

**MINUTES
CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS
FARMINGTON HILLS CITY HALL
AUGUST 12, 2025 – 7:30 PM**

1. CALL MEETING TO ORDER

Chair Irvin called the meeting to order at 7:30pm and made standard introductory remarks explaining the role of the ZBA and the formal procedures of the meeting.

2. ROLL CALL

Members Present: Banks (alt.), Injeti (alt., arr. 7:42pm), Irvin, Khan, Lindquist (arr. 7:32pm), O'Connell, Rich

Members Absent: Jamil, Vergun

Others Present: Zoning Supervisor Randt, City Attorney Morita, Recording Secretary McGuire

3. APPROVAL OF AGENDA

**MOTION by Rich, support by O'Connell, to approve the agenda as submitted.
Motion carried unanimously by voice vote.**

4. NEW BUSINESS:

A. ZBA CASE: 8-25-5759

LOCATION: 31539 West 13 Mile Road

PARCEL I.D.: 23-10-227-019

ZONE: B-3

REQUEST: In order to build an addition onto a legally non-conforming building with a 15.75-foot setback when a 20-foot setback is now required, and which addition increases its non-conformity, the following variances are requested: 1. A 12-foot 4-inch variance to the required 20-foot rear yard setback requirement. 2. A variance from the requirement that no structure shall be enlarged or altered in a way which increases its nonconformity.

CODE SECTION: 34-3.1.25.E, 34-7.1.3.A

APPLICANT/OWNER: Jerry Che

Zoning Supervisor Randt reviewed the documents in the submittal package and presented the facts of the case. The property in question is located on the south side of 13 Mile Road just west of Orchard Lake Road in the B-3 zoning district. The applicant wishes to construct an addition to the building.

Jerry Che, Owner, was present on behalf of this variance request, which was need in order to place a combination walk-in cooler and freezer at the rear of the building. The cooler (10x6) and freezer (8x6) would be connected to the building by a small vestibule (10x10).

Mr. Che explained that a fire nearly a year ago required a rebuild to current standards, resulting in loss of kitchen space, and relocating the cooler outdoors would free up essential food preparation areas inside.

In response to questions, Mr. Che explained that:

- Deliveries would come directly into the vestibule and cooler from outside, instead of entering through the rear door. The existing rear door would be removed and replaced with a new door into the vestibule. The back wall would not otherwise be reconstructed.
- The dumpster is located on the west side of the building, not directly behind, and is accessible from the front of the property.

Chair Irvin opened the floor to public comment; no public indicated they wished to speak. Member Rich reported that there was an affidavit of mailing with two undeliverable notices. Additional inter-office correspondence included input from the fire department and other internal correspondence. No further correspondence was received.

Chair Irvin closed public comment and opened the floor to board discussion and/or a motion.

MOTION by O'Connell, support by Banks, that in the matter of Case 8-25-5759, in order to build an addition onto a legally non-conforming building with a 15.75-foot setback when a 20-foot setback is now required, and which addition increases its non-conformity, the petitioner's request for the following variances be granted:

1. **A 12-foot 4-inch variance to the required 20-foot rear yard setback requirement.**
2. **A variance from the requirement that no structure shall be enlarged or altered in a way which increases its nonconformity.**

Because the petitioner did demonstrate practical difficulties exist in this case in that he set forth facts which do show that:

1. **Compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome.**
2. **That granting the variance requested would do substantial justice to the petitioner as well as to other property owners in the district or that a lesser relaxation than that relief applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.**
3. **That the petitioner's plight is due to the unique circumstances of the property.**
4. **That the problem is not self-created.**

With the following conditions:

- **The project will be constructed as designed and presented to the Zoning Board of Appeals this evening.**

And based on the following findings:

- **A wall is located directly behind the business structure, and the Fire Marshall has not indicated that the proposed reduction in space between the building and the wall would create any concerns.**
- **This wall also serves as an effective buffer between the subject property and the adjacent residential property, further reducing the likelihood of any impact or interference with the neighboring property.**

- **The hardship is not self-created. The applicant's building was already non-conforming when it suffered damage from a structure fire. Reconstruction must comply with updated building and accessibility codes, resulting in the loss of significant interior space needed for the restaurant's operations. To remain functional and code-compliant, the applicant requires additional storage space both inside and outside the building. Without the requested variances, the building would not be usable for its intended purpose, making strict application of the ordinances self-defeating in this unique circumstance.**

Motion passed 7-0 by voice vote.

B. ZBA CASE: 8-25-5760

LOCATION: 38200 Grand River Avenue

PARCEL I.D.: 23-19-451-049

ZONE: B-3, FRW-2

REQUEST:

1. **An appeal from the City Planner's determination that the building located at 38200 Grand River cannot be used as a used car dealership because it does not have all of its public street frontage on Grand River Avenue; or in the alternative,**
2. **A variance from the ordinance so that the building located at 38200 Grand River can be used as a used car dealership even though it does not have all of its public street frontage on Grand River Avenue.**

CODE SECTION: 34-4.36.2, 34-3.1.25.B, 34-3.1.32, 34-7.14.6.B

APPLICANT/OWNER: Fox Detroit Properties, LLC c/of Thomas M. Amon

Zoning Supervisor Randt reviewed the documents in the submittal package and presented the facts of the case. The property in question is located on Grand River between Haggerty and Halsted.

Thomas Amon, 150 Ottawa, Grand Rapids, and counsel for the applicant, and Colin Schiefler, Vice President of Real Estate for Fox Motors, were present on behalf of this appeal and variance request.

Mr. Amon made the following points:

- The site was historically built and operated as a car dealership. Fox Motors previously leased the property as a Jaguar Land Rover dealership until 2022, when Jaguar requested relocation. In May 2023, Fox Motors purchased the property for \$3.3 million with the intent of maintaining dealership use. Since mid-2024, the site has been used primarily for service operations while Fox worked to secure a new dealership brand.
- A 2024 zoning amendment added requirements that dealerships in the B-3 district must have 200 feet of frontage on Grand River Avenue and that all of their public street frontage face Grand River. The City Planner interpreted this to mean that parcels with any additional street frontage are disqualified. Mr. Amon argued this interpretation was too restrictive, contrary to the intent of the ordinance, and inconsistent with industry practice.
- Mr. Amon submitted exhibits showing aerial views of dealerships along Grand River that also front secondary roads, arguing that applying the interpretation broadly would

effectively ban dealerships along Grand River. He urged the Board to overturn the Planner's interpretation.

- If the Board agreed with the Planner's interpretation, the request was to grant, in the alternative, a variance. A denial would cause hardship, diminish the property's value, and negate Fox's significant investment. The variance would not harm public welfare or conflict with the city's ordinance objectives.

Colin Schiefler, Vice President of Real Estate for Fox Motors, highlighted Fox's presence in Farmington Hills, with ownership of 10 properties, with approximately 200 employees, and more than \$95 million invested in real estate and business assets.

Mr. Schiefler explained that after Jaguar Land Rover relocated, Fox repurposed the building for short-term use for technician training and detailing. He stressed that the property's highest and best use is as a dealership, consistent with its decades-long operation. If dealership use is denied, the building would have little value to anyone.

Member O'Connell asked whether the Board had authority to overturn the City Planner's interpretation. Attorney Morita confirmed the Board did have that authority and could interpret the ordinance differently, but noted that the ordinance was drafted with the specific intent to limit new and used car sales strictly to properties fronting solely on Grand River Avenue.

Member Rich observed that Fox's prior building permit application described the property as a training and reconditioning center without indicating it was a short-term use. Mr. Schiefler clarified that they had internal discussions about the short-term use. The building was too large for that use alone. He explained that the request for temporary sales use related to relocating Cadillac sales from Novi during major renovations, which ultimately brought the zoning issue to their attention.

In response to Member Rich's follow-up questions, Mr. Schiefler confirmed that the property last functioned as an active sales dealership in September 2022, when Jaguar Land Rover relocated. The lease ended at that time, and the building remained vacant until Fox purchased it in 2023.

Member Lindquist asked about notice requirements when the ordinance frontage requirements changed. Attorney Morita stated that general public notice was provided through publication as required by law, but there was no direct notification to individual property owners.

Member O'Connell asked if the ordinance effectively rendered all existing dealerships nonconforming. Attorney Morita explained that dealerships operating at the time of ordinance adoption were grandfathered as legal nonconforming uses. The ordinance was designed to limit proliferation of dealerships and avoid secondary access concerns, especially when the secondary access was a residential street.

Attorney Morita explained that the subject property was not grandfathered because dealership operations had ceased before the ordinance was adopted, and the property was not operating as a dealership on December 31, 2024, the deadline set by ordinance.

Attorney Morita advised that if the Board were inclined to provide relief, a variance might be a more appropriate mechanism than overturning the City Planner's interpretation. She explained that a different interpretation could affect other similarly situated properties along Grand River. She emphasized that the ordinance was intended to prevent dealerships from having access through residential streets, and reiterated her office's position that the ordinance was correctly applied.

Chair Irvin opened the floor to public comment. No public indicated they wished to speak. Member Rich reported there was an affidavit of mailing with four undeliverables.

Chair Irwin brought the matter back to the Board for discussion and/or a motion.

Member Rich thought the term "frontage" could be ambiguous. He pointed out that the secondary street was a dead end street, with only one house remaining on the street among other commercial uses. He also noted that this property was in the Freeway 2 District and the Freeway Redevelopment Overlay District, designed to encourage reinvestment and flexibility, which could support granting a variance. He suggested the Board act on the variance request first (request #2), and depending on the outcome of that vote, the applicant might choose to withdraw the appeal of the planner's interpretation (request #1).

Member Lindquist said that he supported denying the appeal but granting the variance. He felt it was important to affirm the City Planner's interpretation, which would strengthen the City's position against similar appeals in the future.

Regarding request #1:

MOTION by Lindquist, supported by Khan, that the Zoning Board of Appeals, in the matter of Case 08-25-5760, request 1, concerning the property located at 38200 Grand River Avenue, hereby denies the appeal from the City Planner's determination that the building cannot be used as a used car dealership because it does not have all of its public street frontage on Grand River Avenue.

Findings:

The Board concurs with the determination of the City Planner, based on the advisement of the City's legal counsel and the reasonable discretion of the Planner, that because the property was not operating as a sales dealership on December 31, 2024, it is not grandfathered in the same manner it would have been had it been operating as a sales dealership at that time.

Motion passed 7-0 by voice vote.

Regarding request #2:

MOTION by Lindquist, support by Banks, that the Zoning Board of Appeals, in the matter of Case 08-25-5760, concerning the property located at 38200 Grant River Avenue, grants request 2 for a variance from the ordinance to allow the building to be used as a used and new car dealership even though it does not have all of its public street frontage on Grand River Avenue.

The Board finds that the petitioner has demonstrated that practical difficulties exist in this case, and has set forth facts showing:

- 1. Compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose. Auto dealerships are permitted in B-3 districts, and strict compliance would render conformity with the ordinance unnecessarily burdensome. In fact, it would be devastating to the use of the property if it could not be used as a car dealership.**
- 2. That granting the requested variance would do substantial justice to the petitioner as well as to other property owners in the district. Granting the variance will have almost no impact on the other property owners in the district except to the extent that it would be a positive impact to have an active dealership in that currently vacant space.**
- 3. That the petitioner's plight is due to the unique circumstances of the property. The Board has observed the unique circumstances and the rather unique triangular shape of the property, and the setback from the side road, which is a dead-end street with one or no residences on it.**
- 4. That the problem is not self-created. It seems clear that the property owner did not know about the December 31st, 2024 implementation of the ordinance. They are also the later property owner so the notification could have gone to the previous property owner.**

With the following condition:

- The property shall be operated as a used and new car sales dealership in accordance with the application filed with the State and in compliance with all materials submitted to the City.**

Motion passed 7-0 by voice vote.

Chair Irvin called a short recess and 8:31pm and reconvened the meeting at 8:41pm.

C. ZBA CASE: 8-25-5761

LOCATION: 22961 Woodrising Lane

PARCEL I.D.: 23-29-451-002

ZONE: RA-1A

REQUEST: In order to construct a 24'x32' (768-square-foot) detached accessory building (garage) with a 10'x24' (240 square foot) overhang with a height of 16.5 feet, the following variances are requested. 1. A 498.67 square-foot variance to permit a 1,598.67 combined square feet of combined floor area of all accessory uses and buildings where 1,100 square feet is the maximum area permitted. 2. A 2.5-foot variance to permit a detached accessory structure to be 16.5 feet in height where 14 feet is the maximum height permitted.

CODE SECTION: 34-5.1.2.D, 34-5.1.2.C

APPLICANT/OWNER: Dominic Ridolfi

Zoning Supervisor Randt reviewed the documents in the submittal package and presented the facts of the case. The property is located off of Nine mile Road, south of Freedom Road, west of Drake Road.

Dominic Ridolfi, 22961 Woodrising Lane, presented his request to construct a detached garage measuring 24' x 32' with a 10' x 24' overhang, and with a height of 16.5'. He explained that the additional square footage and height were necessary to:

- Accommodate a vertical car storage system to store multiple vehicles indoors, reducing outdoor parking in the driveway.
- Provide functional space to walk around vehicles and access storage cabinets, which is not possible in a standard 24' x 24' garage.
- Maintain a clean aesthetic by keeping all vehicles inside the garage.

Mr. Ridolfi distributed documents comparing layouts of a standard garage versus his proposed garage, showing that the smaller size would limit functionality. He emphasized his intent to design the garage to complement his home and neighborhood. Planned features included:

- Brick wainscoting to match the house
- Designer garage doors with matching hardware
- Decorative sconces and landscaping

Mr. Ridolfi affirmed that preserving the neighborhood's and his own property's appearance was a priority.

Member O'Connell asked whether the vehicles included classic cars. Mr. Ridolfi said that he expects to inherit a 1961 Ford Starliner. None of his existing cars are classic cars. The vertical storage lift would allow multiple vehicles to be stored indoors.

Member Rich asked about vehicle distribution between the attached and proposed detached garage. Mr. Ridolfi explained that 2 vehicles would be stored in the attached garage, while the new garage would house a pickup, the Starliner, and potentially another vehicle using the lift.

Mr. Ridolfi pointed out that the vertical lift required a 12 foot clearance, meaning a lower roof would limit functionality.

Member O'Connell noted that other garages in the area had three-car widths and nine-foot walls, remaining under the 14 ft. height restriction. Mr. Ridolfi explained that his design intentionally avoided a wide façade. He believed extending the garage's depth and height would better preserve neighborhood character and avoid an oversized driveway apron, which he considered unsightly.

Mr. Ridolfi further explained that while the proposed roofline would be slightly taller than his attached garage, it would remain below the highest level of his tri-level home. He emphasized that square footage was the most critical element; he could make design adjustments if the height was denied.

Mr. Ridolfi asked if approval could be granted for the square footage without the height. Attorney Morita advised that without drawings of a reduced-height design, the Board would be unable to adequately evaluate the proposal. Mr. Ridolfi indicated he would be open to such an option if supported by the Board.

Member Lindquist asked if the applicant would proceed with construction if only the square footage variance were approved. Mr. Ridolfi confirmed he would, stating that without added square footage, vehicles would remain in the driveway, undermining the purpose of the project.

Member O'Connell cautioned that approving the 32'x24' size without height relief could restrict design options, potentially forcing the applicant into an unworkable plan. Mr. Ridolfi maintained confidence that he could adapt the design.

Board members noted that the submitted elevations reflected the requested 16.5 ft. height, making it difficult to visualize a compliant 14 ft. structure. Attorney Morita suggested the applicant consider adjourning the case to allow submission of revised elevations showing the same footprint at reduced height.

Chair Irvin further explained that an adjournment would allow the applicant to provide supplemental plans under the same case, avoiding the need to reapply. Mr. Ridolfi asked if the Board could indicate support for the square footage request in advance. Attorney Morita advised no decision could be made without complete materials.

Revisiting the roofline issue, Mr. Ridolfi reiterated that the requested garage roofline would rise slightly above the attached garage portion of his home but would remain below the highest point of the tri-level residence. The square footage variance was the critical element of his request. While a height reduction would be inconvenient, he was willing to make height adjustments if necessary.

Chair Irvin clarified that the Board's role was to evaluate the variance request as presented, not to redesign the garage. Attorney Morita confirmed that the Board must decide based on the submitted plans. However, the applicant could submit revised drawings in the future under the same case if the request were adjourned.

Board members asked whether they could consider granting the square footage variance without the height variance. Attorney Morita advised this would be difficult without revised plans showing how the garage would look at the lower, compliant height. Mr. Ridolfi stated he would be willing to proceed under such an arrangement if the Board indicated support.

Member Lindquist asked whether the applicant would proceed if only the square footage variance were granted. Mr. Ridolfi confirmed he would, noting the additional square footage was necessary to keep vehicles out of the driveway.

Board members noted that the elevations submitted reflected the requested 16.5-foot height, making it difficult to visualize a compliant 14-foot version. Attorney Morita again suggested the applicant might consider adjourning the case and returning with revised drawings showing the same footprint at the lower height.

Chair Irvin clarified that such an adjournment would not constitute denial but would allow the

applicant to remain under the same case while providing additional materials.

Supervisor Randt explained that due to the timing of publishing and review deadlines, the earliest that revised plans could be heard would be the October meeting. Attorney Morita clarified that the request could remain under the current case if adjourned (without additional fees), provided supplemental materials showing the reduced height version were submitted. She emphasized that if the variances were denied, the applicants could not reapply with the same request for at least one year, though a modified request could be resubmitted sooner.

In response to comments from the Board, Supervisor Randt affirmed that the proposed garage met setback requirements.

Chair Irvin opened the floor to public comment.

Margaret Gaerig, 22812 Walsingham, opposed the variance request. She stated that based on the variance request, the combined square footage would be approximately 75 percent of her home, or 40–50 percent if the patio is excluded, and she argued that such a scale is not appropriate for their neighborhood. She noted that no other structures of this type exist in Heather Hills and emphasized that nearby residents with car storage have integrated those features into their homes' designs. She thought that the proposed building appears commercial in character despite potential modifications such as brick and landscaping, and she was concerned about negative impacts on neighborhood character and property values. She also wondered how future owners of the property would use such a large garage.

George Gaerig, 22812 Walsingham, opposed this variance request. The requested height would put the proposed garage higher than the height of his and other ranch style homes in the area. Additionally, even if the proposed garage were faced with brick and siding, it would still have a commercial look to it. Mr. Gaerig did not think the structure was appropriate for a residential community.

Tyler Jeleniewski, 22821 Walsingham, and a local realtor, supported granting the variance request. He did not believe the proposed garage would appear out of place given the elevation of the applicant's home. He noted that some adjacent property owners he spoke with expressed no strong opinion on the matter. In his view, the project would not negatively affect neighborhood property values or residential character, nor did he believe the owner intends any future commercial use.

Member Lindquist requested Attorney Morita's input regarding concerns that the proposed garage might have a commercial appearance and questions about potential future uses. Attorney Morita clarified that the structure would be subject to the same restrictions as any residential garage, and that any home occupations legally permitted within a garage could be conducted in this space.

As no other public indicated they wished to speak, Chair Irvin closed public comment and invited the applicant to address the comments made.

Mr. Ridolfi responded that the structure would not be used for commercial purposes. Addressing concerns about appearance, he noted that while some may view the design as commercial in character, that assessment is subjective. He emphasized that he plans to include brick wainscoting and siding to match his home, and include landscaping, which will ensure the garage is consistent with the residential character of his property.

Member Rich reported that there was an affidavit of mailing with no undeliverables. There was correspondences from the Gaerig's, who also spoke this evening.

After discussion, the following motion was made:

MOTION by Lindquist, support by O'Connell, that in the matter of Case 8-25-5761, the Zoning Board of Appeals adjourns this case to the October 14, 2025 meeting, with the Board reserving the opportunity to ask additional questions and take additional public comment at that time. The applicant shall provide supplemental or alternative plans, information, drawings, and/or other relevant materials to the Zoning Department well in advance of the October meeting.

Motion passed 7-0 by voice vote.

5. PUBLIC QUESTIONS AND COMMENTS:

None.

6. APPROVAL OF MINUTES July 8, 2025

MOTION by O'Connell, support by Khan, to approve the July 8, 2025 meeting minutes as submitted.

Motion passed unanimously by voice vote.

7. ADJOURNMENT

MOTION by Rich, support by O'Connell, to adjourn the meeting.

Motion approved unanimously by voice vote.

The meeting adjourned at 9:28pm.

Respectfully submitted,
Brian Rich, Secretary

/cem