

**MINUTES
CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS
FARMINGTON HILLS CITY HALL – COUNCIL CHAMBERS
31555 W. ELEVEN MILE ROAD
FARMINGTON HILLS, MI
July 11, 2023 – 7:30 PM**

1. CALL MEETING TO ORDER

Chair Lindquist called the meeting to order at 7:32pm and made standard introductory remarks explaining the role of the ZBA and the formal procedures of the meeting.

Board Members scheduled a site visit on July 9, 2023, and may also have visited the sites independently. No action was taken at the site visit.

2. ROLL CALL

Members Present: Collins (alternate), King, Lindquist, O’Connell, Rich, Vergun

Members Absent: Irvin, Masood

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

3. APPROVAL OF AGENDA

MOTION by King, support by O’Connell, to amend and approve the agenda as published.

Motion carried unanimously by voice vote.

4. NEW BUSINESS:

A. ZBA CASE: 7-23-5725

LOCATION: 21174 Parklane St.

PARCEL I.D.: 23-32-277-022

REQUEST: In a RP-2 Zoning District, the following variance is requested to permit a 378 square foot addition: An 8.617-foot variance to the 35-foot rear yard setback to permit a 26.383-foot rear yard setback.

CODE SECTION: 34-3.1.9.E

APPLICANT/OWNER: Tim Cartwright

Using a PowerPoint presentation showing different views of the property as well as the location of the proposed addition, Zoning Supervisor Randt reviewed the facts of the case. The property in question is located west of Drake between 8 Mile and 9 Mile.

Tim Cartwright, 21174 Parklane St, was present on behalf of this application for an 8.617-foot variance to the 35-foot rear yard setback to permit a 26.383-foot rear yard setback to allow a 378 square foot addition.

Mr. Cartwright explained that he wanted to increase the size of his family room to accommodate his family needs. The existing family room was 21’x12’. The furnace exhaust, electrical, and chimney all prevented increasing the length of the family room. The proposed addition would enclose the existing deck area. A basement would be added under the addition. The width of the addition would accommodate the use of an existing sliding glass door. The addition would be 21’x18’.

Mr. Cartwright said he had spoken to his neighbors and they did not have an issue with the addition, and in fact both of his immediate neighbors had obtained variances for similar additions. In Mr. Cartwright's case, the proposed addition would encroach into the setback because the property line curved due to the pond in the rear. Because of the pond, and the configuration of road development in the area, the space behind his house would never be used for another home. The addition would be brick as consistent with his home and the neighborhood.

In response to a question, Attorney Morita said ownership behind this property would need to be researched in terms of the original plat; there appeared to be a Drake Road right-of-way there. However, the easement behind the property was to ensure water flows to the pond behind the home; it was not a utility easement.

In response to a question, Supervisor Randt said that there were no letters of opposition or support from the applicant's neighbors.

In response to a question, Mr. Cartwright said that the existing basement would be extended under the addition. He would work with city staff regarding building a stairway to the outside from that portion of the basement, should that be something he wanted.

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

Member O'Connell said there was an affidavit of mailing with no returns.

In response to a question, Attorney Morita said the applicant's property ended near the edge of the pond. The property outside of the applicant's platted lot appeared to be in a different plat and almost certainly belonged to someone else. She had reviewed the subject property to ensure there was no government-needed easement and to ensure the property was surveyed so as to prevent building in the easement.

In response to a question, Supervisor Randt said in 1998 the applicant's neighbor at 21168 Park Lane was granted a 7-foot variance from the 35-foot rear yard setback requirement to construct an addition.

Member King said that during his site visit, he observed that the addition would not have a visible impact on the neighbors.

MOTION by King, support by O'Connell, in the matter of ZBA Case 7-23-5725, 21174 Parklane St., Parcel I.D. #23-32-277-022, in a RP-2 Zoning District, that the petitioner's request for an 8.617-foot variance to the 35-foot rear yard setback **be granted** in order to permit a 26.383-foot rear yard setback for the construction of a 378-square foot addition, 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 use and 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 area, and that the relief applied for would provide substantial relief to the owner of the property involved and be consistent with justice to the property owners in the area.

3. That the petitioner's plight is due to the unique circumstances of the pie-shaped lot configuration that constricts the rear yard.
4. For the same reason the problem is not self-created.

And with the following conditions:

1. The addition will be consistent with the diagrams and plans submitted to and reviewed by the planning department.
2. The addition will be constructed of brick, and the brick will be consistent with the brick on the existing home.

Motion passed 5-1 (Vergun opposed).

B. ZBA CASE: 7-23-5726
LOCATION: 29580 Belfast St.
PARCEL I.D.: 23-35-432-012
REQUEST: In a RA-3 Zoning District, a variance from the requirement that recreational equipment or trailers exceeding six (6) feet in height may be stored only in the rear yard to store recreational equipment (camper van, 9'5" in height) in the side yard.
CODE SECTION: 34-5.7
APPLICANT/OWNER: Betz King and Kyle Glasgow

Using a PowerPoint presentation showing various views of the property as well as a description of the camper van that the applicants wished to park on the property, Zoning Supervisor Randt reviewed the facts of the case. The property in question is located between 8 Mile and 9 Mile, and west of Orchard Lake Road.

Kyle Glasgow, 29580 Belfast St, was present on behalf of this application for a variance from the requirement that recreational equipment or trailers exceeding six (6) feet in height may be stored only in the rear yard to store a 9'5" high camper van in the side yard.

Mr. Glasgow explained that the applicants were requesting a variance because they were unable to get any vehicle behind their house. The house sat above the Rouge River floodplain and there was a sharp drop-off right behind the house. The applicant wanted to park the van in the side lot in a wooded area, and hoped to use the van as a second everyday vehicle.

Betz King, 29580 Belfast St, referred to a photoshopped photo of the desired van that was in the packet, that illustrated that parking the van in the requested location would not be disruptive to the neighborhood.

In response to a question, Mr. Glasgow said that the desired parking space was on his property, and was not on a separate lot.

Chair Lindquist opened the meeting to public comment. As no public indicated they wished to speak, Chair Lindquist closed public comment.

Member O'Connell said there was an affidavit of mailing with no returns.

After discussion and amendment, the following motion was offered:

MOTION by Collins, support by King, in the matter of ZBA Case 7-23-5726, 29580 Belfast St., Parcel I.D. #23-35-432-01, in a RP-2 Zoning District, that the petitioner's request for a variance from the requirement that recreational equipment or trailers exceeding six (6) feet in height may be stored only in the rear yard in order to store recreational equipment (camper van, 9'5" in height) in the side yard **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 and 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. No one will see the van; it will not cause a problem.
3. That the petitioner's plight is due to the unique circumstances of the property, in that the property owner is not able to park the van in the back of the house because of the steepness of the hill.
4. The problem is not self-created. He did not make said hill.

And with the following conditions:

1. The recreational vehicle must be stored with the rear bumper in line with the back of the home (the farthest point possible from the front of the home).
2. The size of the recreational vehicle will be no larger than the 21' x 9.5' van, as provided in the submitted materials.

Motion passed 6-0.

5. PUBLIC QUESTIONS AND COMMENTS:

None.

Other Discussion:

- ZBA training session scheduled for August 1, 6:00pm. Email with details will follow.

6. APPROVAL OF MINUTES March 14, 2023

MOTION by Rich, support by Vergun, to approve the March 14, 2023 meeting minutes as submitted.

Motion carried by voice vote.

7. ADJOURNMENT

MOTION by Rich, support by Vergun, to adjourn the meeting at 8:20 p.m.

Motion approved unanimously.

Respectfully submitted,
Michael O'Connell, Secretary

/cem