

**CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS MEETING
FARMINGTON HILLS CITY ALL
31555 W. ELEVEN MILE ROAD
DECEMBER 9, 2025**

1. CALL MEETING TO ORDER

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

2. ROLL CALL

Members Present: Banks, Irvin, Jamil, Khan, O'Connell, Rich, Vergun

Members Absent: None

Others Present: Director of Planning and Community Development Kettler-Schmult, City Attorney Kolb, Recording Secretary McGuire

3. APPROVAL OF AGENDA

**Motion by Rich, supported by O'Connell, to approve the agenda as submitted.
Motion passed unanimously by voice vote.**

4. OLD BUSINESS:

A. ZBA CASE: 10-25-5766

LOCATION: 29919 Stanhurst Rd.

PARCEL I.D.: 23-05-477-010

ZONE: RA-1, One Family Residential District

REQUEST: In order to construct an addition measuring approximately 12.2' x 13.6', the following variance is required. 1. A 2.8-foot variance to the required 10-foot (east) side yard setback. This will permit the addition to have a 7.17-foot side yard setback.

CODE SECTION: 34-3.1.4.E

APPLICANT/OWNER: Rohini Devi Potla

The applicant had submitted a written request to postpone this item.

MOTION by Jamil, supported by Khan, to approve the applicant's request to postpone ZBA Case 10-25-5766 to the January ZBA meeting.

Motion passed unanimously by voice vote.

This case will be re-noticed for the January meeting.

5. NEW BUSINESS:

A. ZBA CASE: 12-25-5770

LOCATION: 29450 W. 9 Mile Rd.

PARCEL I.D.: 23-26-486-014

ZONE: B-3, General Business District

REQUEST: A 25-foot variance from Section 34-3.1.25.E of the Zoning Ordinance to permit the southernmost (a.k.a west) gas station pump canopy to be 0 feet from the front (south) lot line where 25-feet is the minimum front yard setback required.

CODE SECTION: 34-3.1.25.E

APPLICANT: Riham Alsarout

OWNER: Smart Petrol 1 LLC

Background

Director of Planning and Community Development Kettler-Schmult gave the background for this variance request:

- The property is a long-standing gas station site that has existed for decades. The applicant is seeking to construct a 1,077 square foot addition to the existing gas station convenience store building, for a total of 2,324 square feet.
- The existing gas station has four fueling positions under the east canopy, as shown on the aerial, and two under the southernmost canopy. Both existing canopies are nonconforming, in that they are directly on the property line and therefore do not meet the front yard setbacks that are required within the B-3 district.
- The applicant seeks to expand the size of the southernmost pump canopy from two to six fueling stations. The number of pumps and the size of the east canopy will remain the same. The new and expanded southernmost canopy will be directly on the property boundary, and a variance is required because of the expansion of an existing nonconformity.
- The Planning Commission has approved the site plan with conditions, one of which relates to the request before the ZBA this evening. If the variance is not approved, the applicant would need to modify their site plan in order to move forward.

Applicant presentation

Oliver Nasralah, Ornamics Group, Dearborn, was present on behalf of this variance request. Mr. Nasralah highlighted the following:

- The request applies only to the southernmost canopy expansion.
- As already stated, if the request is denied, the site plan will need to be revised.
- One driveway approach would be closed per Planning Commission recommendations.
- Traffic circulation would rely on an existing easement with the adjacent property.

Board Questions and Clarifications

Board members clarified that only the canopy overhang requires a variance. Canopy supports and pumps meet setback requirements.

Public comment

Member Rich reported that there was an affidavit of mailing, with three undeliverable notices.

Chair Irvin opened the meeting to public comment. As no public indicated they wished to speak, Chair Irvin closed public comment and brought the matter back to the Board for further discussion and/or a motion.

MOTION by Jamil, support by Vergun, in the matter of ZBA Case 12-25-5770, that the petitioner's request for a 25-foot variance from Section 34-3.1.25.E of the Zoning Ordinance to permit the southernmost (a.k.a west) gas station pump canopy to be 0-feet from the front (south) lot line where 25-feet is the minimum front yard setback required, be GRANTED because the petitioner did demonstrate practical difficulties exist in this case in that he set forth facts which show that:

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

With the following condition:

- The gas station canopy will be constructed as shown on the submitted plans.**

Motion passed unanimously by voice vote.

B. ZBA CASE: 12-25-5771

LOCATION: Part of lots 11 and 12 of Franklin Oaks Subdivision

PARCEL I.D.: 23-01-177-025 & 23-01-177-027

ZONE: RA-1, One Family Residential District

REQUESTS:

- a. For proposed Parcel 1, A 46.75-foot variance from Section 34-3.1.4.E of the Zoning ordinance to permit creation of a lot 53.25 feet in width where a minimum 100-foot width is required.**
- b. For proposed Parcel 2, A 32.42-foot variance from Section 34-3.1.4.E of the Zoning Ordinance to permit creation of a lot 67.58-feet in width where a minimum 100-foot width is required.**
- c. For proposed Parcel 3, A 4.42-foot variance from Section 34-3.1.4.E of the Zoning Ordinance to permit creation of a lot 95.58-feet in width where a minimum 100-foot width is required.**

CODE SECTION: 34-3.1.4.E

OWNER/APPLICANT: Jason and Lauryn Curis

Background

Director of Planning and Community Development Kettler-Schmult gave the background for this variance request:

- The application is for dimensional variances for three of four proposed land divisions. The three parcels do not meet the minimum lot frontage requirement of 100 feet in the RA-1 One Family Residential District. The plan, as submitted, is part of a court settlement between the property owner and their neighbors.**
- Written public comments were included in the Board packets.**

- The existing easement through the property is not proposed to be modified.

Applicant Presentation:

Donald Rump, attorney for the applicant, 1650 West Big Beaver Road, Troy, Michigan, made the following points:

- The proposal consists of very large lots that are consistent with the RA-1 district in the City of Farmington Hills.
- The hardship was created when the subdivision was originally platted, resulting in a nearly 12-acre parcel abutting a cul-de-sac.
- The property was involved in litigation, and the proposed lot divisions were part of a consent judgment. The majority of subdivision owners who participated in the litigation agreed that the proposed divisions were fair and consistent with other development in the subdivision.
- While variances are requested from the minimum frontage requirement, the actual lot sizes have average widths ranging from approximately 167 feet to 287 feet. The smallest proposed lot is approximately six times larger than the minimum lot area required in the RA-1 district. The lots are very large and are consistent with the character of the neighborhood, and this consistency was the basis for the settlement of the lawsuit.

Board questions and clarifications

In response to questions, Mr. Rump gave the following information:

- The consent judgment was entered in summer 2025, following an appeal to the Michigan Court of Appeals that resulted in a ruling in favor of the petitioner. The case is now recorded.
- The applicant measured the width at the cul-de-sac property line and also at the 40-foot building setback. Due to the cul-de-sac configuration, the parcels widen significantly beyond the frontage. Three of the parcels are over three acres in size, and the fourth is just under three acres.
- When asked about dividing the property into three conforming lots, Mr. Rump responded that he did not believe the lots would conform, noting the lack of sufficient frontage on the cul-de-sac, and explaining that revising the plan would require returning to court, which would be a significant burden given the consent judgment already approved through the court system.

Public comment

Chair Irvin opened the meeting to public comment.

Eugene Greenstein, Olde Franklin Drive, offered extensive comments regarding this variance request. He stated that for years, residents have enjoyed walking and biking through four adjoining subdivisions without having to access main roads. This connectivity is no longer possible due to fencing installed by the applicants, and he asked the ZBA to address neighborhood connectivity as part of any decision on the requested variances. Two easements are impacted by the request, including the partially walkable and bikeable easement between Oak Crest Court and Franklin Fairway and a proposed walkable and bikeable easement between Oak Crest Court and the Rock Ridge Lane cul-de-sac. The existing walkable easement between Olde Franklin Towne and Stonewood Court is also impacted by the request. The former nature

preserve area located in the wooded portion of proposed Parcel 4 should remain accessible to the community. The proposed easement through the wooded area is not currently passable and would require routing around or removing mature trees. He requested that the Board not grant the requested variances without addressing neighborhood connectivity issues.

Robert Kaplan, Olde Franklin Drive, reiterated concerns regarding the loss of pedestrian and bicycle connectivity between neighborhoods. Fencing installed by the applicants blocked the pathway that residents believe is on a city-granted easement. Restoring said pathway should not impose a cost on the City, and the applicant should be required to include the pathway in the development plan.

Satya Vadlamuri, Rockridge Lane, said that he lives across from the subject property. The surrounding neighborhood consists of approximately 11 to 15 households with lot sizes ranging from three to 11 acres, all conforming to the 100-foot minimum frontage requirement with one home per lot. Granting the requested variances would disrupt the character of the community and could encourage other property owners to seek similar variances and subdivide their lots. The scenic walking route connecting Rock Ridge Lane through the school district and into the Olde Franklin neighborhood has been disrupted. He expressed concern for pedestrian safety, as residents are now forced to use main roads. He strongly opposed granting any of the requested variances.

Steven Reifman, Olde Franklin Drive, said that he is a board member of Olde Franklin Towne Homeowners Association, consisting of 183 homes, but was speaking on his own behalf. The consent judgment referenced by the applicant's attorney applies only to subdivision residents and does not address impacts on surrounding neighborhoods, including Olde Franklin Towne, Stonewood, and Franklin Fairway. Residents have repeatedly lost pedestrian access due to actions by the applicants, including the installation of fencing, cameras, and police involvement. Mr. Reifman stated that the easement is the central issue before the Board and asserted that the applicants should not be granted any leniency unless the easement is cleared and made usable. The pathway was part of a trail system developed by the Boy Scouts when the property was associated with the former Fairview School and Fairview Nature Center. He opposed granting the variance request.

Jane Mendelsohn, Olde Franklin Drive, supported her neighbors and requested the restoration of pedestrian pathways so residents can continue walking between adjoining developments without using public roadways.

Maria Mindroiu, Oak Crest Drive, said that her property is the closest residence to the subject property. The natural walking trails previously enhanced property values and quality of life in the neighborhood, but the installation of fencing eliminated those benefits. Additionally, she was concerned that constructing multiple homes on the subject property would reduce surrounding property values. Ms. Mindroiu opposed the requested variances.

Kristi Kelly, West Stonewood Court, and President of the Franklin Fairway & Forest Neighborhood Association, referenced her written letter and said that her review of legacy documents indicated the land had been offered by the school system for potential public use. According to documents she reviewed, the Curis family petitioned the city to acquire the land to

protect public access to baseball diamonds and parkland and to prevent overdevelopment adjacent to their residences. However, community members have experienced intrusion and interruption of the quiet enjoyment of the land. The subject parcel serves as a central connection between multiple neighborhoods. Ms. Kelly referenced the City's 2024 Master Plan, which identifies the parcel as desirable for school use due to its connectivity and walkability. She requested that the Board consider the historical purpose of the land and community testimony regarding loss of pedestrian connectivity. She pointed out that the consent judgment allows for the development of up to four parcels, which means that fewer parcels could also be developed.

Marci Rosenberg Bishop, Olde Franklin Drive, stated that her home faces the subject parcel. Residents previously enjoyed walking the trails and experiencing the natural area. Construction of multiple homes would detract from the surrounding properties. She opposed granting the requested variances.

Steve Hassell, Olde Franklin Drive, agreed with the previous speakers. Loss of pedestrian access has negatively impacted his children and the neighborhood. He opposed the variance unless the pedestrian easement is reestablished.

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

Applicant rebuttal

Mr. Rump offered the following response to public comments:

- Opposition to having any development was not realistic. The property was no longer a school and was privately owned, and the development of the property was a decision made by the City of Farmington Hills.
- The proposed lots are substantial in size and consistent with RA-1 zoning standards. Constructing four large homes consistent with zoning requirements should not devalue surrounding properties.
- The pedestrian walkway referenced by speakers was modified by the City of Farmington Hills, and that connectivity remains, though via a longer route. Some speakers had suggested walking through the middle of the property, which would result in pedestrians walking through private yards. The current pathway runs through the wooded area around the property. The fence was constructed with a City permit and inspected by the City, and no ordinances were violated.

Correspondence

Member Rich reported that the file contains an affidavit of mailing, with three undeliverables, and correspondence from Jane Mendelsohn, Marvin Fishman, Eugene Greenstein, and Kristi Kelly. All correspondence was opposed to the request, although Mr. Greenstein did not object to the road frontage itself and primarily requested conditions related to pedestrian connectivity.

Member Rich clarified that road frontage is the only matter under the Board's jurisdiction and requested action this evening.

Chair Irvin closed the public hearing and brought the matter back to the Board for further discussion and/or a motion.

Board discussion

Member O'Connell asked the applicant whether the consent judgment allows the development of up to four lots. Mr. Rump responded that the four-lot design presented is the same plan attached to the consent judgment and that no changes have been made.

Member O'Connell asked whether the consent judgment references easements or pathways. Mr. Rump responded that it does not reference either. The easements already exist and are shown on the submitted survey. The pathway runs around the last lot along the wooded area, and preservation of the woods was part of the consent judgment. The applicant has relinquished any right to develop that portion of the property.

Member O'Connell asked for clarification regarding the pedestrian pathways discussed by the public. Mr. Rump said that residents had previously crossed the property at will; such use constituted trespassing. Conflicts arose following the demolition of the school, including alcohol use and littering on the property, which prompted the property owner's concern regarding unauthorized use and the installation of a fence.

In response to questions from Member Rich, Director Kettler-Schmult said that she was not directly involved in the original negotiations, but she understood that the City attempted to mediate conflicts between neighbors and the property owner, resulting in the currently recorded easement.

Member Rich asked whether the existing easements benefit neighboring residents or remain under City control. City Attorney Kolb explained that the recorded easement language provides that the school district granted the City a permanent, non-exclusive easement for a public, non-motorized access path, meaning it is open to public use and not limited to City use only.

Member Rich asked whether the installation of a fence blocking the easement would be permitted under the terms of the easement. City Attorney Kolb responded that it would not be permitted and that the City has the authority to enforce the easement and require the removal of any obstruction.

Member O'Connell asked whether the easement in question was the one that runs through the wooded area. City Attorney Kolb confirmed that it was.

Member O'Connell discussed with staff and the City Attorney whether the fence was currently blocking the easement. City Attorney Kolb and Director Kettler-Schmult stated that, based on the information provided, the recorded easement does not appear to be blocked.

Through the Chair, Member Vergun requested that the applicant address the claim that the fence blocks access beyond private property. Mr. Rump stated that the fence was intended to follow the private property line and was installed pursuant to a City permit. If the fence were found to block an easement, it could be relocated; a portion of the fence had previously been moved to ensure compliance.

Member Vergun asked whether there is a break in the fence allowing pedestrians to pass through. Mr. Rump stated that pedestrians walk around the fence along the easement and that the fence follows the property line and protects private property where public access is not permitted. He reiterated that the fence is located inside the walking path. If any resident had an issue with the fence location, the issue could be resolved by contacting the City, which could enforce access to the easement.

In response to questions, Director Kettler-Schmult stated that a survey was completed by the city's in-house survey staff to verify correct fence placement.

Chair Irvin asked whether a blocked easement could be remedied by a call from residents or a homeowners' association to the City. Director Kettler-Schmult said that such a call would trigger a follow-up investigation. If an easement has been blocked, the City would take appropriate action.

Chair Irvin restated the issue, noting that neighbors previously used school property pathways, but those areas are now private property and fenced, while access remains available through the City easement.

City Attorney Kolb explained that the recorded 2018 easement runs with the land and would not be terminated by the sale of the property. Actual termination of the easement would require a separate recorded document executed by the City and the underlying landowner. Existing easements cannot be built upon, and the proposed development does not encroach upon the easement, which runs around the exterior of the property.

City Attorney Kolb advised that the question before the Board was whether to grant a variance from the required 100-foot lot width at the road. The Board is required to apply the statutory variance standards, and the existence or location of easements is not a factor for consideration in granting a variance. Additionally, enforcement of easement issues is not within the jurisdiction of the Zoning Board of Appeals.

MOTION by Rich, supported by Jamil, in the matter of ZBA Case 12-25-5771, that the petitioner's request for the following variances be GRANTED:

- a. **For proposed Parcel 1, A 46.75-foot variance from Section 34-3.1.4.E of the Zoning ordinance to permit creation of a lot 53.25 feet in width where a minimum 100-foot width is required.**
- b. **For proposed Parcel 2, A 32.42-foot variance from Section 34-3.1.4.E of the Zoning Ordinance to permit creation of a lot 67.58-feet in width where a minimum 100-foot width is required.**
- c. **For proposed Parcel 3, A 4.42-foot variance from Section 34-3.1.4.E of the Zoning Ordinance to permit creation of a lot 95.58-feet in width where a minimum 100-foot width is required.**

Because the petitioner did demonstrate practical difficulties exist in this case, in that he set forth acts 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, which is single-family**

residential in an RA-1 Zone, or would render conformity with the ordinance unnecessarily burdensome.

2. That granting the variance requested would do substantial justice to the petitioner as well as to other property owners in the district, or that a lesser relaxation than that relief applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

The alternative, theoretically, is to put in a new street in order to make sure there is frontage on the street, which would not address any of the other concerns that the residents who are neighbors have. Therefore, granting the variance requested does substantial justice to the petitioner as well as to the other property owners in the district. The issue is that this huge property is on a cul-de-sac. There is nothing that has been demonstrated that granting this variance would have any negative impact with respect to property values. In fact, having substantial and expensive homes might increase the value of the property.

3. That the petitioner's plight is due to the unique circumstances of the property, specifically because any properties on a cul-de-sac will necessarily be pie-shaped unless they totally encircle it.
4. That the problem is not self-created, because this property was originally platted the way that it was, and this particular property owner simply bought the property with the existing conditions, whatever they may be, on it.

With the following finding:

- The city has indicated that whatever easements had existed still exist. Anything else dealing with easements or homeowner's association rules or deed restrictions or any of those sorts of things are not something that the ZBA addresses, and as specifically stated by the City Attorney, the only question for the ZBA is, and the only authority that the ZBA has, is to determine whether or not there is a practical difficulty in developing this property when deciding whether to approve this variance.

With the following condition:

- The lot splits for requests a, b, and c should be as specifically requested and as illustrated on the site plan.

Motion passed unanimously by voice vote.

6. PUBLIC QUESTIONS AND COMMENTS

None

7. APPROVAL OF MINUTES: November 11, 2025

MOTION by Rich, supported by Banks, to amend and approve the November 11, 2025 meeting minutes as follows:

- P. 2, 2nd paragraph, 2nd line should read: "The contribution totaled less than ~~.05%~~ .5% of total contributions . . ."

Motion passed unanimously by voice vote.

8. ADJOURNMENT

MOTION by Rich, supported by O’Connell, to adjourn the meeting.

Motion passed unanimously by voice vote.

The meeting adjourned at 8:56 pm.