

MINUTES  
CITY OF FARMINGTON HILLS  
ZONING BOARD OF APPEALS  
CITY HALL – COUNCIL CHAMBER  
NOVEMBER 15, 2016

**CALL MEETING TO ORDER**

Chair Seelye called the meeting to order at 7:34p.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, and Stevens

Members Absent: Vergun

Others Present: Attorney Morita and Zoning Division Representative McGuire

**SITE VISIT NOVEMBER 13, 2016**

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 Rich, to approve the agenda as published.

**MOTION CARRIED 6-0.**

**NEW BUSINESS:**

- A. ZBA CASE: 11-16-5605  
LOCATION: 29657 Orchard Lake Road  
PARCEL I.D.: 23-03-477-050  
REQUEST: In order to build a new credit union with accessory drive-thru service in a B-2 zoning district, the following variances are requested:  
1. A 5.3 foot variance to the required setback of 10 feet from the side and rear lot lines for drive-through lanes and associated by-pass lanes.  
2. A 5.3 foot variance to the required 10 foot setback requirement that drive-through lanes located adjacent to a street shall be buffered by a minimum 10 foot wide landscape planting adjacent to the right of way.  
CODE SECTION: 34-5.2.12.D.; 34-5.2.12.E.  
APPLICANT: Michigan Schools and Government Credit Union  
OWNER: Antonio Barone Revocable Living Trust, c/o Steven J. Wallace, Esq., Wallace & Wallace

Zoning Division Representative McGuire described the location of the property, noting that the property is located in a B-2 Community Business District, and the applicant is proposing to build a credit union with accessory drive-thru service. She explained that the Board saw this case on September 13, 2016 and had granted 4 of the 5 variances requested and at that meeting it was brought out that on the north side of

the property there was 4.7 feet from the landscaping to the parking and this is required to be 10 feet. She stated that at that time, the applicant had indicated they would revise the site plan to conform to the 10 foot requirement or return for further variances, and they are here this evening for those variances.

Zoning Division Representative McGuire informed the Board that there is another situation which needs to be brought to their attention, that being; per Section 34.5.15 there is a requirement of a 6 foot high wall or berm for the off-street parking area abutting the residential district and the current wall is only about 41 inches. She explained that this was not brought up previously but because they are demolishing the building it becomes a brand new site and they must meet the 6 foot wall requirement, therefore, staff recommends that if the Board were to considering granting these variances this evening, that they condition them upon this 6 foot wall requirement being met and refer to Section 5.15.1.

Attorney Morita added that there is another item that staff missed earlier in this project involving the planting of trees along the back lot line and the proponent was made aware of this issue just this evening. She stated that the proponent will take a look at the situation and if they cannot get the requisite number of trees needed under the ordinance, they may have to come back next month for another variance. She noted that if the proponent has to come back next month it is not because they did not have their plans together; it is due to something staff had missed.

Chair Seelye asked where these trees are to be located. Attorney Morita responded that the trees have to be within the 7 foot landscape buffer between the lot line that abuts the residential district and staff has looked at it and think it can be accomplished by providing bump outs for the tree planting itself, however, there is an issue regarding overhead utility lines and the location of underground utilities as well and whether or not a tree can actually be planted in that location safely. She stated that if it turns out trees cannot be planted in that area, the proponent will have to come back and ask for a variance next month.

Attorney Morita commented that she would like the Board to understand that if the proponent comes back, it is not because of something they did or did not know about, it was something that the City did not advise them of in time to have it advertised for this meeting.

Mike Blanek, Stucky Vitale Architects 27172 Woodward Ave, explained that the variances they are requesting this evening came up the day they came before the Board last time and at that time they were under a time constraint as the credit union is buying the property from another buyer and in order to get to this meeting tonight they had to extend the offer to November 30, 2016. He stated that they thought if they received the stacking variance they could reduce the lane to a single drive lane of 13 feet and meet the 10 foot setback requirement, however, Planning looked at the site plan again and said had concerns with cars protruding past the building as it would block the lane for traffic going by and also for emergency vehicles needing to get by the property in an emergency situation, so now they need the variance to keep the 18 foot minimum width of the bypass lane so that an extra vehicle can get by at all times.

Mr. Blanek added that since they did not get the dumpster variance they have allocated a portion of the island between the drive-thru and the lane and worked it with Planning and they have approved this location.

Mr. Blanek explained that in regard to the trees, when looking at the survey there are utility lines overhead as well as a water line and storm line underneath that run along the whole back area so they will have to discuss what can be planted in that location and if it could survive. He stated that tonight they are

here for the variances requested as they are once again under a time constraint so they must move forward this evening.

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

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

Member Stevens questioned the current setback between the existing parking lot and the Bond Road right-of-way. Mr. Blanek responded that the survey of the property, as it currently exists today, indicates that it is right up against the property line and according to their Civil Engineer it is 1.5 feet, as stated on their application.

Zoning Division Representative McGuire noted that the proponent is increasing the buffer with this proposal.

Member Stevens asked approximately when the original site was developed and if the City experienced any issues with the existing parking lot in its current location relative to the setback. Zoning Division Representative McGuire responded that this area is her enforcement area and she has never had any issues with the parking and she does not know how old the site is.

Mr. Blanek stated that per the agent for the owner, it was developed in the 1960's and was originally a bank.

**MOTION** by Stevens, support by Lindquist, in the matter of ZBA Case 11-16-5605, to GRANT the petitioner's request for the following variances: 1) a 5.3 foot variance to the required setback of 10 feet from the side and rear lot lines for drive-through lanes and associated by-pass lanes and 2) a 5.3 foot variance to the required 10 foot setback requirement that drive-through lanes located adjacent to a street shall be buffered by a minimum 10 foot wide landscape planting adjacent to the right of way, because the petitioner did demonstrate practical difficulties exist in this case in that he set forth facts, which show that:

- The existing site is a currently developed corner lot
- The proposed setbacks will increase the current setbacks
- The site has been in existence for some time
- Due to the size of the site, practical difficulties exist
- Granting the variance requested would do substantial justice to the petitioner as well as to other property owners in the district
- The petitioner's plight is due to the unique circumstances of the property
- The problem is not self-created

**SUBJECT** to the current plan received by the City on September 20, 2016 with regard to the variance requests and the location of the proposed drive-thru and bypass lane and the compliance with the ordinance with regard to the 6 foot high wall requirement, per Section 34-5.15.1

**MOTION CARRIED 6-0.**

Attorney Morita asked the Board, given the circumstances with this case and assuming that it is not wise to plant trees over or under utility lines, if they could give the proponent an idea whether or not they

would find a variance acceptable, under these circumstances, so the proponent knows if they had to come back before the Board, if there will be resistance; since there are things the proponent has to plan and a purchase agreement they have to consummate.

The Board members indicated they were in favor of an acceptable variance.

**PUBLIC QUESTIONS AND COMMENTS**

There were no public comments.

**APPROVAL OF OCTOBER 4, 2016 MINUTES**

**MOTION** by Lindquist, support by Rich, to approve the Zoning Board of Appeals meeting minutes of October 4, 2016 as submitted.

**MOTION CARRIED 6-0.**

**ADJOURNMENT**

**MOTION** by Rich, support by Stevens, to adjourn the meeting at 7:53p.m.

**MOTION CARRIED 6-0.**

Respectfully submitted,

James Stevens, Secretary  
Zoning Board of Appeals

/ceh