

**CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS MEETING
FARMINGTON HILLS CITY ALL
31555 W. ELEVEN MILE ROAD
JUNE 9, 2026**

1. Call Meeting to Order

Acting Chair Vergun called the meeting to order at 7:35 pm and made standard introductory remarks to explain the role of the ZBA and the formal procedures of the meeting.

A site visit had been held on Sunday, June 7, 2026. No business had been conducted.

2. Roll Call

Members Present: Banks, Jamil, O'Connell, Khan, Rich, Rowland (alt), Vergun

Members Absent: Irvin

Others Present: Director of Planning and Community Development Kettler-Schmult,
Code and Zoning Supervisor Curry, City Attorney Mendelsohn, Recording
Secretary McGuire

3. Approval of Agenda

MOTION by Banks, supported by Kahn, to approve the agenda as submitted.

Motion passed unanimously by voice vote.

4. NEW BUSINESS:

A. ZBA CASE: 5-26-5778

LOCATION: 29707 W. Ten Mile Rd.

PARCEL I.D.: 23-26-226-003, 008, 009

ZONE: (008, 009) RA-1, (003) RA-3

REQUEST: In order to build a 38,000-square-foot addition to an existing 33,800-squarefoot building within the RA-1 and RA-3 One Family Districts, the following variance is requested:

- 1. A 3.667-foot variance from Section 34-3.1.6.E of the Zoning Ordinance to permit a building addition to be 28.667 feet where 25 feet is the maximum height permitted in a RA-3 Zoning District.**

CODE SECTION: 34-3.1.6.E

APPLICANT: Hisham Turk, Turk Architects

OWNER: Osman Habib, on behalf of the Tawheed Center

Background

Director of Planning and Community Development Kettler-Schmult gave the facts of this case. The request concerns an addition to the existing mosque. The height variance is required only for the portion of the addition located in the RA-3 zoning district. The portion in the RA-1 zoning district complies with the applicable height requirement. The proposed building addition would be located at the rear of the existing structure.

The same variance request had come before the Board on March 11, 2025, and was granted with conditions. Because a building permit was not obtained within the required 12 month

period, the item returned to the Board for consideration. The details of the variance request had not changed.

The project also includes the expansion of the parking lot and the removal of the current residential home that had been used for the Imam of the mosque. No variances were required for the parking expansion.

One image submitted by the applicant appeared to show access to Moran Street. This access was not included in the March 11, 2025 approval and was not included in the written request for the current application. The Board should obtain clarification from the applicant regarding this image.

Applicant presentation

Hisham Turk, Turk Architects, and owner representative for the Tawheed Center, Osman Habib, were present on behalf of this variance request.

Mr. Turk made the following points:

- As mentioned, the variance had been requested and granted at the March 11, 2025 ZBA meeting. Because they had not yet pulled a permit, they were before the Board to request a new approval for this request.
- Only a small rear portion of the property is zoned RA-3, and a portion of the existing mosque building is already in the RA-3 district. The proposed addition is designed to match the height of the existing building so the floor elevations of the new addition line up with the existing structure.
- The requested variance is 3.667 feet above the zoning ordinance requirement.
- The remainder of the building, located in the RA-1 district, complies with the height requirement for that district.
- The rendering that appeared to show Moran Street access was an old rendering. That access is no longer proposed, and no new driveways are being added.

Member Rich asked whether the higher, arched lobby rooftop shown in the renderings was where the additional 3.667 feet was requested. Mr. Turk answered that the section was part of the reason for the requested height. Member Rich asked whether a variance would still be required if the roof feature were eliminated. Mr. Turk responded that he believed the building would still exceed 25 feet in that portion, although possibly by a smaller amount.

Public hearing

Acting Chair Vergun opened the public hearing.

Pamela Santo, Moran Street, said she lived next to the proposed addition. She opposed granting this request because the proposed parking area and addition would create impacts related to exhaust, lighting, noise, building height, and property values of her home. She believed the scale of the project was inappropriate for a residential area and would adversely affect residents on Moran. She also referred to prior issues involving Tawheed Center participants and asked the Board to deny the request.

Bill Ryan, Moran Street, opposed granting the variance request. He remained concerned about the rendering that appeared to show access to Moran Street, despite prior assurances that such access was not proposed. He asked that, if the variance is granted, the Board require landscaping or a substantial barrier sufficient to prevent vehicle access from the Tawheed Center property to Moran Street and to protect neighboring residents from traffic impacts. He also stated that the proposed gym and elevated walking area with windows could create privacy impacts for adjacent homes, and asked that screening or other protective conditions be considered.

Susan McKendrick, a resident of the condominiums east of the Tawheed Center, was concerned about the proposed addition, parking, traffic on Ten Mile Road, and the appearance of a nonresidential use near her home. She asked for more information about the size, height, location, and visual impact of the proposed addition, and stated that residents of the condominium association should receive additional notice before major decisions are made. She was concerned that the addition could affect views from her deck and the residential character of the area.

Member O'Connell clarified that the Board's authority in this matter is limited to approving or denying the height variance, and that while conditions may be placed on the height variance, broader site design matters such as landscaping or approval of the addition are outside the Board's authority.

Shafath Mohammed, Moran Street, said that he lives next to the parking lot and supported the requested variance. He spoke positively about his family's participation at the Tawheed Center.

Mujtaba Mohammed, Noble Drive, supported the variance request. He spoke positively about his family's participation at the Tawheed Center and was excited about the proposed expansion.

Mohamed Ibrahim Ayub Khan, Noble Drive, supported the variance request. He pointed out that nearby property values have increased because of demand from people who want to live near the Tawheed Center.

Ali Ansari, Juneau Lane, supported the variance request. He spoke positively about the Tawheed Center programs.

Muhammad Kashif Nisar, Noble Drive, supported the requested variance. In his experience as a property owner and real estate investor, nearby property values have increased significantly, and he opposed the claim that the project would reduce property values.

Younus Ali Mohammed, Purdue Avenue, supported the request. He and other families have purchased homes near the mosque to benefit from its programs.

Shujat Khan, Ridgeview Drive, spoke in his personal capacity and as Vice President of the Tawheed Center. He supported approval of the variance. He outlined the many social programs available at the Tawheed Center. He emphasized that the Tawheed Center was not proposing access to Moran Drive, now or in the future.

Atif Iqbal, Winterset Circle, serves as a board member of the Tawheed Center. He supported granting the variance. He stated that the Tawheed Center has tried to maintain a good relationship with neighbors and remains willing to work with them.

As no other public indicated they wished to speak, Acting Chair Vergun closed the public hearing and invited Mr. Turk to address public concerns.

Applicant response

Mr. Turk emphasized that no access is proposed to Moran Street. He also noted that the fencing between the mosque and its residential neighbor conforms to the zoning ordinance.

Board action

Member Rich reported that there was an affidavit of mailing with two undeliverables. Additionally, the Board received correspondence from two residents who were opposed to granting the variance, based on similar issues as stated this evening.

MOTION by O'Connell, support by Khan, in the matter of ZBA Case 5-26-5778, that the petitioner's request for a 3.667 foot variance from Section 34-3.1.6.E of the Zoning Ordinance to permit a building addition to be 28.667 feet tall, where 25 feet is the maximum height permitted in a RA-3 Zoning District, in order build a 38,000 square foot addition to an existing 33,800 square foot building be **APPROVED** based on the petitioner's submission, petitioner's presentation before the Zoning Board of Appeals, Public Comments and the following findings:

1. Compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome. *The building addition proposed height is necessary for the functioning of the site and permitted use. Without the variance the floors would not line up and that outcome would be 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. *The design of the addition has been carefully reviewed to reduce the variance requested to the smallest amount needed for this project. The portion of the building that needs a variance is the furthest away from the Moran street neighbors. Further, that portion of the building would not be any higher than the existing building. If the existing building height is not unnecessarily burdensome to the neighbors than an addition at the same height would do justice to both parties.*
3. That the petitioner's plight is due to the unique circumstances of the property. *The zoning district at the rear of the property (RA-3) is significantly lower than the front portion of the property (RA-1). Further the property elevation drops at the rear, this elevation change is unique to this property.*
4. The problem is not self-created. The difference in allowed height against what as previously approved for the existing building creates the need for this variance. *The building addition height is necessary for functionality.*

With the following conditions:

1. *The applicant must comply with all existing ordinances and the submitted site plan.*
2. *The building addition must be constructed in accordance with the submitted site plan.*

3. *Any existing fence must be in good condition prior to the issuance of a certificate of occupancy.*
4. *Prohibit ingress and egress into parking lot off of Moran Ave.*

Motion discussion

Acting Chair Vergun said that he was inclined to support the motion because most of the proposed addition is otherwise permitted under the zoning ordinance and the request is limited to a single 3.667 foot height variance for the portion of the building in the RA-3 District. Even if the variance were denied, the applicant would still be able to construct a large addition.

Motion passed unanimously by voice vote.

B. ZBA CASE: 4-26-5776

LOCATION: 34521 Fendt St.

PARCEL I.D.: 23-33-376-062

ZONE: RA-3

REQUEST: In order to install a 30 ft. x 40 ft. detached garage in the rear yard, the following variances are requested:

1. **A 1 foot height variance from Section 34-5.1.2.C of the Zoning Ordinance to permit a 15 foot height accessory structure where a maximum permitted height is 14 feet.**
2. **A 36% floor area variance from Section 34-5.1.2.D of the Zoning Ordinance to permit 86% combined floor area of all accessory uses and buildings to residential dwelling unit floor area, where the maximum permitted is 50%.**

CODE SECTION: 34-5.1.2.C and 34-5.1.2.D

APPLICANT: Gjoka Lucaj

OWNER: Gjoka Lucaj

Background

Director of Planning and Community Development Kettler-Schmult gave the facts of this case. The request is for a new detached garage at the rear of the property, replacing an existing nonconforming structure located in that area. The applicant modified the original request so the proposed structure would comply with setback requirements, but variances were still required for the 1-foot height increase and the combined floor area. Other accessory structures on the property were identified for removal once the proposed garage provides additional storage.

Applicant presentation

Gjoka Lucaj, 34521 Fendt Street, said that he was requesting permission to construct the garage because storage space had been displaced by their home-based daycare operation, which serves 16 children. Toys, lawn equipment, picnic tables, and other items are currently stored outside or under the deck. He also rents a storage unit for a 1967 Firebird he is restoring. One temporary tent structure had already been removed, and an existing rickety shed would be removed if the garage is approved.

Mr. Lucaj purchased the property in 2016 as a foreclosure and has worked to improve and beautify the home and yard. The proposed garage would be placed toward the rear of the property, in a wooded and lower area, to reduce its visual impact while meeting the family and daycare storage needs.

Board questions and discussion

In response to questions, Mr. Lucaj said that the additional height was needed for attic storage within the truss area for seasonal decorations and other items, to preserve usable floor space below, and to match the pitch of the house.

Mr. Lucaj's contractor, Theodore Horvath, 20814 Rensselaer Street, further explained that the height was driven by the 8-foot garage doors, 9.5-foot side walls, a 6:12 roof pitch to match the house, and a truss design that allows attic storage. The proposal is approximately 11 inches over the 14-foot permitted height.

Member O'Connell asked why an 8-foot garage door was needed. Mr. Horvath stated that the proposed 16' x 8' and 8' x 8' garage doors are typical under modern building standards.

Member Rich noted that correspondence had been received from a neighbor objecting to the size of the structure and asked whether the garage needed to be as large as proposed. Mr. Lucaj stated that the Firebird alone would require significant space and that additional space was needed for daycare items, outdoor equipment, a kayak, paddle boards, and pool equipment. Additionally, removing the existing tent and shed and replacing them with the proposed garage would improve the appearance of the property.

Member Rich clarified that the neighbor's concern appeared to come from the property behind the site, which Mr. Lucaj identified as the Farmington View Apartments. Mr. Lucaj stated that he preferred having the garage and potential screening at the rear of the property because of the daycare use and the proximity of the apartments. The Farmington View Apartments are located behind the property, with the apartment balconies overlooking his rear yard, particularly during winter when the trees are bare.

Mr. Lucaj said that the proposed garage and potential screening would be beneficial to him because it would help block views from the apartments into the daycare yard and rear of the property.

Public hearing

Acting Chair Vergun opened the public hearing. No members of the public came forward to speak, and Acting Chair Vergun closed the public hearing.

Member Rich reported that there was an affidavit of mailing, with one undeliverable notice and one item of correspondence, which had been discussed by the Board.

Board action

MOTION by Jamil, supported by Banks, in the matter of ZBA Case 4-26-5776, that the petitioner's request to install a 30 ft. x 40 ft. garage in the rear yard with the following variances:

1. A 1 ft. variance from Section 34-3.5.1.2 of the Zoning Ordinance to permit a 15-foot height accessory structure where a maximum permitted height of 14 feet is permitted; and
2. A 36% floor area variance from Section 34-5.1.D of the Zoning Ordinance to permit 86% combined floor area of all accessory uses and building to residential dwelling unit floor area where the maximum permitted is 50%;

Be **GRANTED** because the petitioner **does** demonstrate that practical difficulties exist in this case in that facts were set forth which do show that based on the petitioner's submission, petitioner's presentation before the Zoning Board of Appeals, Public Comments, and the following findings:

1. Compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome. *The property owner has a need for more storage due to a permitted in-home childcare center. The limitations of the total floor area cannot accommodate all the items utilized on the property. It would be unnecessarily burdensome to modify the height of the new storage shed to reduce the height by one foot.*
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 (i.e., are there reasonable alternatives?) *The neighboring property owners would be better served by having the loose items properly stored in the new detached garage. Also, removing the old garage would improve the aesthetics of the rear yard.*
3. That the petitioner's plight is due to the unique circumstances of the property. *The unique sizing of the yard and features of the home create unique circumstances.*
4. The problem is not self-created. *The configuration of the property and features of the home were existing or created by previous owners.*

With the following condition: *The detached garage must be constructed in accordance with the submitted plans.*

Motion discussion

Acting Chair Vergun said he did not support granting the height variance.

Motion passed by voice vote 6-1 (Vergun opposed).

C. ZBA CASE: 6-26-5782

LOCATION: 31263 Estate Woods Ct.

PARCEL I.D.: 23-06-101-008

ZONE: RP-2

REQUEST: In order for the installation of a 10 ft. x 26.5 ft. sunroom to be constructed within the RP-2 Planned Residential Zoning District, the following variance is requested:

1. **A 10-foot variance from Section 34-3.1.5.E of the Zoning Ordinance to permit a new sunroom addition to be installed 25 feet from the rear lot line where a minimum 35-foot setback is required.**

CODE SECTIONS: 34-3.1.5.E

APPLICANT: Vanshana & Edmond Douglas

OWNER: Vanshana & Edmond Douglas

Background

Director of Planning and Community Development Kettler-Schmult gave the facts of this case.

The request is to build a new addition to the home. The Board of Appeals had granted conditional approval for this request on June 11, 2024, but the building permit was not completed within one year.

The 2024 approval specifically referenced the materials and plan submitted at that time. Although the 2026 plan is similar and the floor plan is the same, the proposed building materials are slightly different; therefore, staff sent the matter back to the Board for a new determination.

Applicant presentation

Edmund Douglas, 31263 Estate Woods Court, noted that they had received conditional approval two years earlier when they were working with Four Seasons Sunroom. The contractor received deposits and poured the initial foundation, but then failed to complete the project after repeated delays and ultimately advised in approximately September 2025 that the work would not be completed. After they found a new contractor, Skyview Detroit, they learned that the original permit had expired, which required them to return to the Board.

Taylor Calero, Skyview Detroit, Commerce Township, explained that Four Seasons and Skyview Detroit use different sunroom systems and materials, but both are vinyl systems and would look virtually the same from the exterior. The proposed product has the same pitch and window layout as shown in the original approval package. The proposed sunroom would be aesthetically similar to the previously approved sunroom and would fit into the neighborhood.

Public hearing

Acting Chair Vergun opened the public hearing. No members of the public came forward to speak, and Acting Chair Vergun closed the public hearing.

Member Rich reported that there was an affidavit of mailing, with one undeliverable notice and no public correspondence.

Board questions

Member Rich asked the applicant about the dimensions of the proposed sunroom. The request identified a 10 ft. x 26.5 ft. sunroom, while the plans appeared to show a different dimension. Mr. Calero said that the previous contractor had already poured the foundation, and Skyview Detroit measured the existing foundation and would build to fit it, with the same roof coverage as the original variance approval. The dimensions may vary by a few inches based on the foundation already in place, but the proposed plans were intended to mirror the prior approval and not expand beyond the previously approved coverage.

Board Action

MOTION by O’Connell, support by Banks, in the matter of ZBA Case 6-26-5782, that the petitioner’s request to install a 10ft. x 26.5 ft. sunroom with a variance of 10 feet from Section 34-5.1.5.E of the Zoning Ordinance, to permit the sunroom to be installed 25 feet from the rear lot line where a minimum 35 foot setback is required, be **GRANTED** because the petitioner **does** demonstrate practical difficulties exist in this case in that facts were set forth which do show that based on the petitioner’s submission, petitioner’s presentation before the Zoning Board of Appeals, Public Comments and the following findings:

1. Compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome. *The neighbor's deck extends significantly farther back into the property than where the owner is proposing to end the sunroom. Other properties in the area may have a similar issue but are not located adjacent to 14 Mile Road.*
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 (i.e., are there reasonable alternatives?). *A lesser variance would not give substantial relief to the owner in that a smaller variance would render the additional living space unusable.*
3. That the petitioner's plight is due to the unique circumstances of the property. *The unique sizing of the yard, specifically the depth of the property and its location along 14 Mile Road.*
4. The problem is not self-created. *The configuration of the property and features of the home were existing or created by previous owners.*

With the following condition: *The sunroom must be constructed in accordance with the submitted plans and be consistent with the materials and structure of the rest of the home.*

Motion passed unanimously by voice vote.

D. ZBA CASE: 6-26-5783

LOCATION: 29372 Grand River Avenue

PARCEL I.D.: 23-36-301-002

ZONE: B-3

REQUEST: In order to renovate and expand an existing gas station with a convenience store within the B-3 – General Business Zoning District, the following variances are requested:

1. A variance of 19.6 foot from Section 34-3.1.25.E of the Zoning Ordinance to permit a new building addition to be installed 0.4 feet from the rear property line (north) where a minimum 20-foot setback is required.
2. A variance of 8.8 feet from Section 34-3.1.25.E of the Zoning Ordinance to permit a new building addition to be installed 1.2 feet from the side property line (east) where a minimum 10-foot side setback is required.
3. A variance of 13 feet from Section 34-3.1.25.E of the Zoning Ordinance to permit a new fueling canopy to be installed 12 feet from the front (south) property line, abutting Grand River, where 25 feet is required.
4. A variance of 17.8 feet from Section 34-3.1.25.E of the Zoning Ordinance to permit a new fueling canopy to be installed 7.2 feet from a side street (Middlebelt Road future right-of-way) where a minimum of 25 feet is required.
5. A variance of 40.2% from Section 34-4.28.1.G of the Zoning Ordinance to permit the building's south façade to have transparency of 19.8%, facing Grand River, where a minimum of 60% is required.
6. A variance of 40.7% from 34-4.28.1.G of the Zoning Ordinance to permit the building's West façade to have transparency of 19.3%, facing Middlebelt Road, where a minimum of 60% is required.

- 7. A variance from Section 34-4.28.1.E of the Zoning Ordinance to allow the parking areas for vehicular circulation to be located within the future right-of-way for Middlebelt Road where a minimum 10-feet is required.**
- 8. A variance from Section 34-5.1.3.D.i of the Zoning Ordinance to permit the dumpster and an enclosure to be placed in the front yard, where placement in the rear or interior side yard is required.**
- 9. A variance from Section 34-3.5.2.N and 34-5.4.2 of the Zoning Ordinance to permit an off-street loading and unloading space of approximately 650 sqft. to be located in the front yard abutting Grand River Avenue where placement in the rear or interior side yard is required.**

CODE SECTIONS: 34-3.1.25.E, 34-4.28.1.G, 34-4.28.1.E, 34-5.1.3.D.i and 34-3.5.2.N and 34-5.4.2

APPLICANT: Hatem Hannawa

OWNER: Jeff Yono

Background

Director of Planning and Community Development Kettler-Schmult gave the facts of this case. The property is located at the northeast corner of Grand River Avenue and Middlebelt Road and has historically operated as a gas station. The fire station and community center are located to the east, a city-owned triangular parcel is located to the north, and residential property is located north of Independence.

The request is for renovation and expansion of the site, including expansion of the retail building, installation of a canopy, and renovation of the parking lot. The plan includes modifications to access points along Middlebelt Road and Grand River Avenue that were requested by the Engineering Department for traffic control and circulation.

The property is very small, and the proposed renovation and addition require a large number of variances. The Planning Commission approved the project on March 19, 2026, conditioned on approval of the variances by the Board of Appeals. If any variances are not granted, the applicant will need to modify the plan before proceeding with further reviews.

Hatem Hannawa, 28124 Orchard Lake Road, stated that he is the builder and contractor for the project. The existing building is approximately 990 square feet, and the proposed 1,200 square foot addition would extend to the north and east. The existing fuel tanks are located to the west, and the canopy and vehicle circulation are located toward the front.

Mr. Hannawa said that they worked with the Engineering Department and Planning Department to improve site design. The Middlebelt Road driveway would be reduced by adding islands and landscaping, one Grand River Avenue driveway would be eliminated to better control traffic, streetscape walls would be added along Grand River Avenue, and stormwater management would be improved through a catch basin, pretreatment structure, and connection to the sewer at the southwest corner.

The purpose of the addition is to create a more competitive and functional convenience store, including a walk-in cooler, a small kitchenette for carry-out hot food options, and reach-in cooler

areas for items such as salads and sandwiches. The number of variance requests results from trying to fit a functional building and site improvements onto a very small property.

Board questions and discussion

In response to questions, Mr. Hannawa gave the following further information:

- Regarding their inability to meet the ordinance requirement for more glass and masonry coverage, Mr. Hannawa explained that the Grand River facade includes the counter and front door, with much of the remaining facade occupied by the walk-in cooler, liquor shelving and kitchen area, making transparent glazing difficult. He stated that the applicant added upper glass to allow light into the building and used spandrel or translucent glass in certain areas to create the appearance of fenestration while addressing security and interior use concerns. Director Kettler-Schmult affirmed that translucent glass met the transparency and design requirements.
- The fence near the property line would not need to be removed. The work could be completed from the applicant's side of the property, with scaffolding placed on site and the north wall constructed first, followed by the east wall.
- The wall would be built with the same materials as the building.

Public hearing

Acting Chair Vergun opened the public hearing. No members of the public came forward to speak, and Acting Chair Vergun closed the public hearing.

Member Rich reported that there was an affidavit of mailing, with six undeliverable notices.

Board Action

Member Jamil offered the model motion, supported by Member O'Connell, to grant all nine variances as submitted.

Discussion:

Member Rich asked whether the facade transparency percentages could be increased based on the Planning Commission discussion, indicating that, although the 60 percent requirement could not be met, transparency could be increased to 25 percent. Mr. Hannawa stated that the transparency on the Middlebelt Road façade could be increased to 25 percent by widening the tower effect or increasing the glass area, but that increasing the Grand River Avenue façade would be more difficult because of the walk-in cooler and interior layout.

Member Rich asked the maker of the motion to amend items 5 and 6 to require 25 percent transparency on both the south facade facing Grand River Avenue and the west facade facing Middlebelt Road. After discussion, Jamil modified the motion as to item 6 only, requiring the west facade facing Middlebelt Road to have transparency of 25 percent where 60 percent is required; O'Connell supported the modification. Item 5, regarding the south facade facing Grand River Avenue, remained as submitted.

Member Rich asked staff what would occur if the future Middlebelt Road right-of-way were acquired after approval of the variance allowing parking and vehicular circulation in that area. Director Kettler Schmult stated that there would be negotiations with the property owner at

that time and that modifications or another variance request could be required, but there is no immediate plan for that right-of-way acquisition.

Mr. Hannawa pointed out that if the Middlebelt Road right-of-way were ever implemented, it would eliminate four parking spaces, but the canopy would still meet setback requirements, and the site would continue to have parking along the building and at the pumps.

Member Rich also asked about the loading area along Grand River Avenue and whether deliveries would create safety concerns by crossing internal traffic lanes. Director Kettler Schmult responded that the city departments had not identified that as a specific problem and that delivery timing and alternative delivery options would be important.

Mr. Hannawa added that the plan includes a pedestrian path that would likely be used for deliveries and that vehicle movements for fire trucks, garbage trucks, fueling trucks, and other delivery vehicles had been simulated on the plan.

Member Rich asked about the estimated construction cost of \$450,000. Mr. Hannawa explained that the tanks are already in place, most of the pavement and building walls remain, and the primary costs relate to the canopy and an approximately 1,200 square foot building addition.

Board action

Acting Chair Vergun indicated he was ready to call the vote on this request.

The amended variance request for #6 now reads: *A variance of 35.0% from Section 34-4.28.1.G of the Zoning Ordinance to permit the building's south façade to have transparency of 25.0%, facing Middlebelt, where a minimum of 60% is required.*

The full motion read:

MOTION by Jamil, supported by O'Connell, in the matter of ZBA Case 6-26-5783, in order to renovate and expand an existing gas station with convenience store within the B-3 General Business Zoning District, I move that the petitioner's request for variance(s):

1. A variance of 19.6 feet from Section 34-3.1.25.E of the Zoning Ordinance to permit a new building addition to be installed 0.4 feet from the rear property line (north) where a minimum 20-foot setback is required.
2. A variance of 8.8 feet from Section 34-3.1.25.E of the Zoning Ordinance to permit a new building addition to be installed 1.2 feet from the side property line (east) where a minimum 10-foot side setback is required.
3. A variance of 13 feet from Section 34-3.1.25.E of the Zoning Ordinance to permit a new fueling canopy to be installed 12 feet from the front (south) property line, abutting Grand River, where 25 feet is required.
4. A variance of 17.8 feet from Section 34-3.1.25.E of the Zoning Ordinance to permit a new fueling canopy to be installed 7.2 feet from a side street (Middlebelt Road future right-of-way) where a minimum of 25 feet is required.
5. A variance of 40.2% from Section 34-4.28.1.G of the Zoning Ordinance to permit the building's south façade to have transparency of 19.8%, facing Grand River, where a minimum of 60% is required.

6. A variance of 35.0% from 34-4.28.1.G of the Zoning Ordinance to permit the building's west façade to have transparency of 25%, facing Middlebelt Road, where a minimum of 60% is required.
7. A variance from Section 34-4.28.1.E of the Zoning Ordinance to allow the parking areas for vehicular circulation to be located within the future right of way for Middlebelt Road where a minimum 10-feet is required.
8. A variance from Section 34-5.1.3.D.i of the Zoning Ordinance to permit the dumpster and enclosure to be placed in the front yard where placement in the rear or interior side yard is required.
9. A variance from Section 34-3.5.2.N and 34-5.4.2 of the Zoning Ordinance to permit an off-street loading and unloading space of approximately 650 sqft. to be located in the front yard abutting Grand River Avenue, where placement in the rear or interior side yard is required.

Be **GRANTED** because the petitioner **does** demonstrate that practical difficulties exist in this case in that facts were set forth which do show that based on the petitioner's submission, petitioner's presentation before the Zoning Board of Appeals, Public Comments, and the following findings:

1. For variance #1. *The proposed addition is a logical extension of the existing building and is necessary to support the intended gas station and convenience store use, which is a permitted use in this zoning district. Relocating or reducing the addition to meet the required setback would compromise building functionality, reduce operational efficiency, and create conflicts with parking and circulation.*
2. Variance #2. *The proposed addition is a logical extension of the existing building and is necessary to support the intended gas station and convenience store use, which is a permitted use in this zoning district. Relocating or reducing the addition to meet the required setback would compromise building functionality and reduce operational efficiency.*
3. Variance #3. *The proposed canopy is necessary for the long-term success of the business. The requested variance is necessary due to the limited size of the site and the constraints of the existing building and required layout.*
4. Variance #4. *The proposed canopy is necessary for the long-term success of the business. The requested variance is necessary due to the limited size of the site and the constraints of the existing building and required layout. It functions as an integral component of the overall site design.*
5. Variance #5. *The transparency of the building on the south side facing Grand River is the minimum available for the building. Additional transparency would impact the function of the building for this permitted use.*
6. Variance #6. *The transparency of the building on the south side facing Middlebelt is the minimum available for the building. Additional transparency would impact the function of the building for this permitted use.*

7. Variance #7. *The allowance of parking and circulation within the rights of way is appropriate due to site constraints, and a modification would impact proper circulation, rendering the site unusable and impacting site safety.*
8. Variance #8. *The dumpster location is constrained by the configuration of the site, building configuration, parking layout, and the need to maintain safe and efficient service access. There is no feasible compliant location that would allow proper circulation and access without creating greater impacts to the site layout.*
9. Variance #9. *There is no compliant loading space available on site without significant redesign of the site and alternative variances. Proposed management of the deliveries will not result in adverse impacts to surrounding properties.*
10. *Compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome.*
11. *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, the proposal will remain compatible with the adjacent uses through the site layout proposed and buffering provided.*
12. *The petitioner's plight is due to the unique circumstances of the property.*
13. *The problem is not self-created but due to existing site conditions.*
14. *The requested relief for variances (1-8) represents the minimum necessary to allow reasonable redevelopment of the property.*

Motion passed unanimously by voice vote

E. ZBA CASE: 6-26-5784

LOCATION: 33340 W. Twelve Mile Rd.

PARCEL I.D.: 23-10-352-006

ZONE: B-2

REQUEST: In order to install a new wall sign on a third façade of the existing restaurant Building within the B-2 Community Business Zoning District, the following variance is requested:

1. A special exception from Section 34-5.5.3.B.ii.a(1) of the Zoning Ordinance to permit a Wall sign on a third façade of the building, where the maximum number of facades a wall sign may be placed on is two.

CODE SECTION: 34-5.5.3.B.ii.a(1) and 34-5.5.5.C

APPLICANT: Michael Jwaida, owner of Tim Horton's

OWNER: Kendallwood Shopping Center, LLC

Background

Director of Planning and Community Development Kettler-Schmult gave the facts of this case. The request concerns an existing restaurant – Tim Hortons – in the shopping center at 12 Mile and Farmington Roads. The drive-thru ordering approach comes from the Farmington Road side and continues along the west side of the building.

Planning staff denied the sign request because the ordinance permits wall signs on only two façades and the applicant is requesting a third façade sign. The request is for a special exception, which is reviewed under different standards than a nonuse variance.

The application materials were somewhat confusing regarding the proposed façade. The narrative referenced the west side, but that side already has signage, and she believed the current request was for the east side of the building, which does not have signage.

Applicant presentation

Michael Jwaida, owner of the Tim Hortons at Twelve Mile Road and Farmington Road, said that he has operated this location since 2010. The freestanding building has limited visibility from Farmington Road, and vehicles traveling north and south on Farmington Road cannot readily identify the restaurant. Prior requests for a monument or street sign had been denied, and the business does not have directional signs. Because of this situation, during a recent renovation and branding update, a Tim Hortons sign was moved from the east side to the west side to improve visibility from Farmington Road, leaving the east side without signage.

Mr. Jwaida requested approval to install the new Tim Hortons logo sign on the east facade to improve visibility, identify the building, and attract business. The proposed sign is approximately 12.5 square feet and would be internally illuminated during the same hours as the existing signs.

Public hearing

Acting Chair Vergun opened the public hearing. No members of the public came forward to speak, and Acting Chair Vergun closed the public hearing.

Member Rich reported that there was an affidavit of mailing, with one undeliverable notice and no public communications.

Board discussion and action

Member Rich suggested that any motion specify that the proposed sign will be located on the east façade, because the meeting packet contained conflicting references to the east and west façades.

MOTION by O’Connell, support by Rich, in the matter of ZBA Case 6-26-5784, that the petitioner’s request for a special exception under Section 34-5.5.5.C from the requirements of Section 34-5.5.3.B.ii.a(1) to install a new wall sign on a third façade of the existing restaurant building located in the B-2 Community Business Zoning District, where the maximum number of facades a wall sign may be place on is two, be **GRANTED** because the petitioner **does** demonstrate special exception findings exist in this case in that facts were set forth which show that based on the petitioner’s submission, petitioner’s presentation before the Zoning Board of Appeals, Public Comments and the following findings:

1. There are circumstances or features that are exceptional or unique to the subject property and that are not self-created. *The business has visibility on three sides of the building based on the position of the building within the shopping center.*
2. That failure to grant relief would result in substantially more than mere inconvenience or financial expenditures. *The lack of relief would result in a substantial loss in viability of the business.*
3. That application of the regulations in Section 34-5.5.3 without a special exception would unreasonably prevent or limit the use of property or would unreasonably preclude the visibility or identification of a non-residential building on the property. *The application of regulations of the sign code without special exception would limit the ability of customers to locate the business and drive-through access point.*
4. That the Special Exception in Section 34-5.5.5.C will not result in a sign or condition that is incompatible or unreasonably interferes with adjacent or surrounding properties, will result in substantial justice being done to both the applicant and adjacent or surrounding properties, and is not inconsistent with the spirit and intent of this chapter. *The granting of the special exception is compatible with adjacent businesses and nearby residential properties.*
5. When taken on its own or in combination with other existing conditions on the property or in the area, the special exception will not result in a sign or condition that has an adverse effect on the essential character or aesthetics of the establishment or surrounding area, is detrimental to or negatively affects the character of surrounding residential development, or compromises the public health, safety, or welfare. *The granting of the special exception will not result in an adverse condition or change the essential character of the surrounding area.*

With the following conditions:

- *The sign must be installed in accordance with the submitted plans.*
- *The sign will be installed on the east side of the building.*

Motion passed unanimously by voice vote.

F. ZBA CASE: 6-26-5785

LOCATION: 25543 Ranchwood Dr.

PARCEL I.D.: 23-20-153-019

ZONE: RA-1

REQUEST: In order to install a 16 ft. by 36 ft. pool with a surrounding concrete deck and pool equipment in the rear yard of RA-1, One Family Residential District, the following variances are requested:

- 1. A 9-foot variance from Section 34-5.1.1.A and 34-3.26.6.A of the Zoning Ordinance to permit a pool, surrounding concrete deck, and pool equipment to be installed 29 feet into the rear yard from the home, where a maximum 20-foot projection from the home is permitted.**
- 2. A 3% coverage variance from Section 34-3.1.4.E of the Zoning Ordinance to permit a 38% horizontal rear yard coverage, where the maximum 35 % is permitted.**

CODE SECTION: 34-5.1.1.A, 34-3.26.6.A and 34-3.1.4.E

APPLICANT: Backyard Creations by Mike Assemany, LLC
OWNER: Raad Sana

Background

Director of Planning and Community Development Kettler-Schmult gave the facts of this case. The request is to install a new pool and surrounding pool decking in the rear yard of the home. The application was reviewed by planning staff who discovered that variances were required because the proposal did not comply with the applicable rear yard projection and rear yard coverage regulations.

Applicant presentation

Mike Assemany, Backyard Creations, South Lyon, explained that the proposed pool was shown on the plans immediately next to the existing patio. Moving the pool closer to the house would require removal and reconstruction of the patio, walls, and wrought iron railings at significant expense. The requested variance would allow the pool to be located farther into the rear yard while remaining 10 feet from the rear property line.

Board questions

Member Rich asked whether the proposed 10-foot distance from the rear property line was sufficient for the pool. Director Kettler Schmult stated that it was sufficient. She noted that the pool and decking were not located within any rear yard easements.

Member Rich asked how much the pool or surrounding concrete would need to be reduced to eliminate the 3 percent coverage variance. Mr. Assemany stated that reducing the concrete width from 4 feet to 3 feet might affect the calculation, but that 3 feet is generally the minimum needed to walk safely around the pool. The gunite pool could be custom-created in different dimensions.

Public hearing

Acting Chair Vergun opened the public hearing.

Jeffrey Wilcox, Ranchwood Drive, stated that he is the applicant's next-door neighbor. He supported the variance requests. He stated that Mr. Sana has consistently maintained the property and been a respectful neighbor, and he believed the pool would be a reasonable improvement that could be managed without negative impacts if safety and ordinance requirements are followed.

Michael Sitter, Ranchwood Drive, said that he lives directly south of the subject property and also supported the requested variances. Mr. Sana has maintained and improved the property since moving in. Mr. Sitter also owns a pool and has not had issues with neighboring pools, and he did not anticipate concerns from the pool proposed by Mr. Sana.

As no other public indicated they wished to speak, Acting Chair Vergun closed the public hearing.

Board action

MOTION by Jamil, supported by Banks, in the matter of ZBA Case 6-26-5785, that the petitioner's request for:

1. A 9-foot variance from sections 34-5.1.1.A and 34-2.26.6.A of the Zoning Ordinance to permit a pool surrounding concrete deck and pool equipment to be installed 29 feet into the rear yard of

- a home located within RA-1, One Family Residential District, where a maximum 20-foot projection from the home is permitted; and
2. A 3% coverage variance from Section 34-3.1.4.E of the Zoning Ordinance to permit 38% horizontal rear yard coverage where the maximum 35% is permitted/

Be **GRANTED** because the petitioner **does** demonstrate that practical difficulties exist in this case in that facts were set forth which do show that based on the petitioner's submission, petitioner's presentation before the Zoning Board of Appeals, Public Comments, and the following findings:

1. Compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome. *The existing home is centered on the lot, reducing the space available in the rear yard. The neighboring properties have pools within the rear yard close to the shared property line. The existing patio at the rear of the home is very expensive to remove in order to lessen the variance request.*
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. *A lesser variance would not give substantial relief to the petitioner in that a smaller variance would render the outdoor space unusable.*
3. That the petitioner's plight is due to the unique circumstances of the property. *The unique sizing of the yard and the grading in the rear yard fall away from the home.*
4. The problem is not self-created. *The configuration of the property and features of the home were existing or created by previous owners.*

With the following condition: *The pool, concrete deck, and pool equipment must be constructed in accordance with the submitted plans.*

Motion passed unanimously by voice vote.

5. Approval of Minutes: May 12, 2026

MOTION by Banks, supported by Khan, to approve the May 12, 2026 meeting minutes as submitted.

Motion passed unanimously by voice vote.

6. Adjournment

Motion by Rich, supported by O'Connell, to adjourn the meeting.

Motion passed unanimously by voice vote.

The meeting adjourned at 10:22 pm.

Brian Rich, Secretary

/cem