

**CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS MEETING
FARMINGTON HILLS CITY ALL
31555 W. ELEVEN MILE ROAD
MAY 12, 2026**

1. CALL MEETING TO ORDER

Acting Chair Vergun called the meeting to order at 7:37 pm and made standard introductory remarks to explain the role of the ZBA and the formal procedures of the meeting.

A site visit had been held on Sunday, May 10, 2026. No business had been conducted.

2. ROLL CALL

Members Present: Banks, Jamil, O'Connell, Rich, Rowland (alt), Vergun

Members Absent: Irvin, Khan

Others Present: Director of Planning and Community Development Kettler-Schmult, Code and Zoning Supervisor Curry, City Attorney Mendelsohn, Recording Secretary McGuire

3. APPROVAL OF AGENDA

Motion by Banks, supported by O'Connell, to approve the agenda as submitted.

Motion passed unanimously by voice vote.

4. NEW BUSINESS:

A. ZBA CASE: 5-26-5779

LOCATION: 37879 Interchange Drive

PARCEL I.D.: 23-19-252-002

ZONE: IRO

REQUEST: In order to occupy 27,306 sq. ft., a business that compounds, processes, and packages pharmaceuticals within the IRO Zoning District, the following variance is requested:

1. A use variance to allow the "manufacturing, compounding, processing, and packaging of pharmaceuticals" in the Industrial Research Office District, where this use is only allowed as special approval in the Light Industrial District.

CODE SECTION: 34-3.1.29.C.iv, and 34-4.50

APPLICANT: Elaivee Ventures LLC

OWNER: K-F Land Company, LLC II

Director of Planning and Community Development Kettler-Schmult noted that the standards for a use variance are different from the standards for a nonuse variance. Also, in the case of a use variance, a supermajority would be required for a motion to carry.

City Attorney Mendelsohn added that pursuant to the Michigan Zoning Enabling Act and the Farmington Hills Zoning Ordinance, approval of a use variance requires a two-thirds majority of the entire Board, or 5 votes. This differs from the standard majority vote required for a nonuse variance. Additionally, for a nonuse variance, the standard is practical difficulty, while for a use

variance, the applicant must establish unnecessary hardship. There are four factors the Board must consider, which were included in the staff packet and sample motions.

Member O'Connell asked whether two-thirds of the entire Board would require five votes. City Attorney Mendelsohn confirmed that because there are seven members on the Board, five affirmative votes would be required for the motion to carry. Member O'Connell noted that only six members were present. City Attorney Mendelsohn confirmed that absences do not change the required number of affirmative votes.

Staff Presentation

Director Kettler-Schmult explained that the request was for a use variance for a company that compounds pharmaceuticals. The proposed use would be located in an existing building on the site, which is adjacent to and surrounded by light industrial uses, with the freeway overlay district to the south. The property to the north is residentially zoned, but is used as the golf course, parks, and maintenance facility for the City of Farmington Hills.

The current zoning does not allow the proposed use outside of the Light Industrial District. However, the most recent master plan, which was before the Planning Commission and adopted by the City Council approximately two years ago, included a call to expand uses within the IRO District. The work to amend or expand those uses has not commenced, and staff could not predict what action would be taken. Further, within the Light Industrial District, this use would require special use approval through a public hearing before the Planning Commission.

Applicant Presentation

Douglas Bryans, Elaivee Ventures LLC, stated that the proposed business is a contract compounding business for injectable drugs. Drug product compounding is growing in the United States, and he has customers with very specific drug products who are looking for a facility to accommodate those products. The facility requirements are very specific, and the company intends to invest approximately \$10 million in clean rooms and laboratories to perform the work. Finding the right building is the most critical part of the business.

Mr. Bryans acknowledged that the proposed use is not in the correct zoning district. He stated that he spent three to four months looking in Farmington Hills and other cities. Finding the right building was the first priority. He built an equivalent business in Brighton in 2010, sold it the previous year to one of his customers, and had encountered a similar zoning issue when starting that business. He stated that it took nearly twelve months to find the right property for that facility.

Mr. Bryans stated that the proposed site meets most of the requirements in the user requirements specification list when evaluating a property. Of all buildings reviewed, this building met most of the criteria. He noted that he has more than thirty years of experience building out this type of facility.

Mr. Bryans said his customers included Merck, Pfizer, Eli Lilly, and other international customers with specific sterile injectable drugs that they would like to have compounded in the United States. He has capital already raised, with additional capital expected, to support the buildout of the business.

The plan is to build specific sterile clean rooms, with supporting laboratories, offices, and infrastructure. The building has many of the requirements that would allow the company to do that, and it was the only building reviewed in the Farmington Hills area that provided that ability.

The applicant is also considering expansion opportunities within the building. They anticipate employing approximately twenty employees in year one and up to one hundred employees in year three. His investing partners have discussed the potential to build out more of the building and bring additional customers and business into the United States.

Sterile injectable drug manufacturing and the onshoring of drugs are important post-pandemic activities and are also related to Department of Defense considerations. His company already works with the U.S. government as part of its business, and the U.S. government is a potential customer for the location as part of the strategy to onshore sterile injectable drugs.

Board Questions and Applicant Response

Noting the entire building was for sale, Member Rich asked about the potential expansion locations within the building. He asked what contracts were in place to provide rights of first refusal, options, or similar rights for the applicant to operate and expand the business.

Mr. Bryans responded that the company has a right of first refusal in the contract for the next adjoining space, consisting of approximately 8,000 square feet. There is also a desire to continue discussions regarding rights of first refusal and purchase of the other spaces. This issue came up a couple of months earlier during discussions with the investing team as they evaluated whether to buy or lease the building. Purchasing the building is a possibility, although not in year one, because the company's capital is focused on building out the clean rooms. The initial plan is to lease the 27,306 square foot space, with the potential to purchase the building when the time is right. They had already discussed a list price with the building owner.

Mr. Bryans also stated that, from a regulatory standpoint, the company must have FDA approval before it can manufacture products, and that having a single building owned by the business is preferred from a regulatory point of view, although companies do lease properties as well.

Member O'Connell asked whether the applicant's potential expansion area was separated from the proposed initial space by other tenant areas and whether that would present an issue. Mr. Bryans responded that the issue would need to be resolved. The applicant may initially occupy the 27,306 square foot space; the space could be built out fairly quickly over a couple of years. If the customer's commercial plans proceed as expected, the bottom 16,000 square foot area may be of interest in year two to year three. While this could leave another tenant located between two pharmaceutical manufacturing businesses, Mr. Bryans stated that he had discussed other options for that tenant with the building owner. He reiterated that finding the right property for this business is not straightforward and that this property meets many of the applicant's needs.

Public Comment and Property Owner Statement

Acting Chair Vergun opened the meeting to public comment.

Stuart Frankel, Troy, Michigan, stated that he owns the building. In response to concerns raised by the Board, he stated that the property is one contiguous building and not separate buildings, and that the spaces discussed are adjoining tenant spaces within the same building.

Mr. Frankel addressed the applicant's ability to control space for future expansion. If the property were available for sale and an offer to purchase were received, the applicant would have the right of first refusal to match the offer and would therefore have the first right to acquire the building. With respect to leasing vacant space in the building, the lease would include a provision allowing the applicant to add vacant space to its existing lease based on the current rent being paid at that time. He further stated that if he received a proposal from another party to lease the space, the applicant would again be given the right of first refusal to match the offer. This would provide the applicant with multiple opportunities to expand its leased space and the same right with respect to purchasing the building, allowing the applicant to eventually control the entire building if it chose to do so.

Mr. Frankel stated that he was very much in support of this variance request. The space had been vacant for a long time, and in the current market, it is difficult to find occupants for the flat space who have the resources and commitment to proceed. The applicant is experienced, has the necessary resources, has a proven track record, and has contracts with major pharmaceutical companies and the U.S. government. The use would be a perfect fit for the community.

Member O'Connell asked Mr. Frankel whether, if the building were sold and the applicant did not exercise the right of first refusal to purchase it, a new owner would have the right to cancel the applicant's lease.

Mr. Frankel responded that a new owner would not have the right to cancel the lease. If the lease is recorded and executed before a sale, any purchaser of the property would be required to honor all existing lease obligations. The lease would be binding under contract law.

Affidavit of Mailing and Correspondence

Member Rich stated that there was an affidavit of mailing, there were no undeliverables, and there was no correspondence.

As no other public indicated they wished to speak, Acting Chair Vergun closed public comment and brought the matter back to the Board.

Board Discussion

Acting Chair Vergun stated that, based on the packet materials, the applicant appeared to have considered other ways to operate the business without needing a variance. The applicant had looked at other leasable properties in the general area. Those properties were too large, too small, or presented other hurdles for the proposed operation. Acting Chair Vergun appreciated the effort the applicant had made to explore alternatives.

Member O'Connell asked staff whether, if the variance were approved, the approval would be limited to the applicant's company and the specific address range, or whether the use variance would apply more broadly to other parts of the building or to the applicant in other buildings.

Director Kettler-Schmult stated that the use variance would be a variance for the use of the property for a different type of use than what is permitted in the district. The sample motion prepared by staff included a range of addresses that encompassed the two locations for which the applicant had provided floor plans.

City Attorney Mendelsohn agreed that the variance would apply to the address range in the application. If the applicant expanded to other addresses, even within the same building or complex, and wanted to use those areas for the same use, the applicant would have to come forward with another use variance for those specific property addresses.

Mr. Frankel stated that one of the other criteria for selecting the building was the availability of adequate power. Obtaining adequate power is very difficult in the current environment, both in terms of time and availability.

Mr. Frankel asked whether the address range for the variance could be expanded to include the entire building, rather than only the two locations identified, so that the applicant would not have to return in a year or two if it wished to use the entire building.

Acting Chair Vergun stated that, based on the staff's prior explanation, any addresses beyond those shown and advertised for the hearing would require the applicant to return to the Board. Director Kettler-Schmult agreed.

Board Discussion

Member Rich stated that this was the type of business the City wanted in Farmington Hills. The business appeared to be one that would expand progressively, provide employment, add tax base, and offer other benefits. However, the ordinance, as it currently exists, only discusses potential changes to dimensions of property to be built in the freeway overlay district. The ordinance expressly provides that uses not allowed in the underlying zoning district are not allowed in the freeway overlay district, except for the potential for residential uses as part of a planned unit development.

Member Rich said that the issue identified by the petitioner was that he could not find a proper place for the business within any of the Light Industrial Districts in the City, where the use would be allowed. The problem was not that the property could not be used for what it is zoned for, but rather that the applicant's use is not allowed in the IRO District, and the applicant could not find a property in a district where it would be allowed.

Member Rich believed the property could be used for the purposes permitted in the IRO District and that there is nothing unique to this particular property within the District, because the proposed use would not be allowed in any IRO District property. While he liked the project, he would not be able to support granting a use variance in this case. The standard for allowing the use variance is that there is a problem with the property such that it cannot be used for the uses ordinarily allowed in that district.

Acting Chair Vergun stated that there appeared to be two ways to view the matter. One view was that the site had trouble leasing because an appropriate tenant could not be found. The other view was that the business had trouble finding a location. Acting Chair Vergun stated that

Member Rich appeared to be identifying the case as the latter, meaning that the business need was driving the request rather than a hardship unique to the building.

Member O'Connell said that the Board was not granting the use variance to the building or the address, but rather to the applicant's company.

Member Rich did not believe that was correct. The Board would be granting the variance to the building, and if approved, the building could be used by this company or by another company seeking to conduct pharmaceutical compounding.

Member O'Connell asked whether the use variance could be made specific to the applicant's company, while also applying to the identified addresses.

Legal Clarification

City Attorney Mendelsohn clarified that the use variance would run with the land. The particular land and properties were identified in the application, and if granted, the variance would allow the particular use at that location in addition to the uses already permitted in that zoning district. If a manufacturing business or another use is already permitted in the district, that use would remain permitted. The variance, if granted, would add the pharmaceutical operation as an allowed use for the particular location.

Member Rowland asked whether, if the use variance were granted, the variance would continue into the future for any business moving into the building, such that another business could use the location for pharmaceuticals and not only the company applying for the variance. City Attorney Mendelsohn confirmed that it was correct.

Member O'Connell stated that he was still not clear on Member Rich's objection to the request.

Member Rich responded that he did not believe the request met criteria 1 or 2 for a use variance. Criterion 1 concerns whether the property can be used for the purposes permitted in the zoning district. The property is zoned to allow industrial research uses, and the fact that a tenant has not moved in does not mean the property is unable to be used for those purposes. Based on the sign at the property, there had been a dental practice in the building at some point, which indicated that a permitted use had occupied the building. He was not aware of anything about the particular portions of the building at issue that would make them unsuitable for the uses permitted in the IRO District.

With respect to criterion 2, Member Rich stated that there was nothing unique about this property as compared with any other property in an IRO District. The only difference was that someone wished to use the property for a different purpose. If the applicant sought to locate in another IRO property, the use would not be allowed there either. There was nothing unique about this property with respect to the request.

Property Owner Comments Regarding Market Conditions

Member O'Connell asked Mr. Frankel how long the property had been available for lease. Mr. Frankel responded that a portion of the property had been available for approximately five years and that the rest of the building had been available for lease or sale for approximately two

years. Mr. Frankel stated that he had owned all of Halsted Commerce Park since the 1970s. The market for flex space had changed dramatically. Tenants now want to convert the space to warehouse use. Space with 60% or 70% office use is a thing of the past. The buildings were not constructed with truck wells, which creates a problem in finding tenants. It had been very difficult to find responsible tenants with the financial ability to survive in the current market. He was fortunate to have the opportunity to sign a lease with a tenant that has the resources to proceed and might eventually occupy the entire building, subject to a possible future change in the zoning ordinance. He had listed the space with brokers, advertised, and promoted the property, but the market for the space was essentially nonexistent.

Further Board Discussion

Member Rich stated that the issue of finding tenants, as identified by Mr. Frankel, was the same issue faced by everyone who owns property in an IRO District. The fact that an owner cannot find a dental practice, engineering firm, or similar company to occupy the space does not mean the space could not be used for those purposes, which was his understanding of the use variance criterion.

Member O'Connell stated that there were vacant properties throughout Farmington Hills, particularly in that subdivision, and that the Board had before it a tenant with the ability to lease the space and bring jobs to Farmington Hills. He would be willing to make a concession, even if it might affect something in the future, because the Board could not know what would happen in the future. The Board could only approve or disapprove the company's use variance request.

Member Rich said that the proper alternative might be to request a zoning change so that the property would fall within a district or regulation allowing the applicant's proposed use. This would be preferable to the Board having to apply the variance standards. He did not know what future action might be taken in follow-up to the ordinance provisions for the freeway overlay, and he viewed a zoning change as the proper alternative to granting a variance.

Staff Response Regarding Rezoning or Text Amendment Process

Member O'Connell asked staff what would be involved if the applicant were to seek a change in zoning.

Director Kettler-Schmult advised that a change in zoning would be a request considered by the Planning Commission and would involve approximately a four-month process for an up or down vote. She did not know the likelihood of approval for a rezoning. She noted that there were some items in the applicant's favor, but many items against it. When a property is located within an area of similar zoning classification, it is unusual to have a different zoning designation approved. Potential changes in the master plan that might affect this area will not occur for some time and involve a significant process.

Acting Chair Vergun indicated he was ready to entertain a motion.

MOTION by O'Connell, support by Jamil, in the matter of ZBA Case 5-26-5779, I move that the petitioners request for a use variance to allow a business that compounds, processes, and packages pharmaceuticals within the IRO Zoning district where this use is only permitted as a special use approval in the LI-1, Light Industrial District be **APPROVED**, based on the petitioner's

submission, petitioner's presentation before the Zoning Board of Appeals, Public Comments and the following findings:

- (1) The Petitioner's property at 37879 -37871 Industrial Park cannot be used for the purposes permitted in the IRO zoning District. The property is located within the IRO and FWR-2 Overlay Districts. The recently approved Master Plan (August 2025) recognizes the change in business operations within the research and manufacturing industry. The Master Plan for Future Land Use recommends a greater diversity of non-residential uses within the FWR-2 District. The implementation of the Master Plan is in process, and it is listed as a community goal within the Master Plan for Future Land Use.
- (2) The Petitioner's plight is due to unique circumstances peculiar to this property and not general neighborhood conditions. The unique circumstance is that it is not zoned properly.
- (3) The petitioner's suggested use would not alter the essential character of the area. The IRO district where this property is located currently permits other laboratories that are of a medical or testing nature.
- (4) The petitioner's problem is not self-created. The applicant has researched properties extensively within the Light Industrial District for the particular features referenced as User Requirements Specifications in the letter dated April 29, 2026. Further, the letter outlines an extensive listing of sites that were evaluated and deemed unsuitable.

Further, in each case, including other cases of a similar nature, the ZBA will evaluate any request based on its own merits. This decision is not a blanket statement that "manufacturing, compounding, processing, and packaging of pharmaceuticals is permitted within the IRO, Industrial Research Office Zoning District. This is simply a recognition that the specific findings of this case allow for this specific use.

Motion passed by voice vote 5-1 (Rich opposed).

B. ZBA CASE: 5-26-5780

LOCATION: 39316 Plumbrook Drive

PARCEL I.D.: 23-07-305-007

ZONE: RA-1

REQUEST: In order to install a 15.75 ft. x 36 ft. inground pool with a 22.81 ft. x 50.65 ft. concrete deck surrounding the pool in the rear yard, the following variance is requested:

1. A 3-foot variance from Section 34-3.26.6.A of the Zoning Ordinance to permit a pool deck to project 23 ft. into the minimum rear yard setback, where 20 ft. is the maximum allowed.

CODE SECTION: 34-3.26.6.A

APPLICANT: Ashley and Martin Peltcs

OWNER: Ashley and Martin Peltcs

Staff Presentation

Director Kettler-Schmult explained that the request for installation of the pool and surrounding surface was received through a building permit application. The application was denied because

it did not meet ordinance requirements. The request before the Board was for a 3 foot variance for projection into the minimum rear yard setback.

Applicant Presentation

Ashley and Martin Peltcs, 39316 Plumbrook Drive, were present on behalf of this application for a 3-foot variance as described.

Ms. Peltcs made the following points:

- The house is generally L-shaped, with an existing deck in poor condition that will be removed and replaced with a concrete patio.
- There is no other location on the property where the pool can be placed. It cannot move farther forward into the property because a family room extends from the back of the house, and a chimney projects out approximately 20 inches. In order to maintain the structural integrity of the rear room and chimney, the pool must be located 5 feet from the rear of the home.
- The pool is 14 feet wide at the point where the rear room creates the constraint. And 2 feet of concrete is needed at the rear of the pool. Structural supports for the pool will be located underground beneath the concrete.
- The original submittal included a much larger pool with more surrounding concrete. They reduced the proposal as much as possible in order to fit the pool within the yard to accommodate the zoning requirements.
- The applicants had submitted three different plans. The first plan encroached on the easement. The second plan reduced the size of the pool, but it was shifted too far to the right and required a side yard variance. The current plan shifted the pool to the left so that the only remaining request is the 3 foot variance for the rear setback.
- The applicants spoke with their neighbors, who did not object to the pool or the requested variance. They submitted the proposal to the homeowners' association and received approval, which was provided as part of the application materials.
- The applicants had tried to accommodate the ordinance requirements as much as possible. Strict adherence to the setback requirements would prevent the applicants from installing a pool at the home.

Board Questions

Member Rich asked whether there was any issue, other than the pool being smaller, with reducing the pool width from 15.75 feet to 12.75 feet so that the proposal could shift 3 feet closer to the house, and no variance would be needed.

Ms. Peltcs responded that reducing the width would affect the family's use of the pool. She has two young children, and she would be concerned about safety if they were playing and roughhousing in a smaller pool. A smaller size would not be realistic for the family's needs.

Member O'Connell asked whether the pool fence would go around the property line or around the pool itself. Ms. Peltcs stated that the fence would go around the property line; she believed the fence permit had already been approved.

Member O'Connell asked whether the concrete patio shown on the overhead was in the location of the existing deck, and whether it would connect to the concrete surrounding the pool. Ms. Peltcs confirmed that it was the case.

Member O'Connell said that during the site visit, he observed that the proposed pool and surrounding concrete were not attached to the house or other decking. He asked why it was called "deck" when it appeared to be the outer boundary of the pool.

Director Kettler-Schmult stated that the intent was to describe the surface adjacent to the pool. There are different ways to reference the surface, and the staff planner identified it as a deck. It was an at-grade concrete surface.

Member Rowland noted that the agenda requested a 3-foot variance, while the application referenced a 2-foot variance. Director Kettler-Schmult stated that the applicant initially misunderstood the variance that was necessary. The 3-foot variance is what is required for the submitted plans, and that is what was advertised.

Public Comment and Correspondence

Acting Chair Vergun opened the meeting for public comment. As no public indicated they wished to speak, Acting Chair Vergun closed public comment and brought the matter back to the Board.

Member Rich reported that there was an affidavit of mailing, there were no undeliverables, and there was no correspondence other than the homeowners' association approval provided by the applicants.

Board Discussion

Acting Chair Vergun asked staff about the highlighted portion of the applicable ordinance language, which states that an uncovered, unenclosed deck, porch, patio, or paved terrace may project into the rear yard setback. He noted that the code language does not specifically distinguish between a pool-related surface and a patio or paved terrace without a pool. He stated that, even if there were no pool and the applicants wished to construct a large patio in the same location, the same variance issue would appear before the Board. A future code rewrite may need to consider whether pool construction should be treated differently, because the pool itself occupies space that would otherwise be available and may push the farthest extent of the concrete surface outward.

Member O'Connell asked staff whether the applicants would still need to appear before the Board if the concrete surrounding the pool were not attached to the concrete patio near the house.

Director Kettler-Schmult said in that situation, the applicants would not be before the Board for that same issue because the code contains an anomaly that allows a little more expansion when the surface is separated from the property. However, the applicable code section still includes a maximum distance that would apply to the site. The surface may project 20 feet into the minimum rear yard setback.

Member O'Connell asked whether, if the concrete patio near the house did not exist and the pool were placed in the same location, the only applicable requirement would be that the pool remain 10 feet from the rear property line. Director Kettler-Schmult clarified that, if the diagram area labeled concrete patio near the home were removed and there were an inground pool with the concrete surround, the project would still require a variance because the extent of the concrete into the rear yard may only go within 15 feet of the rear property line.

MOTION by Jamil, supported by Banks, in the matter of ZBA Case 5-26-5780, I move that the petitioner's request for a 3 ft. variance from Section 34-3.26.6.A of the zoning ordinance to permit a pool deck project 23 ft. into the minimum rear yard setback where 20 ft. is the maximum allowed be **GRANTED** because the petitioner did demonstrate practical difficulties exist in this case in that facts were set forth which do show that, based on the petitioner's submission, petitioner's presentation before the Zoning Board of Appeals, Public Comments, and the following findings:

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. To ensure the structural integrity of the chimney at the back of the home, the pool footing must be located a minimum of 5 feet from the home. This condition shifts the pool and the surrounding concrete further into the backyard.
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. The homeowner's association has granted approval, indicating no impact on the adjacent properties and no objection to the requested variance.
3. That the petitioner's plight is due to the unique circumstances of the property. The unique sizing of the yard and features of the home create unique circumstances.
4. The problem is not self-created. The configuration of the property and features of the home were existing or created by previous owners.

And with the following condition:

- The project will conform to the plans presented in the meeting packet.

Motion passed unanimously by voice vote.

C. ZBA CASE: 5-26-5781

LOCATION: 31130 Orchard Lake Road

PARCEL I.D.: 23-02-103-025

ZONE: B-3, General Business and P-1, Vehicular Parking

REQUEST: At their March 19, 2026, Regular Meeting, the Planning Commission conditionally approved a site plan (SP 52-2-2026) to expand an existing building and parking lot and add two (2) canopy-covered outdoor seating areas for restaurant use. As identified in the motion, the applicant must obtain variances and then submit a revised site plan for administrative verification to address the Planning Commission's conditional approval.

1. **Building setback adjacent to residential** - A 14-foot setback variance from Section 34-3.1.25.E and 34-3.5.2.L of the Zoning Ordinance to permit a new building addition to be installed 6 feet from the north lot line adjacent to a residential district where a minimum 20-foot setback is required.
2. **Front yard open space** - An 8% variance from Section 34-3.1.25.E of the Zoning Ordinance to permit a new outdoor seating area to be installed in a portion of the required front yard open space area west of the existing building along Orchard Lake Road where a minimum 50% front yard open space area is required.
3. **Off-street loading and unloading space** - A variance from Section 34-5.4.2 of the Zoning Ordinance to not provide an off-street loading and unloading space where a space of 660 sqft. is required for this site, located within a B-3 district.
4. **Landscape area in yard abutting a street** - A 2-foot wide variance from Section 34-3.5.2.U of the Zoning Ordinance to allow an 8-foot wide landscape area abutting the new parking lot along Mulfordton Street, where a minimum 10-foot wide landscape area is required.
5. **Outdoor seating separation from residential** – A 190-foot variance from Section 34-4.32.1 of the Zoning Ordinance to allow an outdoor seating area north of the existing building to be located 10 feet from a residential district without being separated from such residential area by a major or secondary thoroughfare or by a building where a minimum separation of 200 feet is required.
6. **Outdoor use in required side yard setback** - An 8-foot variance from Section 34-3.1.25.E of the Zoning Ordinance to permit a canopy-covered outdoor seating area on the north side of the existing building to be located 2 feet from the side lot line, where a minimum 10-foot setback is required.
7. **Outdoor space for seating in required front yard setback** - A 17-foot variance from Section 34-3.1.25.E of the Zoning Ordinance to permit a canopy-covered outdoor seating area on the west side of the existing building to be located 8 feet from the front lot line, where a minimum 25-foot setback is required.
8. **Dumpster setback from residential** – An 8-foot variance from Section 34-5.1.3.D.iii of the Zoning Ordinance to permit a dumpster and screening enclosure to be installed 12 feet from the adjoining residential district, where a minimum where a minimum separation of 20 feet is required.

CODE SECTIONS: 34-3.1.25.E, 34.3.5.2.L, 34-5.4.2, 34-3.5.2.U, 34-4.32.1, and 34-5.1.3.D.iii

APPLICANT: Nick Hannawa

OWNER: Hannawa-Lahser Road Development, LLC

Staff Presentation

Director Kettler-Schmult explained that in general, the requested variances involve expansion of an existing building, expansion of the parking lot, and the addition of two canopy-covered outdoor seating areas for restaurant use.

There are several zoning designations in the area, including a residentially zoned area to the north that includes a parking lot for an adjacent business use and a rental home within the RA-4 District.

The plans in the Board packet were the plans that went to the Planning Commission. She also had plans corresponding to the agenda item and could display them on the screen for reference and efficiency if necessary.

Applicant Presentation

Brett Hart, Priority Engineering, was present on behalf of this variance request. Owner Nick Hannawa, Bloomfield Hills, was also present.

Mr. Hart said that Mr. Hannawa was excited about revitalizing an existing building that had been vacant for four to five years. Mr. Hannawa had invested significant time and money into his vision for the parcel, which included use as a Zarzoor restaurant serving Mediterranean food in a high-end, family-style, warm atmosphere.

Mr. Hannawa was requesting several variances, but given the existing site constraints, the requests represented the minimum necessary to make the site safe for pedestrians, functional, and consistent with Mr. Hannawa's vision for the property. The proposed improvements include facade improvements to the existing building, parking lot expansion, extensive landscaping, and underground infrastructure to service the building and handle stormwater runoff.

Mr. Hart reviewed the requested variances as follows:

- Regarding Variance 1, building setback adjacent to residential, the existing building already encroaches over the north property line setback, which is the side yard. The applicant pushed the addition back 6 feet from the property line to provide room for maintenance and avoid placing it directly against the existing screen wall. The additional space is crucial because the addition will be used for the kitchen, and space will be at a premium.
- Regarding Variance 2, front yard open space, the applicant is proposing a patio in that area. The canopies for the west patio and north patio are retractable and will not be erected at all times. The new outdoor seating area proposed west of the building encroaches on the required front yard open space. Retractable doors will be open during good weather to bring the interior ambience outside and make the patio feel like an extension of the interior restaurant space rather than a separate room. The applicant is requesting 8% relief, which he estimated to be less than 200 square feet.
- Regarding Variance 3, off-street loading and unloading space, the site is tight and does not have the necessary space to provide a loading zone without removing needed parking. The restaurant will not serve breakfast, which provides an opportunity to schedule deliveries during off-hours without disturbing pedestrians.
- Regarding Variance 4, the landscape area in the yard abutting a street, given the site constraints, pedestrian safety was a primary focus. The design maintains the minimum required drive lane widths and parking space dimensions. It therefore seemed logical to encroach 2 feet into the required 10-foot landscape buffer along Mulfordton Street.
- Regarding Variance 5, outdoor seating separation from residential, both patio areas are within 200 feet of the residential area to the north. The requirement is intended to address noise. The applicant plans to aggressively screen both patio areas with plants and bushes to block sound from traveling far.

- Regarding Variance 6, outdoor use in the required side yard setback, the side setback canopy is retractable, but when extended, it will encroach into the side yard setback. The canopy is needed to protect patrons from the elements.
- Regarding Variance 7, outdoor space for seating in the required front yard setback, the front setback canopy is also retractable and is needed for the same purpose of protecting patrons from the elements.
- Regarding Variance 8, dumpster setback from residential, the existing dumpster is being moved east from its current location to accommodate the proposed building addition, fit within the parking lot flow, and maximize parking.

Mr. Hart stated that the investment in the property would revitalize the site and improve its overall appearance and long-term viability. The variance requests are driven by the small and constrained nature of the site. The applicant is requesting the minimum relief necessary to make the project functional and allow redevelopment of the site. He requested approval of the variances.

Mr. Hannawa made the following points:

- The property was formerly occupied by a pet supply store that went out of business, and has been vacant for almost four years. His family has been carrying the property, taxes, and debt for three to four years.
- He previously tried other uses for the property, including a car wash, which was initially approved by the Planning Commission, but he heard clearly from the City Council that a car wash, gas station, or similar use was not desired. Although he was advised that he could fight the issue, he did not want to force a use on the City that the City did not want.
- He grew up in the area, and for his family, the property is a pride of ownership site. He wanted to find a use that would benefit the community, the area, and bring something positive to the Orchard Lake corridor. He reached out to the owner of Zarzoor restaurant, a well-known Iraqi Middle Eastern restaurant in Sterling Heights with a significant social media following and strong recognition in the area, to partner with him to construct a similar restaurant – Zarzoor Prime – at this site. The proposed concept would be high-end while still being accessible for families. The restaurant has a beer, wine, and liquor license under contract, plans to operate later hours, and will have a private dining room capable of hosting small events such as baptisms or birthday parties. They expect to invest close to \$3 million in the business buildout.
- The project is passion-driven. The restaurant will be a strong addition to the area and would complement the activity across the street on Orchard Lake Road.

Board Questions

Acting Chair Vergun asked whether the applicant intended to approximate the interior design shown in one of the presentation images. Mr. Hannawa confirmed that the design work had been ongoing since October 2025, and the presentation images corresponded with the proposed floor plan, including booth areas and modern seating and design. The restaurant is intended to be an experience upon entry.

Acting Chair Vergun asked about the requested outdoor seating separation from residential property. He noted that there appeared to be one home on Rexwood. Other nearby

residentially zoned property to the east or southeast was largely undeveloped and somewhat wooded. He asked whether there had been outreach or a connection with the Rexwood address.

Mr. Hannawa stated that Hannawa-Lahser Road Development now owns the house on Rexwood. The other residentially zoned property is being used as parking, and the owners of that property also have no issue with the proposal.

Member O'Connell asked about the outdoor seating on the north side of the building, noting that the seating would be located only 2 feet from the property line and that the property line is adjacent to the driveway for the adjacent barbershop. He was concerned that the patio would be only 2 feet from an area where vehicles would be driving. He asked whether the exterior of the patio would be screened.

Mr. Hart said that they would screen the outside of the north patio and could add a reverse header on the north side of that patio so that the area would be elevated. If a vehicle were to leave the driveway, it would hit the curb rather than directly enter the patron area.

Member O'Connell asked whether the north outdoor seating was necessary and whether it would only be open during the summer. Mr. Hannawa stated the seating was needed and it would be used only in the summer.

Member Jamil stated that outdoor seating has become common for restaurants opening in nearby communities such as Bloomfield Hills, Birmingham, West Bloomfield, and Commerce. Many new restaurants have outdoor seating, and restaurants along Orchard Lake Road and Farmington Hills should have the same opportunity.

Member O'Connell agreed with the general importance of outdoor seating, but his concern was specific to the north side of the building, where patrons would be seated near the barbershop and adjacent driveway. The view was not ideal, but his primary concern was safety.

Mr. Hannawa explained that the north side patio would have some view toward the street, but would be screened with planters and trees. A seated patron would not see the barbershop because the area would be screened in. He referred to the presentation image showing doors opening to the patio area and said that the applicant intended to create a similar effect with screening around the patio. The screening would block an undesirable view and also help reduce noise for patrons.

Member Rowland asked whether bollards were planned for the north side to protect patrons from traffic, given that the patio would be 2 feet from the drive. Mr. Hart said the applicant would be amenable to bollards. If the variances were approved and the project proceeded to engineering, he expected that the City might require such protection.

Mr. Hannawa pointed out that the barbershop appeared to be a small operation with limited traffic and likely only one or two vehicles coming in or out at a given time. The vehicles would already be moving slowly. They would consider bollards and safety measures.

In response to further comments, Mr. Hannawa said the driveway appeared to be a one-car driveway. Traffic control along Orchard Lake Road has changed because there is no longer a middle turn lane, and vehicles must use the roundabout, meaning that vehicles are not turning left into the driveway as they had in the past.

Member O'Connell said that screening would make a significant difference in reducing noise. He noted that when he visited the site on Sunday morning at 9:00 am, traffic noise was noticeable even though there was not much traffic. Mr. Hannawa affirmed that they would provide screening and that it would complement the appearance of the project.

Member Rich asked whether the applicant planned to broadcast music through outdoor speakers and asked what the hours would be for the outdoor patio use. Mr. Hannawa stated that there were no plans to play music outside and that the outdoor areas were intended for dining and conversation, similar to a family dinner experience at the existing Zarzoor restaurant. The restaurant would probably operate from noon until 10:00 or 11:00 pm. He had heard from Community Development that there was interest in later restaurant hours in the area, and he believed there was a need for sit-down dining options later in the evening.

Member Jamil noted the Planning Commission had approved the project, conditioned on the variances being granted. In his view, all the variances were small.

Acting Chair Vergun agreed that there were a number of variances, but that several of the requests appeared to be small amounts of relief. The applicant's purchase of the nearby residential home made him more comfortable with the residential adjacency.

Member Rich asked whether the applicant had any plans for the former home. Mr. Hannawa stated that he had no plans for the property at that time. He also stated that he understood there may be future consideration of a zoning change based on the master plan, but there were no current plans for the property.

Member Rich asked if Mr. Hannawa knew who owned the parking lot at 31307 Rexwood. Mr. Hannawa said he knew the owner, who also owned the nearby vape shop and beauty lounge.

Member Rich asked whether the building with three addresses had one owner and whether the occupants were tenants of that owner. Mr. Hannawa confirmed that it was one property, that the occupants were tenants, and the property to the rear is currently vacant and being used as a parking lot (currently zoned residential).

Member O'Connell asked whether there may be an opportunity to arrange for use of the parking lot to the north if parking issues arise, noting that the applicant's materials referenced possible overflow parking at Taco Bros because the applicant owns that property. If an arrangement could be reached for the parking lot to the north, a gap could potentially be created in the wall so customers could walk through.

Mr. Hannawa thought they could work something out. The restaurant plans to have valet parking during busier times of the day and does not want patrons parking far away and walking in.

Public Comment and Correspondence

Acting Chair Vergun opened the meeting to public comment. As no public indicated they wished to speak, Acting Chair Vergun closed public comment and brought the matter back to the Board.

Member Rich stated that there was an affidavit of mailing with six undeliverables. There was no correspondence from the public.

Acting Chair Vergun indicated he was ready to entertain a motion.

MOTION by O’Connell, supported by Banks, in the matter of ZBA Case 5-26-5781, that the petitioner’s request for variance(s)

1. **Building setback adjacent to residential** – A 14 ft. setback variance from Section 34-3.1.25.E and 34-5.2.L of the Zoning Ordinance to permit a new building addition to be installed 6 feet from the north lot line adjacent to a residential district where a minimum 20-foot setback is required.
2. **Front yard open space** – An 8% variance from Section 34-3.1.25.E of the Zoning Ordinance to permit a new outdoor seating area to be installed in a portion of the required front yard open space area west of the existing building along Orchard Lake Road, where a minimum 50% front yard open space area is required.
3. **Off-street loading and unloading space** – A variance from Section 34-5.4.2 of the Zoning Ordinance to NOT provide an off-street loading and unloading space where a space of 660 sq ft. is required for this site to be located within the B-3 district.
4. **Landscape area in yard abutting a street** – A 2-foot-wide variance from Section 34-3.5.2.U of the Zoning Ordinance to allow an 8-foot-wide landscape area abutting the new parking lot along Mulfordton Street, where a minimum 10-foot-wide landscape area is required.
5. **Outdoor seating separation from residential** – A 190-foot variance from section 34-4.32.1 of the Zoning Ordinance to allow an outdoor seating area north of the existing building to be located 10 feet from a residential district without being separated by a major or secondary thoroughfare or by a building where a minimum separation of 200 feet is required.
6. **Outdoor use in required side yard setback** – An 8-foot variance from Section 34-3.1.25.E of the Zoning Ordinance to permit a canopy-covered outdoor area on the north side of the existing building to be located 2 feet from the side lot line, where a minimum 10-foot setback is required.
7. **Outdoor space for seating in required front yard setback** – A 17-foot variance from Section 34-3.1.25.E of the Zoning Ordinance to permit a canopy-covered outdoor seating area on the west side of the existing building to be located 8 feet from the front lot line, where a minimum 25-foot setback is required.
8. **Dumpster setback from residential** – An 8-foot variance from Section 34-5.1.3.D.iii of the

Zoning Ordinance to permit a dumpster and screening enclosure to be installed 12 feet from the adjoining residential district, where a minimum separation of 20 feet is required.

be **GRANTED** because the petitioner **did** demonstrate practical difficulties exist in this case, in that facts were set forth which do show that, based on the petitioner's submission, the petitioner's presentation before the Zoning Board of Appeals, Public Comments, and the following findings:

1. For variance #1. The proposed addition is a logical extension of the existing building and is necessary to support the intended restaurant use, which is a permitted use in this zoning district. Relocating or reducing the addition to meet the required setback would compromise building functionality, reduce operational efficiency, and create conflicts with parking and circulation.
2. Variance #2. The requested variance is due to the existing building placement and the proposed outdoor seating within the constrained site layout. The existing building footprint and limited site area restrict the ability to comply while maintaining a functional design. A substantial amount of open space will remain along Orchard Lake Road.
3. Variance #3. The requested variance is necessary due to the limited size of the site and constraints of the existing building and parking layout. There is no compliant loading space without removing required parking or disrupting safe circulation. Proposed management of the deliveries will not result in adverse impacts to surrounding properties.
4. Variance #4. The reduced landscape width is limited to the new parking lot expansion and is necessary to maintain the required parking and safe circulation within a constrained site.
5. Variance #5. The location of the northern outdoor seating area is constrained by the existing building placement, limited site depth, and adjacency to existing residential zoning. The seating area is limited in scale. Potential impacts will be mitigated through screening, landscaping, and management of hours of operation.
6. Variance #6. The canopy-covered seating area is directly associated with the outdoor seating use and is constrained by the same site limitations, including building placement and lot configuration.
7. Variance #7. The location of the western outdoor seating area is driven by the existing building placement and the limited available space. The seating area remains compatible with the corridor and doesn't create safety concerns. It functions as an integral component of the overall site design.
8. Variance #8. The dumpster location is constrained by the existing building configuration, parking layout, and the need to maintain safe and efficient service access. There is no feasible compliant location that would allow proper circulation and access without creating greater impacts to the site layout.

9. 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.
10. 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, proposal will remain compatible with the adjacent residential uses through the site layout proposed and buffering provided.
11. The petitioner's plight is due to the unique circumstances of the property.
12. The problem is not self-created but due to existing site conditions.
13. The requested relief for variances (1-8) represents the minimum necessary to allow reasonable redevelopment of the property.

Motion passed unanimously by voice vote.

5. **Approval of Minutes:** April 14, 2026
MOTION by Rich, supported by Jamil, to approve the April 14, 2026, meeting minutes as submitted.
Motion passed unanimously by voice vote.
6. **Adjournment**
Motion by Rowland, support by Jamil, to adjourn the meeting.
Motion passed unanimously by voice vote.

The meeting adjourned at 9:55pm.

Brian Rich, Secretary

/cem