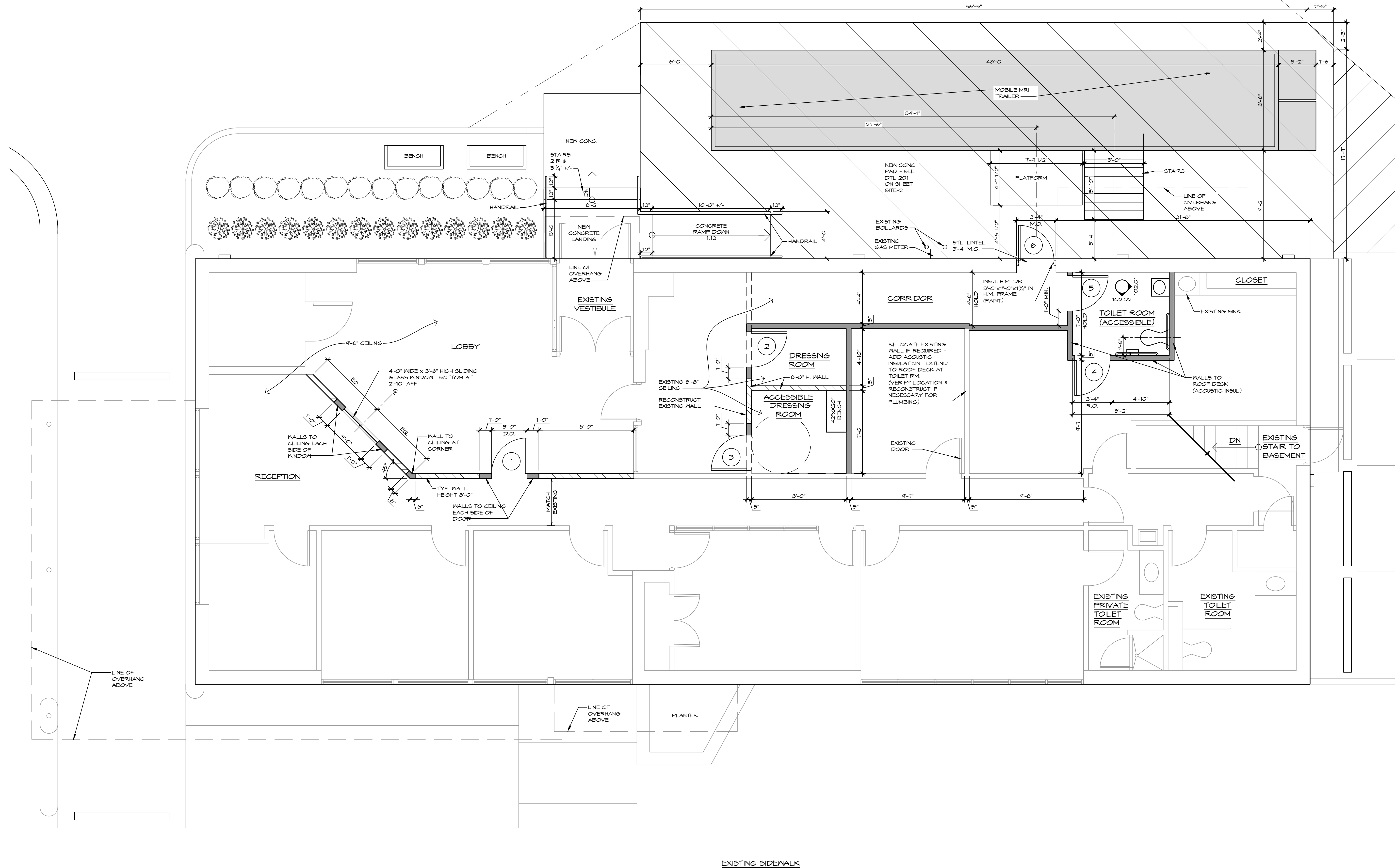
project number:

2527

sheet number:

A.101

copyright 2020



DOOR HARDWARE SCHEDULE

DOOR NO.	HARDWARE
1	B, E, F, G
2	B, E, H
3	B, E, H
4	C, E, F, H
5	C, E, F, H
6	D, E, F, I

HARDWARE (ALL HARDWARE ACCESSIBLE)

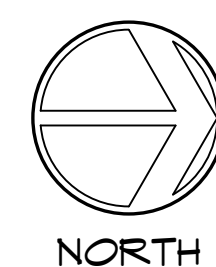
A	PASSAGE SET
B	OFFICE - LOCKSET
C	PRIVACY SET
D	MORTISE SET
E	3 HINGES (BALL BEARING)
F	GLOSER
G	FLOOR STOP
H	WALL STOP
I	KICKPLATE (PUSH SIDE)

WALL LEGEND

- NEW WALL TO CEILING UNLESS NOTED TO ROOF DECK
- NEW 8'-0" HIGH WALL
- EXISTING WALL TO REMAIN
- REMOVE EXISTING WALL

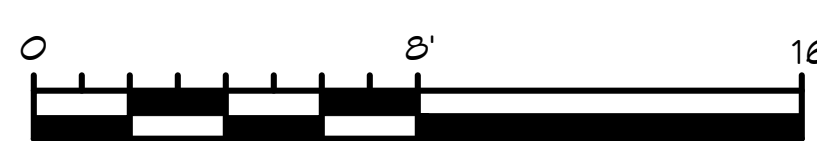
NOTES:

- WALLS 3/4" GYP BD EA SIDE OF 3 1/2" MTL STUD @ 16" O.C. UNLESS NOTED OTHERWISE (UNO)
- TYPICAL NEW WALLS TO CEILING UNLESS NOTED OTHERWISE
- DOORS TO MATCH EXISTING 3'-0" X 7'-0" X 1 1/2" S.G. INOOD (UNO) COORD W/ GENERAL CONTRACTOR.
- PANT WALLS (UNO)
- NEW ACOUSTIC CEILING PER OWNER
- FLOORING PER OWNER
- MOUNTING HEIGHTS OF ALL NEW ACCESSIBLE TOILET ROOM FIXTURES PER MICH BUILDING CODE
- INSULATE NEW TOILET ROOM WALLS AND CEILING



Floor Plan

SCALE: 1/4" = 1'-0"

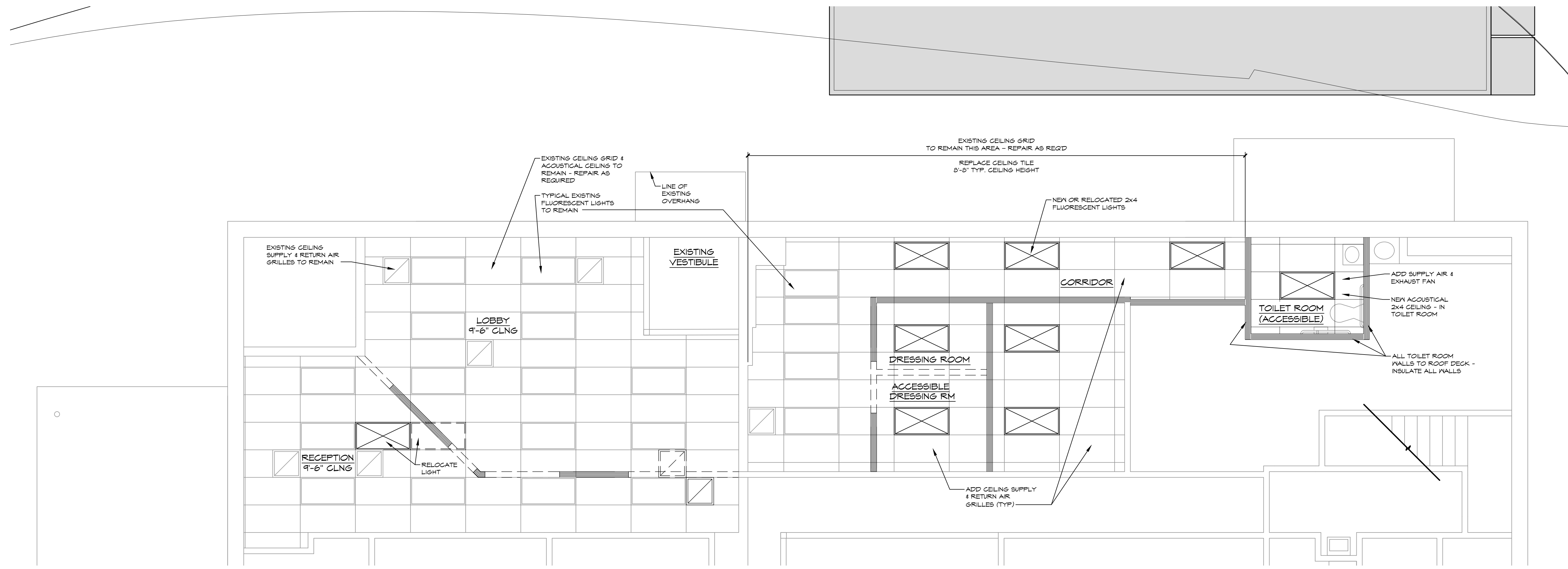
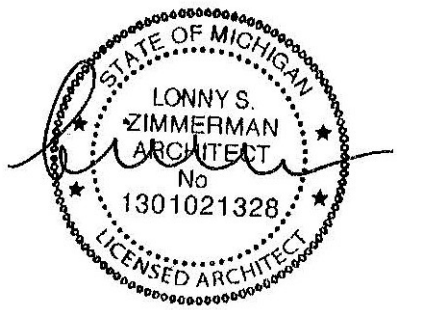




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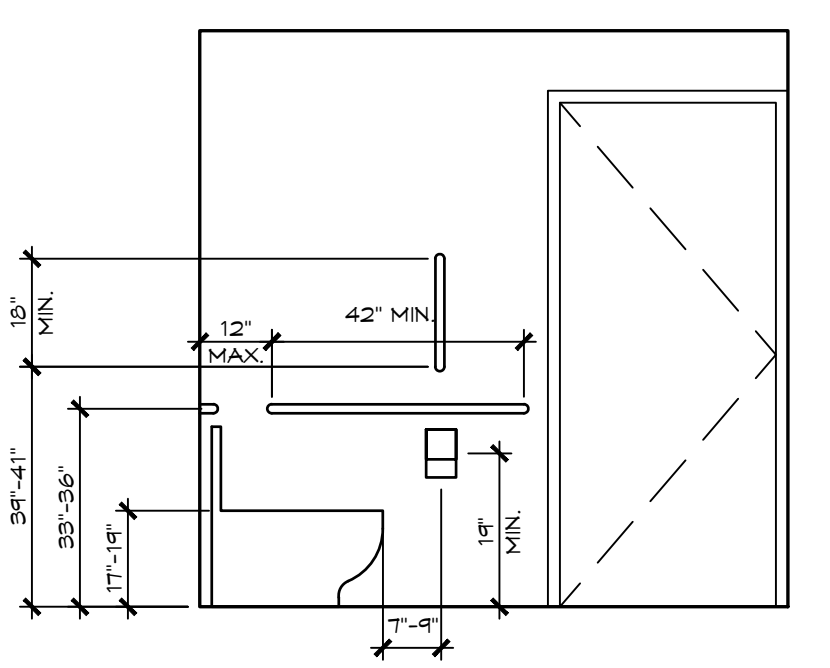
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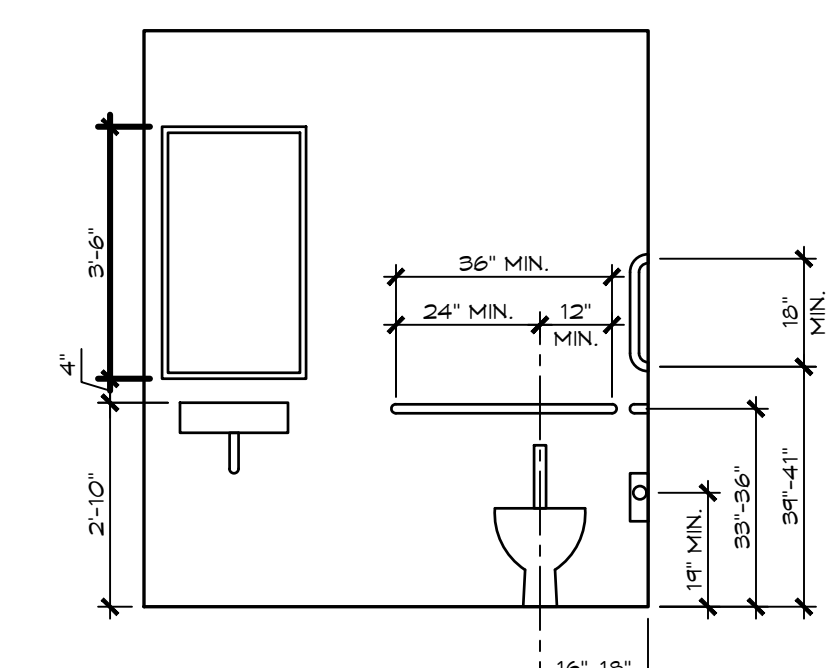
WALL LEGEND

- NEW WALL TO CEILING UNLESS NOTED TO ROOF DECK
- NEW WALL WITH TOP @ 8'-0" AFF - OPEN ABOVE



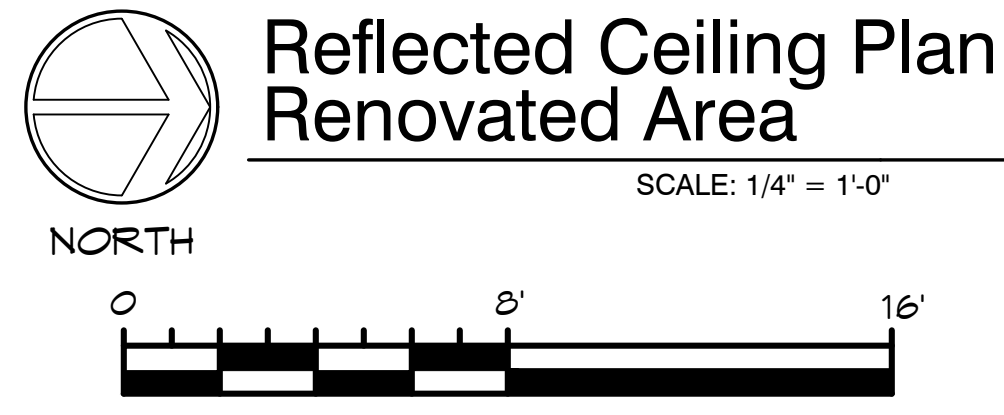
**Toilet Room
East Elevation**

102.02
101 SCALE: 3/8" = 1'-0"



**Toilet Room
North Elevation**

102.01
101 SCALE: 3/8" = 1'-0"



project name:
**Life Center
Adaptive Reuse**

project location:
27215 Southfield Rd,
Lathrup Village, MI
48076

date/revision:
 ■ Nov. 6, 2020
 ■ Nov. 30, 2020 - Revised SPA
 & Building Permit

sheet title:
**Reflected Ceiling
Plan and Interior
Elevations**

project number:
2527

sheet number:

A.102

