

**MINUTES
CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS
FARMINGTON HILLS CITY HALL
31555 W. ELEVEN MILE ROAD
NOVEMBER 12, 2024 – 7:30 PM**

1. CALL MEETING TO ORDER

Chair O’Connell called the meeting to order at 7:30 P.M.

2. ROLL CALL

Members Present: Jamil, Irvin, Khan, Lindquist, O’Connell, Rich, Vergun

Members Absent: None

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

3. APPROVAL OF AGENDA

MOTION by Irvin, support by Jamil, to amend and approve the agenda as follows:

- **Add Public Comment following Approval of Agenda**

Motion carried unanimously by voice vote.

PUBLIC COMMENT

Larry Naser, White Tail Court, thanked the Board for granting a variance to build an indoor pool for his special needs adult son. The pool was intended to address his son's isolation by encouraging visits from friends and their families. However, after learning of a similar case where a pool increased isolation, his family reconsidered and ultimately decided to forgo the project. He expressed gratitude for the Board’s thoughtful decision, which provided his family with peace of mind, and expressed deep appreciation for their service to the community.

4. NEW BUSINESS:

A. ZBA CASE: 11-24-5744

LOCATION: 35917 Twelve Mile

ZONE: OS-4

PARCEL I.D.: 23-17-201-015

REQUEST: A variance from the Zoning Ordinance to permit a dumpster to be located within a front yard where dumpster is permitted only within a rear or interior side yard.

CODE SECTION: 34-5.1.3.D.i.

APPLICANT: Mark Rei

OWNER: Perimo USA Corporation

Utilizing a PowerPoint presentation, Zoning Supervisor Randt presented the facts of the case. The property is on 12 Mile Road between Drake and Halsted and is currently under construction. The request pertains to locating a dumpster enclosure on the east side of the defined front yard of the property. Diagrams and plans showing the property layout and proposed enclosure were provided to the Board.

Applicant Presentation

Eric Lord, Atwell, and Matt Johnston, Cunningham Limp, were present on behalf of this request for a variance to permit a dumpster to be located within a front yard. The applicants highlighted:

- The dumpster will be located in the defined front yard, but not in the front yard setback.
- Site layout: The property is long and narrow, with the buildings set far back from 12 Mile Road. The proposed dumpster location is several hundred feet from the road and near the side yard, minimizing visibility and disruption.
- Sustainability: The site design prioritizes minimizing tree removal and environmental impact. Parking spaces and other site elements were carefully designed to preserve trees.
- Functional Placement: The proposed location ensures accessibility for service trucks while minimizing disruption to employee circulation.
- Aesthetic Consideration: The dumpster enclosure is constructed of cedar planks, matching the building materials.

Board Member Questions and Clarifications

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

- The area north of the construction zone is being used as temporary staging for construction materials and will be restored with tree planting.
- Only one dumpster is required for the site.

Public Hearing

Member Vergun reported that there was an affidavit of mailing, with no returns. No correspondence regarding this case had been received.

Chair O'Connell opened the floor for public comment. As no public indicated they wished to speak, Chair O'Connell closed public comment and brought the matter back to the Board for discussion and/or a motion.

MOTION by Jamil, support by Rich, that in the matter of ZBA Case 11-24-5744, that the petitioner's request for a variance to permit a dumpster to be located within a front yard where dumpster is permitted only within a rear or interior side yard BE GRANTED, because the petitioner DID demonstrate practical difficulties exist in this case, in that he set forth facts which do show that:

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

With the following condition:

- The enclosure for the dumpster be built as depicted in the packet, in the location as proposed.**

Motion passed unanimously by voice vote.

B. ZBA CASE: 11-24-5745

LOCATION: 29564 Mayfair Drive

ZONE: RA-1

PARCEL I.D.: 23-04-378-009

REQUEST: For the following structures to remain in their current location, the following variances are requested:

1. A 9.7-foot variance from Section 34-3.1.4.E of the Zoning Ordinance to permit a 102.8-square-foot detached accessory building (shed) to have a 0.3-foot north side yard setback where a ten (10)-foot setback is required.
2. An 8.8-foot variance from Section 34-3.1.4.E of the Zoning Ordinance to permit a 47.6-square-foot detached accessory building (shed) to have a 1.2-foot south side yard setback where a ten (10)-foot setback is required.
3. A 9.1-foot variance from Section 34-3.1.4.E of the Zoning Ordinance to permit a 71.3-square-foot detached accessory building (shed) to have a 0.9-foot south side yard setback where a ten (10)-foot setback is required.
4. A ten (10)-foot variance from Section 34-3.1.4.E of the Zoning Ordinance to permit a 301.25-square-foot detached accessory structure (deck) to have a zero (0)-foot north side yard setback where a ten (10)-foot setback is required.

5. A ten (10)-foot variance from Section 34-3.1.4.E of the Zoning Ordinance to permit a 383.04-square-foot detached accessory structure (deck) to have a zero (0)-foot south side yard setback where a ten (10)-foot setback is required.
6. A five (5)-foot variance from Section 34-5.1.2.B of the Zoning Ordinance to permit a 115.4-square-foot detached accessory structure (pergola) to have a one (1)-foot rear yard setback where a six (6)-foot setback is required.
7. A six (6)-foot variance from Section 34-3.1.4.E of the Zoning Ordinance to permit a 115.4-square-foot detached accessory structure (pergola) to have a four (4)-foot south side yard setback where a ten (10)-foot setback is required.
8. A 5.5-foot variance from Section 34-5.1.1.C of the Zoning Ordinance to permit a 71.3-square-foot detached accessory building (shed) to be located within 4.5 feet of a main building (residence) where such buildings shall be located at least ten (10) feet from a main building.

Buildings/Structures within Easements/Right-Of-Way:

9. A variance from Section 34-5.1.1.C of the Zoning Ordinance to permit a 47.6-square-foot detached accessory building (shed) to be located within an easement for public utilities or a public or private right-of-way where such buildings shall not be located within such easements or right-of-way.
10. A variance from Section 34-5.1.1.C of the Zoning Ordinance to permit a 71.3-square-foot detached accessory building (shed) to be located within an easement for public utilities or a public or private right-of-way where such buildings shall not be located within such easements or right-of-way.
11. A variance from Section 34-5.1.1.C of the Zoning Ordinance to permit a 301.25-square-foot detached accessory structure (deck) to be located within an easement for public utilities or a public or private right-of-way where such structures shall not be located within such easements or right-of-way.
12. A variance from Section 34-5.1.1.C of the Zoning Ordinance to permit a 383.04-square-foot detached accessory structure (deck) to be located within an easement for public utilities or a public or private right-of-way where such structures shall not be located within such easements or right-of-way.
13. A variance from Section 34-5.1.1.C of the Zoning Ordinance to permit a 115.4-square-foot detached accessory structure (pergola) to be located within an easement for public utilities or a public or private right-of-way where such structures shall not be located within such easements or right-of-way.
14. A variance from Section 34-5.1.1.C of the Zoning Ordinance to permit a detached accessory structure (in-ground swimming pool) of unspecified dimensions to be located within an easement for public utilities or a public or private right-of-way where such structures shall not be located within such easements or right-of-way.

CODE SECTION: 34-3.1.4. E; 34-5.1.2. B; 34-5.1.1.C

APPLICANT: Mikki Godfrey

OWNER: Deon Godfrey

Utilizing a PowerPoint presentation, Zoning Supervisor Randt presented the facts of the case. The lot is located on Mayfair Drive, between 13 Mile and 14 Mile Roads, east of Drake and west of Farmington Road. Historical aerial images (2015, 2017, 2020, and 2023) and surveys (November 2023 and July 2024) documented the site's development.

Applicant presentation

Mikki and Deon Godfrey were present on behalf of this application for variances, in order to allow various structures to remain on the property. Ms. Godfrey made the following points:

- The Godfreys have lived in the home for 11 years. The in-ground pool existed before their purchase.
- The pool has been crucial for Mr. Godfrey's rehabilitation following significant health challenges. MDS cancer now prevents Mr. Godfrey from prolonged sun exposure.

Impacted buildings include:

- Sheds: One shed provides shaded outdoor space for Mr. Godfrey to enjoy family gatherings. A second shed stores pool equipment securely, keeping chemicals organized and preventing hazards.
- The decks allow for accessible outdoor living and relaxation for the family.
- The pergola provides additional shaded seating.
- Pre-existing structures: The attached shed and the pool were present at the time of home purchase.

Compliance Efforts:

The applicant was unaware of zoning requirements when constructing the sheds and pergola. They had been unaware that there was a manhole on their property. Upon receiving notices of unrelated violations, the applicants resolved the issues cited, including resolving a flat tire on a vehicle and updating license plates. The Godfreys emphasized their intent to comply with regulations and maintain the property's condition.

Personal Circumstances:

Ms. Godfrey now faces her own health challenges, requiring frequent hospitalizations and at-home care. The structures provide essential outdoor space for family activities, improving their quality of life and preserving independence.

Property Maintenance:

The Godfreys take pride in keeping their property well-maintained, including pest control, landscaping, and pool upgrades.

Board Deliberation

Variance for Pergola (Requests #6, #7, and #13):

- The concrete pad under the pergola was constructed by the applicant and poses further compliance issues. Its removal may allow the pergola to remain without variances if the pergola can be shifted out of the easement and to meet setback requirements. If the pergola cannot be shifted, it can only stay in its current location if variances #6, #7, and #13 are granted.

Manhole Access (Request #14):

- The concrete pad under the pergola obstructs a manhole, which serves as a storm sewer access point. The manhole was identified on a survey dated July 24, 2024.
- It is likely the manhole was under soil before the concrete pad was constructed. When and if necessary, the DPW would come in and dig it up to get access to the stormwater system, but the concrete pad – constructed in the easement without a permit – covered the manhole over.
- Restoring access to the manhole is essential; this especially relates to variance request #14.

Homeowners Association (HOA) Opposition:

- The HOA had submitted a letter dated 11-08-2024 opposing all variances, citing violations of building and code restrictions.

In response, Ms. Godfrey said she was unaware of the HOA's opposition until hearing this information just now. She had previously spoken with a board member who expressed no issue with her structures.

Ms. Godfrey was presented with a copy of the HOA letter.

Bias Allegations:

Ms. Godfrey raised concerns about bias from some HOA members, stemming from a 2023 Detroit News article unrelated to the variance request and which she believes has been unfairly used to influence HOA decisions.

Chair O'Connell stated that the Board is not influenced by external matters and assured the applicant that the article had not been provided to the Board and in any event would not affect the decision.

Community Standards and Fairness:

Ms. Godfrey highlighted inconsistencies in enforcement of HOA rules within the subdivision, noting other properties with visible violations. She questioned why her structures, which are located in the backyard and aimed at improving family life, faced scrutiny while other, more visible infractions did not.

Chair O'Connell read from the Kings Homeowners Association letter, which stated that a neighbor residing close to the property has expressed their concerns and requested that the HOA represent them in opposing these variances.

Public Comments:

Member Vergun reported that there was an affidavit of mailing, with no returns. No correspondence regarding this case had been received.

Chair O'Connell opened the floor for public comment. As no public indicated they wished to speak, Chair O'Connell closed public comment and brought the matter back to the Board for discussion and/or a motion.

Board Discussion and Motion on Variance #14 (Swimming Pool):

The swimming pool, existing since 1983, was legally permitted when installed by the previous owner. Board members appeared to favor granting the variance to permit the swimming pool to remain, even though it is located within an easement.

City Attorney Morita suggested that the variance approval should include a condition requiring a license agreement with the City.

MOTION by Irvin, support by Vergun, that in the matter of ZBA Case 11-24-5745, request #14, that the petitioner's request for a variance from Section 34-5.1.1.C of the Zoning Ordinance to permit a detached accessory structure (in-ground swimming pool) of unspecified dimensions to be located within an easement for public utilities or a public or private right-of-way where such structures shall not be located within such easements or right-of-way BE GRANTED, because the petitioner DID demonstrate practical difficulties exist in this case, in that she set forth facts which show that the problem was not self-created in that the home was purchased with the pool, which was previously approved. The petitioner's request is due to the unique circumstances of the property when purchased, and is granted with the following condition:

- **A license agreement be entered into with the City of Farmington Hills, approved by City Council in the form acceptable to the City Attorney, which is then recorded with the Oakland County Register of Deeds and that permits the improvement, the pool, to stay in the easement and setback area provided that the owner agrees the improvement can be removed by the City, at the sole cost of the owner, which could be secured by a lien if necessary, treated in the same manner as delinquent property taxes, with little to no notice from the City as determined by the City.**

Motion passed unanimously by voice vote.

After discussion regarding how to proceed with the remaining variance requests and noting that any variances involving utility easements should include the condition requiring a license agreement with the City, the Board noted that requests # 1 - #8 related to setback requirements, and requests #9-#13 relate to easement requirements.

- The shed attached to the house is compliant and does not need a variance.

- Request #1 pertains to a shed on the north side that is outside any easement. This shed houses pool equipment and supplies.
- Requests #2 and #3, relative to south side sheds: Shed #2 stores additional pool equipment and patio furniture. Shed #3 provides a shaded seating area for outdoor enjoyment, particularly for health-related needs. (Requests #2 and #3 related to easement requests #9 and #10).
- Requests #4 and #5 related to decks, which are used for outdoor recreation. These decks do not meet setback requirements and are within the easement. (Requests #4 and #5 relate to easement requests #11 and #12.)
- Requests #6 and #7 relate to the pergola, which primarily serves as a shaded structure for outdoor seating and cooking. (Requests #6 and #7 relate to easement request #13).
- Request #8 relates to the south side shed that that does not meet the separation requirement from the house.

Ms. Godfrey expressed willingness to comply with City licensing conditions if variances are approved.

Chair O'Connell pointed out that the applicant's requests include significant deviations from zoning requirements, including zero setbacks for some structures. Some structures may have to be removed if the variances are denied, unless the sheds and decks can be reconfigured to meet code requirements.

Sewer pipe and manhole access

In response to Board questions relative to correspondence in the packet regarding the integrity of the sewer system beneath the property, City Attorney Morita explained that the City is unable to determine the sewer's condition because access to the manhole is blocked by a concrete pad. There was also the issue as to whether it is the subdivision's responsibility or the City's responsibility to maintain the storm sewer in that area. In an urgent situation, the City will go out and open a manhole and perform emergency maintenance, and deal with the subdivision later. At this point, the manhole is not available.

Regarding the variance granted so that the pool can remain (request #14), the pool is not covering up the manhole and the pipeline is not underneath the pool.

Member Vergun pointed out that the pool had been in its location for 41 years, and its replacement value is higher than anything else being discussed this evening, which was why he was comfortable making the motion for Variance #14 earlier. He would also be comfortable making a motion for variance #1, as that shed structure is not located in the easement and is on the agenda because it is in the side yard setback. Granting Variance

#1 would allow the petitioner to utilize the property without creating undue burden, particularly given the family's special needs.

MOTION by Vergun, support by Khan, that in the matter of ZBA Case 11-24-5745, request #1, that the petitioner's request for a 9.7-foot variance from Section 34-3.1.4.E of the Zoning Ordinance to permit a 102.8-square foot detached accessory building (shed) to have a 0.3-foot north side yard setback where a ten (10)-foot setback is required, BE GRANTED, because the structure is not located in an easement and is only here tonight because of a short setback to the property line, and the petitioner DID demonstrate practical difficulties exist in this case, in that she set forth facts which show:

- 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.**
- 3. The petitioner's plight is due to the unique circumstances of the property.**
- 4. The problem is not self-created, as the petitioner has mentioned the special needs of her and/or her spouse in wanting to have somewhere to have some more cover from the elements outside to enjoy the pool. And as this structure is pre-existing and located outside of the easements, the 102.8 square foot shed can remain.**

With the following conditions:

- The shed remain in the location as depicted on the survey and kept in good condition.**

Motion discussion:

Member Lindquist said he would support this motion because it is the best candidate of the three sheds to be retained.

In response to a question from Member Rich, Ms. Godfrey said she had spoken with her immediate neighbors about this situation. She was shocked that the HOA had sent the letter opposing the variance requests.

Member Lindquist pointed out that any action taken by the Board this evening did not impact the HOA's ability to enforce its own rules. Granting Variance #1, for instance, would not preclude the HOA from taking action, should they choose to do so.

Motion passed unanimously by voice vote.

The Chair called a short recess at 9:12pm and reconvened the meeting at 9:17pm.

The Board discussed Variance requests #4 and #11, which were for the same deck structure. Variance # 4 requested a variance for a zero-foot setback from the north property line, and Variance #11 requested a variance for the same deck to be located with an easement.

It came out in discussion that the concrete pad was considered non-structural and was excluded from the variance requests. Decks were considered structural and in this case variances were required if the deck along the north property line was allowed to remain. Additionally, the deck supported a shed for which a variance had already been granted.

The Board reviewed survey details to understand the relationship between the deck, easement, and adjacent structures and improvements, including drainage pipes and utility lines. The survey indicated the drainpipe is not under the pool but is adjacent to the deck.

Consensus emerged to consider variance requests #4 and #11 simultaneously for approval as the related shed had already been granted a variance, and it would be burdensome to separate the shed from the deck. Granting the variances would acknowledge the practical geography of the site and the interconnectedness of the structures.

MOTION by Rich, support by Lindquist, that in the matter of ZBA Case 11-24-5745, requests #4 and #11:

- **#4, a request for a ten (10)-foot variance from Section 34-3.1.4.E of the Zoning Ordinance to permit a 301.25-square-foot detached accessory structure (deck) to have a zero (0)-foot north side yard setback where a ten (10)-foot setback is required, and**
- **#11, a request for a variance from Section 34-5.1.1.C of the Zoning Ordinance to permit a 301.25-square foot detached accessory structure (deck) to be located within an easement for public utilities or a public or private right-of-way where such structures shall not be located within such easements or right-of-way,**

That requests #4 and #11 BE GRANTED, because the petitioner did demonstrate practical difficulties exist in this case in that she 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. Granting the license requested would do substantial justice to the petitioner as well as to other property owners in the district.**
- 3. The petitioner's plight is due to the unique circumstances of the property.**

4. The problem is not self-created.

Specifically, a 10 foot setback would put any structure located along the north property line into the pool, which would not make any sense.

The granting of this variance is conditioned on:

- **The property owner entering into a license agreement approved by City Council and in a form acceptable to the City Attorney, recorded with the Oakland County Register of Deeds, that permits the improvements to stay in the easement and setback area provided that the owner agrees the improvements can be removed by the City, at the sole cost of the owner which will be secured by a lien placed on the property in the same manner as delinquent property taxes, with little to no notice from the City, and should the need, as solely determined by the City, arise. The license should also permit the City to enter onto the whole property as needed to access the easement.**
- **The access manhole at the southeast corner of the property be unburied and brought up to grade.**
- **The existing deck will be retained, not to be altered in shape or structure, will be properly maintained and in its current location and not be moved anywhere, east or west. However, should the deck need to be replaced at some point, the replacement will be of the exact same dimensions and location, and will not be taller than what exists now.**

MOTION passed unanimously by voice vote.

The Board discussed the remaining variances, which all related to setbacks and easements on the south and east side of the property.

In response to questions regarding the pergola, the applicant confirmed that the pergola was not screwed down to the concrete pad. Member Irvin pointed out that the pergola could be moved 6' from the fence. Member Vergun agreed that should the variances be denied relating to the pergola, the pergola could potentially be moved and used by the applicant. However, whether or not the pergola could be used elsewhere was not part of the criteria for granting a variance.

In response to questions, City Attorney Morita reiterated that the concrete pad was not a structure under the ordinance and was not part of any variance request. Because the concrete pad covered the manhole, the variance just granted for the deck on the north side included a condition that the access manhole be unburied and brought up to grade. In response to further questions, City Attorney Morita said the Board could condition a variance on the removal of the entirety of the concrete pad.

Member Vergun stated that he saw no need to separate the remaining variance requests and suggested they could be decided collectively. He noted that the Board had received a written objection from the Homeowners' Association opposing all of the variances. While the Board had granted relief on requests where denial would have imposed an undue burden on the applicant, Mr. Vergun emphasized that the remaining requests did not meet that threshold and should therefore be denied.

Member Irvin agreed.

Member Lindquist also concurred with the decision to deny the remaining variances. He explained that his earlier votes in favor of granting relief were intended to ensure the homeowner received reasonable relief in a challenging situation. However, the remaining requests represented the most problematic issues. The Board had also received a strongly worded letter from the Homeowners Association opposing these variances. With relief already granted for the pool, the deck, and the shed on the north side, denying the remaining requests would not impose a significant burden on the homeowner. Furthermore, the two remaining sheds were located much closer to the neighboring property, heightening the concerns of adjacent homeowners.

MOTION by Vergun, support by Lindquist, in the matter of ZBA Case 11-24-5745, that the petitioners request for variances 2, 3, 5, 6, 7, 8, 9, 10, 12, and 13 as listed BE DENIED, as the petitioner did not demonstrate practical difficulties exist in this case, in that:

- 1. Compliance with the strict letter of the ordinance would not unreasonably prevent the petitioner from using the property for a permitted purpose.**
- 2. That granting the variances requested would not do substantial justice to other property owners in the district.**
- 3. The petitioner's plight has no relation to unique circumstances of the property.**
- 4. The problem is found to be somewhat self-created.**

Motion passed unanimously by voice vote.

C. ZBA CASE: 11-24-5746

LOCATION: 29564 Mayfair Drive

ZONE: RA-1

PARCEL I.D.: 23-04-378-009

REQUEST: For a swimming pool to remain in its current location, the following variance is requested:

1. A variance from Section 28-29 (d) of the City Code of Ordinances to permit a detached accessory structure (in-ground swimming pool) of unspecified dimensions to be located within an easement where such structures shall not be located within an easement.

CODE SECTION: 28-29 (d); Sec. 28-39 (a), (b), (c) & (d)

APPLICANT: Mikki Godfrey

OWNER: Deon Godfrey

Zoning Supervisor Randt gave the location of the property as 29564 Mayfair Drive and noted that the location of the pool is as shown in the revised survey dated July 2024.

City Attorney Morita added that this case was brought before the Board tonight because, during the review of the multiple variance requests for this property, staff identified that an additional ordinance applied to the swimming pool's location within an easement. To avoid requiring the property owner to return for another hearing later, staff requested that the applicant apply for this variance on an expedited basis, ensuring all issues were resolved at once. The situation is unusual due to the property's unique configuration, with easements on both the east and south sides. Although the current ordinance was in effect when the pool was permitted and constructed, the encroachment into the easement was not identified during the permitting and inspection process. Tonight's goal was to address all compliance issues in one session, providing final resolution for the property owner and eliminating future complications.

As the applicant had already made a complete presentation regarding the issues on this property, with no change in the facts presented, with the applicant's permission the applicant's presentation was waived, and Chair O'Connell opened the floor for public comment.

As no public indicated they wished to speak, Chair O'Connell closed the public hearing and brought the matter back to the Board for discussion and/or a motion.

MOTION by Lindquist, support by Irvin, that in the matter of ZBA Case 11-24-5746, that the petitioners request for a variance from Section 28-29 (d) of the City Code of Ordinances to permit a detached accessory structure (in-ground swimming pool) of unspecified dimensions to be located within an easement where such structures shall not be located within an easement, BE GRANTED. Denying the request would make reconstructing the pool a practical impossibility. The pool already exists and has been waived in the Board's previous action earlier today and the granting of such variance will not violate the overall intent and purposes of this article. The motion notes that the unspecified dimensions are, in fact, the actual dimensions of the currently existing pool and that the dimensions of that pool cannot be altered or changed, as that would affect the grant of the variance. The pool will be able to remain in its current configuration under the grant of this variance.

The granting of this variance is conditioned on:

- **The property owner entering into a license agreement approved by City Council and in a form acceptable to the City Attorney, recorded with the Oakland County Register of Deeds, that permits the improvements to stay in the easement and setback area provided that the owner agrees the improvements can be removed by the City, at the sole cost of the owner which will be secured by a lien placed on the property in the same manner as delinquent property taxes, with little to no notice from the City, and should the need, as solely determined by the City, arise. The license should also permit the City to enter onto the whole property as needed to access the easement.**
- **The access manhole at the southeast corner of the property be unburied and brought up to grade.**

Motion passed unanimously by voice vote.

The applicant was advised to consult with the Zoning Supervisor tomorrow to review the Board's decisions and ensure clarity on the steps required to bring the property into compliance. Ms. Godfrey indicated her intention to file a hardship claim, as she is not currently working due to her health situation.

5. PUBLIC QUESTIONS AND COMMENTS:

None.

6. APPROVAL OF MINUTES September 10, 2024

MOTION by Irvin, support by Vergun, to approve the September 10, 2024 meeting minutes as submitted.

Motion passed by voice vote, with two abstentions (Jamil, Rich).

7. APPROVAL OF ZBA MEETING SCHEDULE, 2025

MOTION by Jamil, support by Irvin, to approve the 2025 ZBA meeting schedule as published.

Motion passed unanimously by voice vote.

8. ADJOURNMENT

MOTION by Irvin, support by Vergun, to adjourn the meeting.

Motion approved unanimously by voice vote.

The meeting adjourned at 10:00pm.

Respectfully submitted,

Daniel Vergun, Secretary

/cem