

**MINUTES
CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS
FARMINGTON HILLS CITY HALL – COUNCIL CHAMBER
31555 W. ELEVEN MILE ROAD
FARMINGTON HILLS, MI
June 14, 2022 – 7:30 PM**

CALL MEETING TO ORDER

Vice Chair Masood called the meeting to order at 7:30 P.M.

Members Present: Collins (Alternate) Khan (alternate), King, Masood, O’Connell, Rich, Vergun

Members Absent: Irvin, Lindquist

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

Board Members held a site visit on June 12, and may also have visited the sites independently. No action was taken at the site visit.

APPROVAL OF AGENDA

MOTION by Rich, support by King, to amend and approve the agenda as follows:

- Remove Old Business 1. 5-22-5701 and 2. 5-22-5702 at the request of the applicant.

Motion approved unanimously.

OLD BUSINESS

1. ZBA CASE: 5-22-5701
LOCATION: 37801 Twelve Mile
PARCEL I.D.: 23-18-200-072
REQUEST: In an RA-2 OS-1 Zoning District, in order to install lighting improvements, the following variance is requested: 1. A variance of 2.7 footcandles to permit 3.0 footcandles of maximum illumination at the property line where 0.3 footcandles is the maximum illumination permitted.
CODE SECTION: 34-5.16.3.C.; 34-5.16.B.ii.
APPLICANT: Kelvin Squires, CEO, Center Line Electric, Inc.
OWNER: Laura Fabrizio, Sr. Project Manager, Bank of America

Case withdrawn at the request of the applicant.

- B. ZBA CASE: 5-22-5702
LOCATION: 35410 Grand River Avenue
PARCEL I.D.: 23-20-476-005
REQUEST: In a B-2 Zoning District, in order to install lighting improvements, the following variance is requested: 1. A variance of 10.8 footcandles to permit 11.1 footcandles of maximum illumination at the property line where 0.3 footcandles is the maximum illumination permitted.
CODE SECTION: 34-5.16.3.C.; 34-5.16.B.ii.

APPLICANT: Kelvin Squires, CEO, Center Line Electric, Inc.
OWNER: Laura Fabrizio, Sr. Project Manager, Bank of America

Case withdrawn at the request of the applicant.

C. ZBA CASE: 5-22-5703
LOCATION: 32200 W. Twelve Mile
PARCEL I.D.: 23-10-454-003
REQUEST: In an RA-2 Zoning District, the following variance is requested to construct a parking lot expansion. 1. A 5.25 foot variance to provide a 29.75 foot front yard setback where a 35-foot front-yard setback is required.
CODE SECTION: 34-3.1.5.E. and 34-5.2.1.
APPLICANT: Michael J. Hall, RCI Contracting Services/Monsignor Timothy Hogan, St. Fabian Catholic Church
OWNER: St. Fabian Catholic Church/Mooney Real Estate Holdings

Secretary O'Connell called the case.

Using a PowerPoint presentation, Zoning Supervisor Randt reviewed the facts of the case. The property was located between Orchard Lake and ~~Middlebelt~~ Farmington Roads ~~north of~~ on the north side of Twelve Mile Road. In order to construct a parking lot expansion, the applicants were requesting that a portion of the parking lot be allowed in the front yard setback.

Kevin Biddison, Biddison Architecture, gave the following information:

- The applicant provided a new survey that showed the exact location of the right-of-way.
- The applicant was proposing 13 new spaces that included barrier free spaces and a few additional spaces for parishioners near the social hall, especially for handicapped parishioners.

In response to questions from the Board, Mr. Biddison gave the following information:

- The new parking area would include handicapped and non-handicapped parking spaces. The non-handicapped spaces were necessary to give people who need to be closer that option, even if they didn't qualify for handicapped spaces.
- Existing barrier free spaces still require parishioners to walk across parking lots and driveways. There was no other parking directly adjacent to sidewalks or the building.
- The property currently complies with the required number of handicapped parking spaces. The proposal would add additional accessible parking spaces in a more convenient location.
- The applicant would not police which handicapped parishioners parked in the new handicapped parking spaces.
- The new parking lot was not designated as a drop-off area. People can be dropped off ~~on the~~ at other sidewalk areas ~~closer~~ next to the building.
- The number of additional handicapped spaces was determined by the site itself. They wanted to provide spaces close to the building, while providing appropriate landscaping and 3-foot berms in front to screen the parking lot. They felt the number of spaces was sufficient for those who had trouble getting into the building from their cars.
- With the new plans, the applicants were modifying their request to a 5.0 foot (rather than 5.25 feet) variance.

Vice Chair Masood opened the public hearing. Seeing that no public indicated they wanted to speak, *Vice* Chair Masood closed the public hearing and brought the matter back to the Board for discussion and/or a motion.

Secretary O'Connell noted there was an affidavit of mailing, with twenty-three returns.

MOTION by King, support by Khan, in the matter of ZBA Case 5-22-5703, 32200 W. Twelve Mile, that the request for a 5.0 foot variance to provide a 30.00 foot front yard setback where a 35-foot front-yard setback is required, in order to construct a parking lot expansion, **be granted**, because the petitioner did demonstrate practical difficulties exist in this case in that he set forth facts which show that:

1. Compliance with the strict letter of the ordinance would render conformity with the ordinance unnecessarily burdensome.
2. That granting the variance requested would do substantial justice to the petitioner and would give substantial relief to the owner of the property and be consistent with justice to other property owners where access to handicapped parking is not immediately available to the building.
3. That the petitioner's plight is due to the unique circumstances of the property.
4. The problem is not self-created.

And with the following condition:

1. Parking lot be located as depicted in the drawings submitted to the ZBA.

Roll call vote:

Collins	yes
Khan	yes
King	yes
Masood	yes
O'Connell	yes
Rich	yes
Vergun	yes

Motion carried 7-0.

NEW BUSINESS:

A. ZBA CASE: 6-22-5705
LOCATION: 26635 Power
PARCEL I.D.: 23-15-376-002
REQUEST: In an RA-1A Zoning District, the following variance is requested in order to construct a new 896 square foot detached accessory building: 1. A 288.5 square foot variance from the requirement that the maximum combined floor area for all accessory uses and buildings not exceed 50% of the floor area of the residential dwelling.
CODE SECTION: 34-5.1.2.D. and 34-5.1.2.C.
APPLICANT/OWNER: David Lagman

Using a PowerPoint presentation, Zoning Supervisor Randt reviewed the facts of the case. The property was located on the west side of Power Road, south of I-696. In order to construct a detached accessory building, the applicant was requesting that the maximum combined floor area for all accessory buildings exceed 50% of the floor area of the residential dwelling.

David Lagman, 25468 Pennsylvania Avenue, Novi, gave the following information:

- The applicant was building his dream home on 4.5 acres of undeveloped, wooded land. Their home was almost complete. The 4.5 acres will require significant maintenance.
- The property had a 658 foot gravel driveway that would need to be plowed in winter.
- The applicant was proposing an 896 square-foot accessory building in addition to an attached garage.
- The applicant needed a building to store maintenance equipment including a tractor, a plow, plowing equipment and a log splitter.
- The size of the building was based on the equipment storage needed and also boat storage. The length of the boat trailer with the boat was 26-feet.
- The building would protect the applicant's equipment and prevent blight.
- The height of the building had been lowered to 14', so that the originally requested height variance was not necessary.

Board questions

In response to questions from the Board, Mr. Lagman made the following comments:

- The existing accessory building on the far northwest corner of the property will be removed after the home is completed, per his building permit.
- Some of the applicant's equipment is currently being stored in the existing accessory building and some is being stored off-site.
- The 32' depth would allow him to get his boat into the garage comfortably and still be able to get around the back. The 28' width will provide space to store equipment required to maintain this property.

Vice Chair Masood opened the public hearing.

Anthony Vanmeter, 26485 Power, and the applicant's immediate neighbor, supported the variance. Mr. Vanmeter had 7 acres, and could not leave anything outside because of the red squirrels who damaged any vehicle or piece of equipment that was left outside, causing thousands of dollars of damage. The applicant will need to store his equipment inside a building. Additionally, no one will know the building is there except for Mr. Vanmeter, and he supported this variance request.

Jon Cisler, 26379 Power, was the applicant's neighbor two parcels to the south, and he also supported the variance. He also had significant equipment, and found it necessary to do any maintenance on the equipment indoors.

Seeing that no other public indicated they wanted to speak, Vice Chair Masood closed the public hearing and brought the matter back to the Board for discussion and/or a motion.

Secretary O'Connell noted there was an affidavit of mailing, with three returns.

MOTION by Rich, support by Collins, in the matter of ZBA Case 6-22-5705, 26635 Power, that the request for a 288.5 square foot variance from the requirement that the maximum combined floor area for all accessory uses and buildings not exceed 50% of the floor area of the residential dwelling, in order to

construct a new 896 square foot detached accessory building, **be granted**, because the petitioner did demonstrate practical difficulties exist in this case in that he set forth facts which show that:

1. Compliance with the strict letter of the ordinance 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 as heard through neighbor testimony this evening.
3. That the petitioner's plight is due to the unique circumstances of the property. The lot is an extremely large 4-acre lot, which is unique in that there is no neighbor to the north where the garage will be placed, as well as having substantial woods surrounding the property. This property has a much longer driveway than any of the other properties of the same size the ZBA may have looked at. Each application is decided on its own merits, which is why these specific distinctions with respect to this property are noted.
4. The problem is not self-created. The maintenance of this property does require significant additional equipment. While a boat is not required for maintenance of the property, the alternative would be that the boat would be stored outside, which would not be in the best interest of the petitioner or the neighbors.

And with the following conditions:

1. Existing accessory structure be removed upon completion of the garage.
2. Garage be located where it is indicated on the plans submitted to the Board.
3. The garage shall not include livable space.

Roll call vote:

Collins	yes
Khan	yes
King	yes
Masood	yes
O'Connell	yes
Rich	yes
Vergun	yes

Motion carried 7-0.

B. ZBA CASE: 6-22-5706
LOCATION: 27678 Old Colony
PARCEL I.D.: 23-12-227-005
REQUEST: In order to install a generator in the front yard of an RA-1A Zoning District, a variance is required from the ordinance prohibiting placement of such mechanical systems in a front yard.
CODE SECTION: 34-5.1.2.I.
APPLICANT/OWNER: Michael and Etta Menlo

Using a PowerPoint presentation, Zoning Supervisor Randt reviewed the facts of the case. The property was located west of Inkster, south of Thirteen Mile. In order to install a generator in the front yard, the applicant was requesting a variance from the ordinance prohibiting placement of mechanical systems in a front yard.

Michael and Etta Menlo, 27678 Old Colony, were present on behalf of this application for a variance in order to install a generator in the front yard.

Ms. Menlo gave the following reasons for their application for a variance:

- Power outages were an ongoing problem, and they wanted to install a whole house generator.
- Their house was not visible from the street; the neighbors would not be able to see the generator.
- They would build an enclosure for the generator.

Mr. Menlo added the following comments:

- Their house was set back from the road over 200 feet, and the neighbors on both sides were 300 feet away.
- Installing the generator to the side or the rear of the house would require tunneling under the front decking structure.
- Installing the generator in the rear would affect the neighbors more than installing the generator in the front.
- The Wood Creek Civic Association wrote a letter of support.
- Craig Schoenherr, 27655 Old Colony, whose property was across the street and was the applicant's closest neighbor, wrote a letter of support.

Vice Chair Masood acknowledged the letter from the Wood Creek Civic Association. The Board did not have the letter from Mr. Schoenherr.

Mr. Menlo said he dropped the letter from Craig Schoenherr at the Zoning Department desk last week.

As there were no questions from the Board, Vice Chair Masood opened the public hearing.

Seeing that no public indicated they wanted to speak, *Vice* Chair Masood closed the public hearing and brought the matter back to the Board for discussion and/or a motion.

Secretary O'Connell noted there was an affidavit of mailing, with three returns.

MOTION by O'Connell, support by Vergun, in the matter of ZBA Case 6-22-5706, 27678 Old Colony, that the request for a variance from the ordinance prohibiting placement of mechanical systems in a front yard in order to install a generator in the front yard of a home in an RA-1A Zoning District **be granted**, because the petitioner did demonstrate practical difficulties exist in this case in that he set forth facts which 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.
3. That the petitioner's plight is due to the unique circumstances of the property.
4. The problem is not self-created.

And with the following conditions:

1. The generator be enclosed as specified on the submission documents.
2. The generator be placed as specified on the plans provided.
3. Screening vegetation be maintained in front of the house.

Motion discussion

Member Vergun said that the home was not visible from the road; the reason for the prohibition against placing mechanical equipment in the front yard was likely to keep that equipment from being visible from the road.

Roll call vote:

Collins	yes
Khan	yes
King	yes
Masood	yes
O'Connell	yes
Rich	yes
Vergun	yes

Motion carried 7-0.

C. ZBA CASE: 6-22-5707
LOCATION: 34700 Grand River
PARCEL I.D.: 23-21-376-021
REQUEST: In an LI-1 Zoning District, in order to construct an addition to an existing industrial building, a variance of 20 parking spaces is requested to allow for 197 parking spaces instead of the required 217 spaces.
CODE SECTION: 34-5.1.2.11.D. and 34-5.2.11.E
APPLICANT: Michael Y. Geng
OWNER: William Cockrum, General Manager, Jing-Jin Electric, North America

Using a PowerPoint presentation, Zoning Supervisor Randt reviewed the facts of the case. The property was located between Grand River and Drake. In order to construct an addition to a building, the applicant was requesting a variance to allow 197 parking spaces instead of 217 parking spaces.

Tim Fought, Architect, 24045 Woodland Dr., Southfield, was present on behalf of this application for a variance to allow 197 parking spaces instead of the required 217 spaces. William Cockrum, 34700 Grand River, was also present.

Mr. Fought made the following comments:

- The applicant was given preliminary site plan approval based on removing the parking that was indicated within the 50-foot front yard setback, which would be returned to landscaping.
- The highest number of employees per shift would be 144, and the facility would be over-parked by 77 cars, if the 20 parking spaces were required.
- The applicant preferred softening the view on Grand River versus more parking.
- The applicant would maintain the ring road as requested by the Fire Marshall.

Board questions

In response to questions from Member Rich, City Attorney Morita gave the following information:

- It would be difficult for the City to police employee density at the facility.
- The Board could condition approval on a requirement that a similar type of manufacturing concern be at the facility in the future.
- The addition would limit future parking lot expansion and employee number growth.

In response to questions from the Board, Mr. Fought made the following comments:

- The facility was previously occupied by Exotic Rubber & Plastics Corp.
- The Planning Commission had recommended the reduction in parking spaces, and had granted preliminary site plan approval, conditioned on the applicants being granted this variance by the ZBA.
- The applicant had two responses from the City Planner regarding the parking spaces in the 50-foot front yard setback: to keep the parking spaces or to remove them. The facility was still overparked if the parking spaces were reduced by 20 as requested. The applicant chose to remove the parking spaces to add green space and prevent additional stormwater runoff.
- The facility was mostly automated and some employees worked remotely so parking needs were limited.
- The landscaped area could be turned back into parking spaces, should the property be sold to a different owner.
- Member Kahn thought it would be easier to build more parking now than to request additional parking in the future.
- Mr. Fought explained that under their conditionally approved site plan, once the spaces were removed and the building was constructed, there would not be room to construct more parking.
- The applicants emphasized that the property was overparked, as already described.

City Attorney Morita noted that turning the landscaped area into parking spaces at a later time would require approval from the City.

Vice Chair Masood opened the public hearing.

Thomas Bieniek, Property Manager at Hitachi, 34500 Grand River Ave., stated that while he supported corporate growth, he had concerns regarding the possibility that should the parking all be utilized on the subject site, Jing Jin Electric might think their customers and/or staff could spill over into the Hitachi parking lot. However, Hitachi was also under a variance, and had no available spaces. They did not tolerate unauthorized parking on their lot.

Mr. Bieniek was also concerned about storm water drainage from the Jing Jin parking lot.

Mr. Fought stated that the applicant would install an on-site detention system underneath the proposed parking lot.

Member O'Connell said there was an affidavit of mailing, with four returns.

Seeing that no other public indicated they wanted to speak, Vice Chair Masood closed the public hearing and brought the matter back to the Board for discussion and/or a motion.

Member King supported the variance request, because typically communities tend to overstate the amount of parking that is required, and reasonably reducing the amount of required parking spaces was good from an environmental and sustainability standpoint.

Member King also pointed out that many other ordinances from other communities calculate the amount of required parking using the method the applicant had used, which is to count the number of people that are actually going to be in the facility. Even using this alternative method, the site was still overparked by 47 spaces.

MOTION by King, support by O'Connell, in the matter of ZBA Case 6-22-5707, 34700 Grand River, that the request for a variance of 20 parking spaces to allow for 197 parking spaces instead of the required

217 spaces, in order to construct an addition to an existing industrial building, **be granted**, because the petitioner did demonstrate practical difficulties exist in this case in that he set forth facts which show that:

1. Compliance with the strict letter of the ordinance would unreasonably require the petitioner to build parking that is not necessary.
2. That granting the variance requested would do substantial justice to the petitioner as well as to other property owners in the district, and that this relaxation of the required parking is appropriate per the applicant's indication of the number of employees using the building.
3. That the petitioner's plight is due to the unique circumstances of the property, and the Planning Commission has asked that the ZBA consider reduction of parking on the south side of the building as has been discussed.
4. The problem is not self-created.

And with the following conditions:

1. The parking be eliminated as shown on the proposed plan and the area be retained for any potential future parking that might be required.
2. The building and parking improvements be constructed as depicted on the plans submitted for Board consideration.

Roll call vote:

Collins	yes
Khan	no
King	yes
Masood	yes
O'Connell	yes
Rich	yes
Vergun	no

Motion carried 5-2.

PUBLIC QUESTIONS AND COMMENTS:

None

APPROVAL OF MINUTES May 10, 2022

MOTION by Rich, support by Khan, to approve the May 10, 2022 Zoning Board of Appeals meeting minutes as presented.

Motion carried unanimously.

ADJOURNMENT

MOTION by Rich, support by Vergun, to adjourn the meeting at 8:53pm.

Motion approved unanimously.

Respectfully submitted,
Michael O'Connell, Secretary
/cem