

**MINUTES
CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS
CITY HALL – COUNCIL CHAMBER
JUNE 13, 2017**

CALL MEETING TO ORDER

Chair Seelye called the meeting to order at 7:32p.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: Barringer, Lindquist, Masood, Rich, Seelye, Stevens and Vergun

Members Absent: None

Others Present: Attorney Dovre and Zoning Division Representative McGuire

SITE VISIT JUNE 11, 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

MOTION by Stevens, support by Vergun, to approve the agenda as published.

MOTION CARRIED 7-0.

NEW BUSINESS:

- A. ZBA CASE: 6-17-5614
LOCATION: 21103 Randall
PARCEL I.D.: 23-35-351-018
REQUEST: In order to build an 840 square foot detached garage in an RA-3 zoning district, the following variance is requested: A 714 square foot variance to the required maximum of 750 square feet for accessory structures.
CODE SECTION: **34-5.1.2.D.**
APPLICANT: Adam Mills
OWNER: Adam Mills

Zoning Division Representative McGuire noted that this case has come before the Board because the applicant would like to construct a 30 foot by 28 foot garage addition to the current garage on the property. She explained that the existing home was built in 1987 and is 1,134 square feet, the lot is slightly more than 9/10 of an acre, the frontage is 100 feet and there is a basement. She gave a brief description of the property, presented a mortgage survey with a schematic of where the proposed garage addition would be located, photos of the property, a floor plan and elevations of the proposed garage.

Zoning Division Representative McGuire mentioned that as explained in the letter from Planner Lawrence, per Section 34-5.1.2.d, the combined floor area of all accessory uses and buildings cannot

exceed 50% of the floor area of the residential dwelling unit or 750 square feet, whichever is greater, but not to exceed a combined floor area of 1,250 square feet. She stated that the existing house is 1,134 square feet; therefore, the combined floor area of the accessory buildings for this site would be a maximum of 750 square feet. She noted that the existing garage, per the assessing record, is 624 square feet, and adding the proposed addition would increase the accessory structure floor area to 1,464 square feet, therefore a 714 square foot variance has been advertised.

Adam Mills, 21103 Randall, applicant, explained that they need the variance because he has classic cars, tools and lawn equipment and he does not have room to store everything and also park his vehicles in the current garage so in order to get all the clutter out of the yard, he needs the extra space. He commented that most of the homes on the street have an attached garage and are able to build a detached but because he already has a detached, he is not allowed to add on.

Chair Seelye asked if the plight was due to a unique circumstance to the property. Mr. Mills responded that the property is large and a lot of his neighbors have additional space.

Chair Seelye asked the proponent to describe how this is not self-created. Mr. Mills responded that he has to have lawn equipment to take care of the property and because they live in Michigan they need to be able to park inside the garage.

Chair Seelye asked the size of the existing garage. Mr. Mills responded that it is 26 feet by 24 feet.

Member Rich commented that the applicant stated that the neighbors with attached garages can build extra space, but to his recollection attached garages are still considered accessory use space. Zoning Representative McGuire responded that was correct.

Member Masood asked how long the applicant has lived at the property and how he is currently dealing with this situation. Mr. Mills responded that they have lived in the home for four months and he has stuff at friends' houses and in his current garage which is now packed and unable to fit a car. He noted that he has been using a push mower since he does not have space to store a tractor.

Member Masood questioned if the applicant had contemplated a carport. Mr. Mills responded that he has but carports are not the best looking structure for the property.

Member Barringer asked if the applicant had contemplated a shed. Mr. Mills responded that he did but for him this is a better option for space and the shed that was on the property had lots of rodents due to being so close to the creek so they tore it down.

Member Stevens asked what specific types of lawn equipment would be stored in the garage. Mr. Mills responded that he would store a tractor, chain saw, weed whips, attachments for the creek area and garden equipment.

Member Lindquist questioned if the applicant would be storing commercial or professional equipment. Mr. Mills responded that he would not be storing any work related items, only personal tools.

Member Stevens asked if the applicant considered reducing the request or thought of any alternatives that would not require such a large variance. Mr. Mills responded that if his request is denied he would have to address that but he picked a size that he knew would work for what he needed and not undersized where he would have to do a carport in addition, as he wants to keep everything inside and not out in the yard.

Member Rich commented that when looking at the drawings it appears that this is an addition to the existing structure and the back wall will be knocked out and he questioned if everything will still have to go out through the existing front door. Mr. Mills responded that was correct.

Member Lindquist asked if the current garage had electricity. Mr. Mills responded that there is electrical in the front and he has no plans for electricity in the back portion; at some point he would like to have lights but for now it will just be for storage.

Member Lindquist asked if the garage will be heated. Mr. Mills responded that there is a gas heater in the front part which he has shut off because it is iron piping and plans to take it down, and at this time he has no intention to heat the addition.

Member Lindquist asked if any part of the garage will be converted for occupancy. Mr. Mills responded no.

Chair Seelye opened the public portion of the meeting.

Randy Helm, 21117 Randall, explained that he is the neighbor to the north and has lived there for 17 years and he is not in favor of this request because of the 27 foot increase along the fence, past the house making the view out of his family room and from the pool all garage.

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

Mr. Mills commented that as far as the view being blocked, the garage will be 8 feet closer to the front than the above ground pool with 4 foot fencing was, so the view will be less obstructed than when the pool was in place.

Member Lindquist asked if the applicant removed the pool. Mr. Mills responded yes, shortly after they moved in.

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

MOTION by Masood, support by Barringer, in the matter of ZBA Case 6-17-5614, to DENY the petitioner's request for a 714 square foot variance to the required maximum of 750 square feet for accessory structures; because the petitioner did not demonstrate practical difficulties exist in this case, and showed that:

1. Compliance with the strict letter of the ordinance would not unreasonably prevent the petitioner from using the property for a permitted purpose; specifically as a residence.
2. That granting the variance requested would not do substantial justice to the petitioner as well as to other property owners; the Board has received three letters signed by 7 neighbors that are opposed to this request.
3. That the petitioner's plight is not due to the unique circumstances of the property.
4. That the problem is entirely self-created.

Specifically, if the Board were to grant this variance the garage would effectively be a total of 1,464 square feet which is more than the square footage of the home, which is 1,134 square feet, other options have not been properly vetted, discussed specifically was a carport and shed, and it is against the character of the neighborhood.

Member Stevens commented that he is in support of the motion, although he does believe that with some of these longer properties that have small homes there should be some consideration given, but the sheer size of this variance he is opposed to.

MOTION CARRIED 7-0.

PUBLIC QUESTIONS AND COMMENTS

There were no public comments.

APPROVAL OF MAY 9, 2017 MINUTES

MOTION by Rich, support by Lindquist, to approve the Zoning Board of Appeals meeting minutes of May 9, 2017 as amended.

MOTION CARRIED 6-0 (Masood abstained).

ADJOURNMENT

MOTION by Stevens, support by Masood, to adjourn the meeting at 7:55pm.

MOTION CARRIED 7-0.

Respectfully submitted,

James Stevens, Secretary
Zoning Board of Appeals

/ceh