

**MINUTES  
CITY OF FARMINGTON HILLS  
ZONING BOARD OF APPEALS  
CITY HALL – COUNCIL CHAMBER  
SEPTEMBER 12, 2017**

**CALL MEETING TO ORDER**

Chair Seelye called the meeting to order at 7:30p.m. and made standard introductory remarks explaining the formal procedure, courtesies and right of appeal.

**ROLL CALL**

The Recording Secretary called the roll.

Members Present: Barnette, Lindquist, Masood, Stevens and Seelye

Members Absent: Barringer, Rich and Vergun

Others Present: Attorney Morita and Zoning Division Representative McGuire

**SITE VISIT SEPTEMBER 10, 2017**

Chair Seelye noted when the Zoning Board of Appeals members visited the site.

The Sunday site visit begins at 9:00a.m. at City Hall. It is an advertised open, public meeting under the Open Meetings Act, is only for informational purposes; the Board members abstain from any action, hearing testimony, or any deliberations.

**APPROVAL OF AGENDA**

Zoning Division Representative McGuire noted that ZBA Case 9-17-5619 has withdrawn their request.

**MOTION** by Stevens, support by Masood, to approve the agenda as amended.

**MOTION CARRIED 5-0.**

**NEW BUSINESS:**

A. ZBA CASE: 9-17-5618  
LOCATION: 36025 W. Fourteen Mile  
PARCEL I.D.: 23-05-201-020  
REQUEST: A 2 foot variance to the 3 foot height limit is requested in order to retain a fence/gate and associated pillars 5 feet in height and 22 feet total length located in the front yard of an RA-1 Zoning District.  
CODE SECTION: 34-5.12  
APPLICANT/OWNER: Jayanth Koneru

Zoning Division Representative McGuire stated that the applicant for ZBA Case 9-17-5618 has requested the case to be adjourned to next month's meeting.

**MOTION** by Lindquist, support by Stevens, to adjourn ZBA Case 9-17-5618 to the October 10, 2017 ZBA Meeting.

**MOTION CARRIED 5-0.**

- B. ZBA CASE: 9-17-5619  
LOCATON: 32044 Olde Franklin  
PARCEL I.D.: 23-01-178-001  
REQUEST: A variance from the requirement that an accessory building may not be located in an exterior side yard setback which is equal to the front yard setback in a corner lot in order to retain an 8 foot x 12 foot shed in its current location in an RA-1 zoning district.  
CODE SECTION: 34-5.1  
APPLICANT/OWNER: Stephen and Jennifer Hassell

***CASE WITHDRAWN***

- C. ZBA CASE: 9-17-5621  
LOCATION: 28327 Ridgebrook  
PARCEL I.D.: 23-10-328-017  
REQUEST: An 11.5 foot variance from the 35 foot rear yard setback is requested in order to build a 322 square foot addition in an RA-2 zoning district.  
CODE SECTION: 34-3.1.5  
APPLICANT: Thomas Sklut/Mary Rashid  
OWNER: Mary Rashid

Attorney Morita explained that 4 votes will be required to grant a non-use variance.

Zoning Division Representative McGuire explained that this request is for an 11.5 foot variance from the 35 foot rear yard setback in order to build a 322 square foot addition in an RA-2 zoning district as the homeowner would like to enlarge their home to include a new master bedroom with bath. She noted that the property is located in the center of Section 10, north of 12 Mile, between Farmington Road and Orchard Lake Road. Utilizing overhead slides she presented aerial views showing the property and abutting properties, a schematic of the addition, floor plan of the proposed addition, photos facing north and south and the notification map.

John Holowicki, 29325 Eldon, architect, explained that the purpose of the addition is to increase the living area and master bedroom for maneuverability and add a bathroom that would be barrier free. He noted that the house is shoehorned in on the lot and building up is not an option because of steps so they would need a variance for anything that they do.

Chair Seelye noted that some of the criteria for considering a variance are the unique circumstance of the property and if the problem is self-created. He asked the applicant to explain how to get around those criteria. Mr. Holowicki responded that it is not self-created because the owner has inherited the house as it sits and it sits right on the setback line so this is not a homeowner created issue and the house is shoehorned in so they need a variance for anything they do and that is a hardship in itself.

Member Stevens questioned if the applicant looked at an alternate design for a lesser encroachment to the setback. Mr. Holowicki responded that anything they do would need a variance even if it was just one foot and what they are proposing is not ideal, they wanted to go bigger but went with this option to keep the variance at the bare minimum.

Chair Seelye opened the public portion of the meeting.

Claudia Brim and Kevin Brown, representatives of the Kendallwood Farms Homeowners Association, stated that they are here to lend their support to the homeowners. Ms. Brim explained that they have

reviewed the property and the Association has looked at the plans and they do not believe that the request is unreasonable or objectionable to the neighborhood. She submitted a letter of support to the Board.

There being no further public comments, Chair Seelye closed the public portion of the meeting.

Member Stevens confirmed there was an affidavit of mailing on file with 0 returned mailers.

Member Masood noted that the Board received a letter from Angeline Lawrence of the Planning Department denying the permit based on the variance being needed and asked if the department was in support of the request. Zoning Division Representative McGuire responded that when something comes before the Board like this, they do not state an opinion.

Member Stevens commented that he is struggling with what is unique to this property versus the number of other properties in the subdivision that are up against the rear setback line, noting that he agrees with the comments made that the proposed addition is not obtrusive but he is having a hard time seeing this as a hardship versus just wanting to add an addition.

Chair Seelye indicated that he had the same issue and asked that when the subdivision was built were the zoning setback requirements the same or have they changed since the homes were built. Zoning Division Representative McGuire responded that she did not know if they had a lesser or greater setback but it is within our current zoning district.

Member Stevens stated that the property was granted a variance in 1971 for 6 feet and asked if the request for the new variance of 11.5 feet nullifies the old variance. Attorney Morita responded that the 6 foot variance granted was specific to that addition.

Member Barnette questioned if they already have a 6 foot variance is the applicant looking for the entire 11.5 feet. Attorney Morita responded that the 6 foot variance was for the northern portion and now they are looking for a variance for the southern portion and the variance they have already received is only for what has already been built.

**MOTION** by Masood, support by Lindquist, in the matter of ZBA Case 9-17-5621, to DENY the petitioner's request for an 11.5 foot variance from the 35 foot rear yard setback in order to build a 322 square foot addition in an RA-2 zoning district; because the petitioner did not demonstrate practical difficulties exist in this case and did not show that:

1. Compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property as a single family residence.
2. That granting the variance requested would do substantial justice to the petitioner as well as to other property owners in the district.
3. That the petitioner's plight is due to the unique circumstances of the property.
4. That the problem is not self-created.

**MOTION CARRIED 5-0.**

Chair Seelye suggested that the applicant contact City Council to look into passing an ordinance for a lesser setback in the subdivision.

**PUBLIC QUESTIONS AND COMMENTS**

There were no public comments.

**APPROVAL OF AUGUST 8, 2017 MINUTES**

**MOTION** by Lindquist, support by Barnette, to approve the Zoning Board of Appeals meeting minutes of August 8, 2017 as submitted.

**MOTION CARRIED 5-0.**

**ADJOURNMENT**

**MOTION** by Barnette, support by Masood, to adjourn the meeting at 7:51pm.

**MOTION CARRIED 5-0.**

Respectfully submitted,

James Stevens, Secretary  
Zoning Board of Appeals

/ceh