

NEW BUSINESS

- A. ZBA CASE: 7-20-5667
 LOCATION: 22415 Haynes
 PARCEL I.D.: 23-26-378-014
 REQUEST: In an RA-4 Zoning District, in order to have a 14 foot 8 inch high garage,
 the following variance is requested: An 8 inch variance from the maximum
 permitted height of 14 feet for detached accessory buildings.
 CODE SECTION: 34-5.1.2.C.
 APPLICANT/OWNER: David Beaudoin and Rebecca Beaudoin

Zoning Representative Grenanco explained that Case 7-20-5667 had been withdrawn at the request of the applicant, as new plans had been submitted that were in compliance with the Ordinance and a variance was no longer being requested.

- B. ZBA CASE: 7-20-5668
 LOCATION: 28144 Thorny Brae
 PARCEL I.D.: 23-09-477-003
 REQUEST: In an RA-1 Zoning District, in order to build a 576 square foot garage, the
 following variance is requested. A 113.5 square foot variance from the
 maximum allowed floor area of the residential dwelling unit of 862.5 feet.
 CODE SECTION: 34.5.1.2.D.
 APPLICANT/OWNER: William Williamson

Member Masood read the case.

Utilizing a PowerPoint presentation shown on the Zoom screen, Zoning Representative Grenanco gave the location and facts for this request for a 113.5 square foot variance from the maximum allowed floor area of 862.5 feet, in order to build a 576 square foot garage.

Scarlett Williamson, 28144 Thorny Brae, was present on behalf of this application. William Williamson was also present. The applicants made the following points:

- Compliance with the strict dimensional regulations of the Ordinance would allow the applicant a 463 square foot garage, a size that would unreasonably restrict the owners from using the property for a permitted purpose and rendering conformity with such restriction unnecessarily burdensome. The property was a large 1/3 acre lot – one of the largest lots in the subdivision. The lot required the use of various machinery and equipment, including a large riding lawnmower, smaller push lawnmowers, wheelbarrows, a snow blower, and many other items needed for property maintenance. Those items would not fit in the existing attached 2-car garage, which had 2 vehicles already parked inside. The applicants did not want the equipment to be damaged by the outside elements, or stolen. A classic car would also be stored in the proposed garage. Offsite storage of the classic car was not feasible, and offsite storage was often not as secure as inside storage on the owner’s property. Insurance requirements dictated that the car be stored inside.
- Granting the variance would do substantial justice to the applicants as well as surrounding property owners. Detached garages or storage structures were not uncharacteristic in this area, specifically within the subdivision. The applicants showed pictures on the Zoom screen of the subject site, the lawn equipment, the classic car, and examples of other detached garages and storage structures in the area.

- Granting the variance would also do substantial justice because the proposed garage would reduce the chances of theft. Additionally, most new homes were built with 3-car plus garages. The applicants did not want to move or purchase a new home. They had lived in the subdivision and the City for over 40 years, and wanted to stay in the neighborhood. The proposed garage would raise the value of their home and other homes in the area.
- The problem was due to the unique circumstances of the property because it was a large 1/3 acre lot with mature trees, one of the largest lots in the subdivision. There were no other storage buildings or free standing structures on the property. No immediate neighbors had any objections to the structure.
- The problem was not self-created. In addition to two vehicles already being stored in the attached 2-car garage, the classic car and two other vehicles would be stored in the proposed garage in order to keep them safe from the outside elements and protected from anyone seeking to damage or steal the vehicles left outside on the driveway. Neighbors would not have to look at a driveway full of cars and equipment. All the cars were currently in use and the equipment was necessary to maintain the property. A property this large required costly equipment for year-round maintenance, and the maintenance equipment, the classic car that must be garaged for insurance purposes, and the other two cars would just barely fit in the proposed 576 square foot garage.

Member Masood pointed out that this case had been denied when it was heard in 2019. Why was it back in front of the ZBA again? City Attorney Morita explained that a 3-season room had been brought into compliance, thus increasing the livable space of the home while removing the 3-season room from the accessory space calculations. Tonight's request was for a lesser variance than the request heard in 2019.

Member King said the previous request was for a 24'x26' garage; tonight the request was for a 24'x24' garage. A compliant garage would be 463 square feet. There were several configurations that would meet that requirement and not need a variance: 20'x22', 20'x20', 21.5'x21.5', etc. Nothing else had changed in the case that was heard last year.

In response to a question from Member Rich, Ms. Williamson said the classic car had been at a relative's home in Troy, but that relative was seeking to sell their home. Member Rich pointed out that this same justification had been given last year for the previous variance request, but a year had passed and the classic car was still being stored at this relative's home.

Member Rich said that one of the things the applicant had stated was that many new homes were being built with 3-car garages, but this request asked for the equivalent of a 5-car garage. Ms. Williamson reiterated that they would like to use the new garage to store lawn maintenance equipment, a classic car that would be stored sideways on dollies at the rear of the garage, and two other cars in active use by the household.

In response to a further question from Member Rich, Ms. Williamson said the new garage would have an alarm system. The garage would have electricity for lighting and tools, but would not have heat.

Member Barnette commented that he had a vehicle stolen from his property, and an attempt to break into his home to get the keys for two other vehicles. His experience lent substance to the issue of safety.

Member Lindquist asked the difference in affect if the applicants simply complied with the ordinance and built a 460 square foot, 2-car garage. Mr. Williamson said they needed a 24-foot width in order to store the riding lawnmower.

Member Lindquist said the Board had to consider whether the strict letter of the law unreasonably prevented the applicant from using the property for a permitted purpose; in this instance he was not sure that conclusion could be reached.

Mr. Williamson said they could make do with a 24'x22' garage. City Attorney Morita said the Board could not consider a different sized garage since they did not have plans for that, nor had a garage that size been reviewed by the Planning Department. In this instance, the Board should not approve a lesser variance without seeing the plans for that lesser variance and without Planning Department review.

Seeing that Board questions had ended, Chair Vergun opened the public hearing.

Jon Murrell, 28139 Thorny Brae, said he lived across the street from this property and had no objection to the garage as proposed.

Rachel McCabe, 28156 Thorny Brae, said she lived next door to this property and also had no objection to the new garage as proposed. She felt the new garage would benefit the neighborhood.

Seeing that no one else indicated they wished to speak, Chair Vergun closed the public hearing and brought the matter back to the Board.

Member Masood reported that there was an affidavit of mailing, with no returns.

It came out in discussion that there were a number of letters of support of this application in the Board packets; however, those letters were all for the prior case, and were all dated September 2018.

MOTION by Rich, support by Masood, in the matter of ZBA Case 7-20-5668, 28144 Thorny Brae, that the petitioner's request for a variance be **denied** because the petitioner did not demonstrate practical difficulties exist in this case, specifically that compliance with the strict letter of the ordinance would not unreasonably prevent the petitioner from using the property for its intended purposes or render conformity unnecessarily burdensome. A 21' x 21' garage will hold the classic car and all of the lawn equipment, and there is an existing 2-car garage already holding two cars. That the applicant also has other cars they want to fit into the structure doesn't prevent them from using the property as they wish. Also, while there is a need for more extensive lawn equipment based on the size of this property, the unique circumstances of this property do not require a garage of the size being requested. The problem is in fact self-created based on the number of vehicles that the applicant wishes to be able to put into a garage. As was expressed by Mr. Barnette, thefts happen. Having everything in a garage does not prevent things from being stolen. Certainly having items in a storage facility where there are alarms and cameras and limited access and multiple locking devices – those also tend to be very secure facilities and they might even have additional insurance available. While understanding that the immediate neighbors may not have a problem with a garage this size, the ZBA is responsible for granting variances with respect to the ordinances that apply to the City overall. While the variance is desired by the applicant, the Board does not see a need for a garage larger than that allowed without a variance.

Member Masood said he would second the motion. While each case is heard on its own merits, the ZBA had heard this case in August 2019. The facts as presented today have not changed with the exception of a slightly lesser variance request, but as with the previous decision, there are no changes as far as presenting a practical difficulty.

Member Lindquist said that with the existing 400 square foot attached garage and with an additional 463 square foot free-standing garage as allowed by the ordinance, the applicant could have a total of 840 square feet of garage space, without a variance. He said he would support the motion. He believed space for 4 cars was adequate for this property. While a 1/3 acre lot was large for this neighborhood, it was not a particularly large lot in Farmington Hills, and most homes in this zoning designation had a 2-car garage.

Roll call vote:

Barnette:	Aye
King	Aye
Lindquist	Aye
Masood	Aye
Rich	Aye
Seelye	Aye
Vergun	Aye

Motion to DENY carried 7-0.

C. ZBA CASE: 7-20-5669
LOCATION: 30785 Pear Ridge Drive
PARCEL I.D.: 23-03-101-014
REQUEST: In an RA-1A Zoning District, in order to build a 14 foot 6 inch high 1,056 square foot garage, the following variances are requested:
1. A 6 inch variance to the maximum permitted height of 14 feet for detached accessory structures.
2. A 670 square foot variance from the maximum allowed floor area of the residential dwelling unit of 804.0 square feet.
CODE SECTION(S): 34-5.1.2.C.; 34-5.1.2.D.
APPLICANT: Chris Hromek, Midwest Construction, Inc.
OWNERS: Taraneh Rahmanifar, Shahram Ghoddousi

Member Masood read the case.

Utilizing a PowerPoint presentation shown on the Zoom screen, Zoning Representative Grenanco gave the location and facts for this case. She explained that this request did not need a height variance, and therefore request #1 was unnecessary and would not be discussed. The variance request was for request #2 only: A 670 square foot variance from the maximum allowed floor area of the residential dwelling unit of 804.0 square feet. The property had an existing garage, with 386 square feet available for another structure. Therefore, the construction of the proposed 1,056 square foot garage would require the 670 square foot variance as stated.

Chris Hromek, Midwest Construction, was present on behalf of this application for a variance in order to rebuild a structure after it was destroyed by fire. Owner Shahram Ghoddousi, 30785 Pear Ridge, was also present.

Mr. Hromek said the new structure would be slightly smaller than the original. They were hoping to re-use the existing slab and rebuild the structure where it was before the fire. The owner would work at restoring a 1959 Abarth vehicle in the garage.

Mr. Ghoddousi said compliance with the strict letter of the ordinance would be unreasonable, particularly in his neighborhood, which was unique among City neighborhoods. This area was platted in 1940, with lots 2-5 acres in size. This property was 2.5 acres and heavily wooded. Their deed restrictions had greater setback requirements than the RA-1A zoning district. Most neighbors could not see his house, and did not know anything about the large barn/garage until the night it burned.

Their house was around 1606 square feet. They were also in process of adding a 400 square foot all-seasons room to the house. The new garage would have a new design including a new roof design.

In response to a question from Member King, Zoning Representative Grenanco said the calculations were based on the square footage of the current house.

Member Masood asked if the City could validate the size of the original structure. Zoning Representative Grenanco said she had never measured the original structure. However, Mr. Ghoddousi had been assessed on the original structure and there were pictures of it.

Member Lindquist asked if the City knew how old the original structure was. City Attorney Morita said the original structure had been a grandfathered nonconforming structure that pre-existed the Zoning Ordinance. However, that structure had been completely destroyed by fire, and the Ordinance required that the structure could not be rebuilt to its nonconforming dimensions without a variance.

Member Rich noted that there was a 3-sided wood storage structure on the north edge of the property. Was that part of the calculation for the variance needed? Zoning Representative Grenanco said the calculation had been done in the Planning Department, and she did not know if they had counted the wood storage structure in the accessory structure calculations.

Member Rich asked if the applicant was planning on keeping the wood storage structure. Mr. Ghoddousi said that the structure was there when they purchased the property in 2001. They did have a wood fireplace and storing the wood in this 4' x 13' structure was better than storing it next to the house. However, he would remove it if necessary.

In response to a question from Member King, Mr. Hromek said they had completed a field evaluation of the foundations, and found no cracking of the piers or slab. The new structure would be steel, and lighter than the original. There was already a 2-foot rat wall with the piers and a 6-inch cap.

Member Rich asked the cause of the fire. If the Board was being asked to approve a structure that would be used to essentially remanufacture a vehicle, he assumed there might be welding equipment and other machinery stored inside. He did not want a repeat of the fire incident. Mr. Ghoddousi agreed. The cause of the fire was uncertain at this point.

Seeing there were no more questions, Chair Vergun opened the public hearing. As no public indicated they wished to speak, Chair Vergun brought the matter back to the Board for further discussion and a motion.

Member Masood reported that there was an affidavit of mailing, with no returns. Several letters had been received from nearby homeowners in support of this project, including from the President of West Franklin Estates Property Owners' Association.

Member Masood said he was inclined to support this variance request. If not for the fire, the garage/shed would be a grandfathered nonconformity.

Member King mentioned that the most impacted neighbor – the property to the immediate west of this property – was a church that fronted on Farmington Road.

City Attorney Morita explained that the idea behind Zoning Ordinances was to provide some uniformity with the properties in certain zoning districts. While nonconforming uses were permitted to continue, the idea was to bring nonconforming properties into conformance with existing ordinances if at all possible. She asked that the Board keep the intent and purposes of the Zoning Ordinance in mind during their deliberation.

Member Vergun said he was in support of the variance request, particularly because the lot was very large, could reasonably contain what was proposed, and the structure in question was set back significantly from the home. The applicants were seeking approximately the same size structure as before the fire.

MOTION by Masood, support by King, in the matter of ZBA Case 7-20-5669, 30785 Pear Ridge Drive, that the petitioner's request for a 670 square foot variance from the maximum allowed floor area of the residential dwelling unit of 804.0 square feet 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.
2. Granting the variance 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 characteristics and circumstances of the property.
4. The problem is not self-created.

And further, the Board finds that this is a larger lot than many lots in the City, and the petitioner is requesting to build the same size structure that existed that was lost due to fire.

And with the following conditions:

- Materials, colors and specifications be as advertised and presented.
- White tent structure currently covering the Abarth be removed.

The Board discussed two other possible conditions – one to require screening so that the new structure would not be visible from the neighbors, and secondly whether to require the removal of the wood storage structure. In both cases, the Board decided not to include those conditions in the motion.

Roll call vote:

Barnette:	Aye
King	Aye
Lindquist	Nay
Masood	Aye

Rich	Nay
Seelye	Aye
Vergun	Aye

Motion to GRANT carried 5-2.

PUBLIC QUESTIONS AND COMMENTS: None.

APPROVAL OF MINUTES: March 17, 2020

MOTION by Rich, support by Barnette, to approve the Zoning Board of Appeals minutes of March 17, 2020 as presented.

Roll call vote:

Barnette:	Aye
King	Aye
Lindquist	Aye
Masood	Aye
Rich	Aye
Seelye	Aye
Vergun	Aye

Motion carried 7-0.

NOMINATION OF OFFICERS:

MOTION by Lindquist, support by Rich, to nominate and re-elect Daniel Vergun as Chair for a second term.

MOTION by Masood, support by Rich, to nominate and re-elect Eric Lindquist as Vice Chair for a second term.

MOTION by Rich, support by King, to nominate and re-elect Azam Masood as Secretary for a second term.

Chair Vergun called the vote on the three motions to nominate and re-elect the current slate of officers as stated.

Barnette:	Aye
King	Aye
Lindquist	Aye
Masood	Aye
Rich	Aye
Seelye	Aye
Vergun	Aye

Motions carried 7-0.

ADJOURNMENT

MOTION by Barnette, support by Lindquist , to adjourn the meeting at 9:23 p.m.

Roll call vote:

Barnette:	Aye
King	Aye
Lindquist	Aye
Masood	Aye
Rich	Aye
Seelye	Aye
Vergun	Aye

Motion carried 7-0.

Respectfully submitted,
Adam Masood, Secretary

/cem