

**MINUTES
CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS
FARMINGTON HILLS CITY HALL
31555 W. ELEVEN MILE ROAD
FARMINGTON HILLS, MI
JUNE 11, 2024 – 7:30 PM**

1. CALL MEETING TO ORDER

Vice Chair Irvin called the meeting to order at 7:30pm.

2. ROLL CALL

Members Present: Banks, Irvin, Jamil, Khan, Lindquist, Rich, Vergun

Members Absent: O’Connell

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

3. APPROVAL OF AGENDA

Vice Chair Irvin made standard introductory remarks explaining the role of the ZBA and the formal procedures of the meeting.

Board Members scheduled a site visit on June 9, 2024, and may also have visited the site independently. No action was taken at the site visit.

MOTION by Rich, support by Vergun, to approve the agenda as submitted.

Motion carried unanimously by voice vote, 7-0.

4. NEW BUSINESS:

A. ZBA CASE: 6-24-5737

LOCATION: 30974 Glenmuer Street

PARCEL I.D.: 23-03-126-009

REQUEST: In an RA-1A Zoning District, in order to install a eight (8) foot tall fence in the rear yard, the following variance is requested: A height variance of two feet (2) feet to the maximum six-foot (6) high limit.

CODE SECTION: 34-5.12 (C)(i)

APPLICANT/OWNER: Brian Moore

Zoning Supervisor Randt described the facts of the case. The property is located east of Farmington Road between 13 Mile Road and 14 Mile Road; a survey, site plan and background documentation were in the packets.

Brian Moore, 30974 Glenmuer Street, was present on behalf of this request for a variance to the maximum six-foot high limit, to allow for an eight foot tall fence in the rear yard.

Mr. Moore said he had gone to great lengths to cover all the bases of concern with the City in terms of enjoyment, detriment to the neighborhood, and being able to use the property for the intention for which he bought it. Mr. Moore highlighted the following points:

- The purpose of the request is to protect against deer damage the applicant's efforts of cleaning and maintaining the property, and protecting trees that he planted.
- In communicating with the neighborhood, there seems to be general approval of the request. He had mailed 146 surveys to two neighborhoods surrounding the property. 51% replied, of which 33% did not object.
- With the survey, he was very clear about his intention. There is no particular requirement for managing the deer or keeping them on or off the property. Recent developments with the Planning Commission on the development south of 696 allows a developer to clear 14 acres of woodland while disregarding the concerns of the neighborhood as to what that would do the wildlife. The fact that in his case the deer would be redirected goes contrary to the city approving that development.
- Additionally, based on the deed rights of the property and the original farmer owners, and the history of the subdivision being a farming community who put very tight deed restrictions on what people could do, Mr. Moore believed that maintaining, clearing, and putting the land back to its original condition and further beautifying and planting trees to help the environment would follow the intent of the original owners.
- The deer population has been an ongoing issue with the City. The only meaningful effort towards regulating the deer has been a feeding ban. Meaningful action against the deer population will probably take years to happen. The requested fence is the best chance for Mr. Moore to protect his efforts to maintain his property.

In response to a question from Member Vergun, Zoning Supervisor Randt said that the only difference between the applicant's previous variance request (January 9, 2024) and the current request was an increase of 6" in the variance amount. The applicant was allowed to re-apply for a variance based on the dimension change.

In response questions from the Board, Mr. Moore provided the following:

- New plantings in his front yard would be seasonally protected; he did not want to impose a front yard fence on the neighborhood or request a second variance. An 8'-tall fence in the rear would protect 85% of the property, and he could self-manage the front.
- Deer can easily jump a 6' fence, and would likely do so especially during the rutting season.
- Eight foot fences are allowed on 2-acre lots; the majority of the lots in this neighborhood are over 2 acres. The smaller lot puts Mr. Moore at a disadvantage compared to the rest of the lots in the neighborhood. If those who owned 2-acre lots constructed 8' fences on their properties, properties less than 2 acres would serve as gathering places for even more deer.
- Mr. Moore acknowledged that his lot size was not unique, and the property did not have unique circumstances that differed from other similarly sized lots in the City. However, this land was clearly intended by its original owners years ago to continue with farming activities, for people to have fences, and his intention when he bought the property was to clean the property up into something that can be appreciated.

Member Lindquist explained that the criteria for a variance was based on whether the circumstance was unique, and the applicant's lot size is not unique, nor does it have any unique circumstances. The description just given by Mr. Moore did not show uniqueness. In any case, fences may have been contemplated by the original farming families, and fences are allowed, up to 6' in height.

Member Lindquist acknowledged that the property has been beautified, and is a wonderful house on a wonderful lot, but there are no characteristics that can be labeled unique. The intent of the original farming families does not take precedence over the City's zoning ordinance, and that is what the ZBA is charged with upholding. The ability to obtain variances is based on the criteria listed in the zoning ordinance; those criteria are state-mandated. All four criteria must be met in order to grant a variance.

Vice Chair Irvin opened the meeting to public comment. No public indicated they wished to speak on this issue.

Secretary Vergun reported that there was an affidavit of mailing with no returns. There were no letters or correspondence that were not provided by the applicant.

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

MOTION by Rich, support by Lindquist, in the matter of ZBA Case 5-24-5737, 30974 Glenmuer Street, Parcel I.D. 23-03-126-009, that the petitioner's request for a variance in order to install an eight (8) foot tall fence in the rear yard be denied, because the petitioner did not demonstrate practical difficulties exist in this case, based on the following findings:

- 1. Compliance with the strict letter of the ordinance will not unreasonably prevent the petitioner from using the property for a permitted purpose. The permitted purpose is as a residence, and while the property is very well-maintained and certainly extremely attractive, the use for which the property is zoned is single-family residential, and not granting this variance does not in any way prevent the petitioner from using it in that regard.**
- 2. That granting the variance as requested would not do substantial justice to the petitioner as well as to other property owners in the district, in that any property owners in the district who have less than two acres would need to come before the ZBA to ask for a variance. Even the property owners that have more than two acres have not put up fences, so it would seem that the other owners in the area do not want fences even if they would be entitled to that height without requesting a variance.**
- 3. That the petitioner's plight is not due to the unique circumstances of the property. As the applicant has confirmed this evening, there is no real difference between this property and any of the other properties with less than two acres in the area or really anywhere else in Farmington Hills.**

Motion passed unanimously by voice vote, 7-0.

B. ZBA CASE: 6-24-5738

LOCATION: 26375 Power Rd.

PARCEL I.D.: 22-23-15-376-009

REQUEST: In a RA-1A Zoning District in order to park or store two recreational vehicles exceeding six (6) feet in height in the side and front yard, the following variances are requested:

- 1) A variance from the requirement that recreational equipment or trailers not exceeding six (6) feet in height above ground may be stored in an interior side yard; and 2) A variance from the requirement that recreational equipment or trailers exceeding six (6) feet in height may be stored only in the rear yard.

CODE SECTION: 34-5.7 (1), 34-5.7 (2), 34-5.7 (3)

APPLICANT/OWNER: Michael Keils

Zoning Supervisor Randt described the facts of the case and reviewed the submittal documents; a survey showing option 1 and option 2, site plan, and background documentation were in the packets.

Michael Keils, 26375 Power Rd, was present on behalf of this request for a variance to the requirement that recreational equipment or trailers exceeding six feet in height may be stored only in the rear yard, to allow two recreational vehicles that exceed six feet in height to be parked in the side and front yard.

Mr. Keils made the following points:

- The applicant has been a resident of the house since 1987.
- The property was on the low end of the block that experienced severe flooding during spring rains and heavy rains.
- The applicant was retiring and wanted recreational vehicles for traveling.
- As shown in the submitted photographs, severe flooding created a burden to parking the vehicles in the back.
- Mr. Keils had met with the neighbors in the subdivision to the south of his property. The vehicles would be more of a visual disturbance to those neighbors if they were parked in the rear yard.
- Parking the vehicles on the property would allow the applicant to update the interiors more easily.

Public Comment

John Winterbottom, 26360 Power Rd, said he lived across the street from the applicant. He said the applicant did a good job with updates and kept the property clean. He confirmed there was flooding on the applicant's property, noting that there were times there were several inches of water on the garage floor. He supported the variance request.

Secretary Vergun reported that there was an affidavit of mailing with no returns. There were five letters of support from neighbors, and no objections.

Seeing that no other public indicated they wished to speak, Vice Chair Irvin brought the matter back to the Board for discussion and or a motion.

In response to questions, Mr. Keils provided the following information:

- He could not park the recreational vehicles in the garage, which was not tall enough to accommodate the vehicles, and in any event was also subject to severe flooding.
- All the vehicles on his property were currently plated and insured. Each vehicle is for a specific purpose. All his vehicles would be parked in the front or side yard. He had no current intention of selling any of the vehicles, but might do so in the future.

Member Rich noted that the recreational vehicles were unlikely to be seen, other than from across the street; that the neighborhood was rural in nature, and that recreational vehicles would not be unusual in the area. He acknowledged the amount of flooding on the property, that the applicant had been improving the appearance of the property, and that the applicant had addressed licensing of all vehicles.

MOTION by Vergun, support by Lindquist, in the matter of ZBA Case 6-24-5737, 26375 Power Road, Parcel I.D. 22-23-15-376-009, that the petitioner's request for variances in order to park or store two recreational vehicles exceeding six (6) feet in height in the side and front yard, be granted, specifically:

- 1. A variance from the requirement that recreational equipment or trailers not exceeding six (6) feet in height above ground may be stored in an interior side yard; and**
- 2. A variance from the requirement that recreational equipment or trailers exceeding six (6) feet in height may be stored only in the rear yard**

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. Because of flooding, the owner of the property is prevented from using the property in the area that is normally allowed for storing recreational vehicles.**
- 2. That granting the variance as requested would do substantial justice to the petitioner as well as to other property owners in the district. The owner has given some background of his use for the vehicles on the property, and his having upwards of six or seven motor vehicles on the property is not out of line for his described needs and the nature of this property. The neighbors appear to support this variance request.**
- 3. That the petitioner's plight is due to the unique circumstances of the property, in that the property is in a particularly difficult location when it comes to frequent flooding. The area that the ordinance requires that the vehicles be placed is often totally flooded and is impractical in this property's case to place the vehicles.**
- 4. That the problem of the flooding is not self-created.**

Further, as was mentioned by one of the ZBA members during deliberation, the area is quite rural with large lots and a lot of tree coverage that naturally blocks the vehicles from other properties, and that there seems to be a fair amount of support in the neighborhood for this request.

With the following condition:

The granting of this variance applies only to the two recreational vehicles as described in the submitted documentation:

- a. Mallard Motorhome 23'9"L x 7'10"W x 9' high**
- b. Hideaway Truck Camper 20'10"L x 7'0"W x 9' high**

There shall be no change in the vehicles and no change making the vehicles longer, taller, or wider, without first seeking additional relief by the ZBA.

Member Lindquist said that this is a clear situation where the property is subject to unique circumstances in that the flooding in the back yard prevented the homeowner from storing his

RVs or any of his vehicles there, and that there is no evidence that this situation was caused by any changes the homeowner made to the property.

Motion passed unanimously by voice vote, 7-0.

C. ZBA CASE: 6-24-5739

LOCATION: 31263 Estate Woods Ct.

PARCEL I.D.: 22-23-06-101-008

REQUEST: In a RP-2 Zoning District, in order to build a 10x 26-foot sunroom twenty-five (25) feet from the rear lot line, a ten (10) foot variance to the required thirty-five (35) foot rear yard setback is requested.

CODE SECTION: 34-3.1.5 E. and 34-3.1.9 E.

APPLICANT/OWNER: Vanshana and Edmond Douglas

Zoning Supervisor Randt described the facts of the case. The property is located west of Haggerty Road near 14 Mile Road; a survey, site plan and background documentation were in the packets.

Vanshana and Edmond Douglas, 31263 Estate Woods Court, were present on behalf of this request for a variance to the required 35-foot rear yard setback, to allow for a 10x26 foot sunroom twenty-five feet from the rear lot line.

Mr. Douglas made the following points:

- The applicants were developing and landscaping the property. The house was constructed in 2016.
- The property was a corner lot, and the applicants wanted to build an enclosed outdoor patio to provide privacy and sound deadening due to the traffic on 14 Mile Road.
- The applicants had spoken to their neighbors, and none were opposed to the variance.
- Only the neighbor to the south would be able to see the sunroom, and he did not have an issue with it.
- There was a fence along the back of the home that separated the applicants from the property to the west.

Vice Chair Irvin opened the meeting to public comment. No public indicated that they wished to speak on this case.

Secretary Vergun reported that there was an affidavit of mailing with two undeliverable returns.

The Board confirmed that sunroom would only be 10' deep.

MOTION by Rich, support by Jamil, in the matter of ZBA Case 6-24-5739, 31263 Estate Woods Court, Parcel I.D. 22-23-06-101-008, that the petitioner's request for a ten (10) foot variance to the required thirty-five (35) foot rear yard setback be granted in order to build a 10 x 26-foot sunroom twenty-five (25) feet from the rear lot line, because the petitioners did demonstrate practical difficulties exist in this case, in that they set forth facts which show that:

- 1. Compliance with the strict letter of the ordinance would render conformity with the ordinance unnecessarily burdensome. The motion acknowledges that the neighbor's deck extends significantly farther back in the lot than where the petitioner is proposing to end**

- the sunroom, and also that other properties in the vicinity may have the same issue, except they are not immediately adjacent to 14 Mile Road.**
- 2. That granting the variance as requested would do substantial justice to the petitioner as well as to other property owners in the district, and a lesser relaxation would not give substantial relief to the owner of the property in that a smaller variance would render the additional living space unusable.**
 - 3. That the petitioner's plight is due to the unique circumstances of the property, specifically the depth of the property and its location along 14 Mile Road.**
 - 4. That the problem is not self-created. The petitioner has put up a wall that has a brick appearance, and has attempted to mitigate any potential issues with respect to the southern portion of the west property line. The home that is located on the large lot to the west on the other side of the treed area is actually behind the southern neighbor's home. The vacant property on the other side, to the east, does not have a home on it, possibly for the reason that no wants to be next to 14 Mile Road.**

With the following condition:

- The sunroom will be constructed in conformance with the plans and materials provided, and be consistent with the materials and structure of the rest of the home.**

Motion passed unanimously by voice vote, 7-0.

5. PUBLIC QUESTIONS AND COMMENTS:

None.

6. APPROVAL OF MINUTES May 14, 2024

MOTION by Vergun, support by Khan, to correct and approve the May 14, 2024 meeting minutes as follows:

- Correct the spelling of Member Khan's name in the motion on page 5.**

Motion passed unanimously by voice vote, 7-0 .

8. ADJOURNMENT

MOTION by Lindquist, support by Rich, to adjourn the meeting.

Motion approved unanimously by voice vote, 7-0.

The meeting adjourned at 8:45pm.

Respectfully submitted,
Daniel Vergun, Secretary
/cem