

**MINUTES  
ZONING BOARD OF APPEALS  
FEBRUARY 9, 2021 – 7:30 PM  
CITY OF FARMINGTON HILLS  
31555 W ELEVEN MILE ROAD  
FARMINGTON HILLS, MICHIGAN**

This meeting was held electronically as authorized under the Open Meetings Act, MCL 15.261, *ET SEQ.*, as amended, in order to mitigate the spread of COVID-19. Members of the Board stated their location during roll call, as required.

**CALL MEETING TO ORDER**

Chair Vergun called the meeting to order at 7:31 P.M. and made standard introductory remarks explaining the formal procedure, courtesies and right of appeal.

Chair Vergun explained the process for public participation during the public comment portion of the meeting.

**ROLL CALL**

Members Present:        Irvin (alternate), City of Farmington Hills, Oakland County, MI  
                                 Lindquist, City of Farmington Hills, Oakland County, MI  
                                 Masood, City of Farmington Hills, Oakland County, MI  
                                 O’Connell, City of Farmington Hills, Oakland County, MI  
                                 Rich, City of Farmington Hills, Oakland County, MI  
                                 Vergun, City of Farmington Hills, Oakland County, MI

Members Absent:        King

Others Present:        City Attorney Morita, Zoning Representative Fletcher, Recording Secretary  
                                 McGuire

**APPROVAL OF AGENDA**

**MOTION by Masood, support by Rich,** to approve the agenda as published.

Roll call vote:

Irvin	Aye
Lindquist	Aye
Masood	Aye
O’Connell	Aye
Rich	Aye
Vergun	Aye

**MOTION carried 6-0.**

**NEW BUSINESS**

A. ZBA CASE:            2-21-5673  
LOCATION:                32972 Thorndyke  
PARCEL I.D.:            23-03-327-007  
REQUEST:                In an RA-2 Zoning District, for an existing house, the following dimensional

variances are requested: 1) 3.1 foot variance from the minimum 35 foot front yard setback, 2) 1.4 foot variance from the minimum 35 foot rear yard setback from the northwest corner of the home, 3) 2.2 foot variance from the minimum 35 foot rear yard setback for the enclosed porch on the eastern portion of the home. In order to construct an addition to the home, the following dimensional variances are requested: 1) 13.25 foot variance from the minimum 35 foot rear yard setback for the proposed new addition at the northwest corner of the home, 2) 1.6-foot variance from the minimum 20 foot combined side yard setback.

CODE SECTION: 34-3.1.5.E.

APPLICANT/OWNER: Kurt and Jean Struckmeyer

Member Masood read the case.

Zoning Representative Fletcher presented the facts of the case. 32972 Thorndyke is located in the RA-2 zoning district, north of 13 Mile and east of Farmington Road. The applicant is requesting variances for existing nonconformities, as well as variances needed to construct an addition to the home.

Kurt and Jean Struckmeyer, 32972 Thorndyke, were present on behalf of this application, and made the following points:

- The applicants had nothing to do with the nonconformities that resulted from the 1966 construction of the home in its current location. The Planning and Zoning Department had suggested that the applicants ask for the variances for the original construction to give future clarity to any conversations regarding this property.
- The addition would add a first floor bedroom, bathroom, and walk-in closet.
- In February 2020 Mr. Struckmeyer suffered a health event that has made it extremely difficult for him to go up the stairs of the home. The applicants would like to age in place in their home; in order to do this they need to construct a first floor bedroom and bathroom.
- The addition would be set back from the front of the home and would not be very visible from the street.
- There is a landscaped 4-foot berm at the rear of the property which shields the property from neighbors' views during 3 seasons of the year.
- The applicants had tried different locations and configurations for the addition, but nothing else worked.

City Attorney Morita explained that when this application came to the Planning Department, it was discovered that several variances would be required to bring the existing home into compliance with the ordinance. The ordinance deviations existed since the home's construction, prior to the Struckmeyer's purchase of the home. Staff appreciated the Struckmeyer's willingness to work with the City to bring the home into ordinance compliance.

Member Rich asked if the applicants had added the addition on the back on the house. Mrs. Struckmeyer said the addition was there when they purchased the home.

Member Rich asked if the applicants had looked at the option of a chair lift for the stairs. Mrs. Struckmeyer said they had not explored that option. The stairs made a sharp turn mid-way between floors. Member Rich said chair lifts did work with that kind of stair design.

Member Rich asked if the applicants had looked at modifying any portion of the first floor in order to remodel the existing home to have a 1<sup>st</sup> floor bedroom and bathroom.

Amy Struckmeyer, 1032 Clarence Avenue, Oak Park IL, architect for this project, explained that there was a small half bath on the first floor which was on a slab; it would be difficult to turn that into a full bath, and a fair amount of first floor square footage would be lost. The study could possibly be turned into a bathroom but its location was awkward for that type of change. The proposed location for the addition made a lot of sense in terms of the layout of the house. It would keep the home marketable, and the applicants were working hard to construct the addition so it would blend as unobtrusively as possible with the existing structure.

Member Rich asked if the home had a basement. The applicants said there was a basement under the part of the home that would be adjacent to the proposed addition, which would allow the plumbing to be extended to the addition.

Member Lindquist asked the applicants if other solutions were explored that would run parallel to the current setbacks, so that it would not be necessary to expand the encroachment into the setback. What alternatives were explored?

David Bongero, Bongero Construction, 33346 Glendale, Livonia, said they had explored several options with the surveyor. Any placement on the house presented a setback issue. The proposed placement offered the most privacy, provided access from inside and generally matched architecturally the best with the home. The side yard that would be used was vacant and bare and was tucked in so that it provided the least intrusive location for the addition.

Mr. Bongero said that while chair lifts worked, if there was a fire an elderly person could be trapped on the second floor without being able to get down. It was much safer for an elderly person to be on the first floor.

Member O'Connell asked if the house conformed to the zoning ordinance when it was built. City Attorney Morita said the house was likely to have been built intending to conform to the ordinance, but was just built in the wrong spot and intruded into the setbacks by small amounts. A city inspector would not pick that up on a site inspection. The original home had been there for over 50 years without complaint.

Member Lindquist noted that a home built in 1966 predated the 1973 incorporation of the City.

Chair Vergun opened the public hearing.

Brennan Harvath, 32980 Thorndyke Court, said they were next door to 32972 Thorndyke Court, and would be adjacent to the proposed addition. They supported this variance request in the location requested. The area where the addition would be located was a barren area where grass would not grow due to the tree cover.

Seeing that no other public indicated they wished to speak, Chair Vergun closed the public hearing and brought the matter back to the Board for further discussion and/or a motion.

Member Masood said an affidavit of mailing was on file. 33 mailings were sent out with 0 returns.

Member Lindquist pointed out that Mr. and Mrs. Harvath's December 6, 2020 email supporting this request was in the Board packets.

**MOTION by Masood, support by Irvin**, in the matter of ZBA Case 02-21-5673, 32972 Thorndyke, that the petitioner's request for all variance requests be **GRANTED** as advertised:

- For an existing home: 1) 3.1 foot variance from the minimum 35 foot front yard setback, 2) 1.4 foot variance from the minimum 35 foot rear yard setback from the northwest corner of the home, 3) 2.2 foot variance from the minimum 35 foot rear yard setback for the enclosed porch on the eastern portion of the home.
- In order to construct an addition to the home: 1) 13.25 foot variance from the minimum 35 foot rear yard setback for the proposed new addition at the northwest corner of the home, 2) 1.6-foot variance from the minimum 20 foot combined side yard setback.

**Because the petitioners** did demonstrate practical difficulties exist in this case in that they set forth facts which show that:

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.
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.

The motion includes the findings that the homeowner did adequately explore other possibilities. Regarding the initial variances needed for the existing home, the homeowner purchased the home with those nonconformities. The property is also shaped like a pentagon, which is a consideration in granting the variances for the addition.

With the following conditions:

- Construction of the addition be in same color, characteristics, and materials as shown.
- The location of the addition will be as shown on the site plan submitted to the ZBA.
- The addition will be single-story as submitted.

Member Rich said he empathized with the homeowner's situation. He had some concerns that the homeowner's need could be met by using a chair lift. While there is always a risk of fire, his assumption was that the applicant would be on the second floor at various points in time, with appropriate smoke detectors. He was concerned with the request meeting the 2<sup>nd</sup> requirement of practical difficulty.

Member Rich said the bigger issue was meeting the requirement that the petitioner's plight was due to the unique circumstances of the property. While the property had a unique shape, it did not stop the home from being used as a home, and in this case the Board was potentially granting a variance based on the unique circumstances of the property owner, not the unique circumstances of the property itself. The property was able to be fully utilized by prior owners and by this owner up until the past year. Member Rich was concerned that the request did not meet the 3<sup>rd</sup> requirement of *practical difficulty*. While the side variances were relatively small, the rear variance in this case is going to be significantly larger than it otherwise would be – more than one-third encroachment into the 35-foot rear yard setback. He did not think the standards were met for granting a variance.

Member Vergun asked Motion Maker Masood if he would consider providing two motions for this case, with the first motion being for those variances needed for the existing home, and the second motion for the variance requests needed for the proposed addition.

Member Masood said he would like to proceed with the motion as stated.

Member Lindquist said he shared some of the concerns stated by Member Rich, who had requested information regarding whether or not a stair lift had been considered. Member Lindquist had requested information regarding alternative locations that might have been considered. While the applicants and the builder had said they had researched alternatives, those alternatives had not been identified. Trying to match the same distance and setback with the uneven lines on the irregular pentagonal lot would not result in the prettiest of structures, but Member Lindquist did not see that other options were even looked at that would not increase the incursion into any of the setbacks, and there were significant spaces where the setback would not be violated. The requested expansion is large.

Separately from those thoughts, Member Lindquist asked if the maker of the motion would consider adding the condition that the addition will be limited to one story.

Ms. Struckmeyer said that the surveyor and builder had considered other locations for the addition, but found no other area where variances would not be required. Additionally, any other location would render the addition more visible from the street.

Motion Maker Masood and Support Irvin agreed to the condition that the addition will be limited to one story, and this is reflected in the motion above.

Roll call vote:

Irvin	Aye
Lindquist	Aye
Masood	Aye
O'Connell	Aye
Rich	Nay
Vergun	Aye

**Motion to GRANT carried 5-1.**

B. ZBA CASE: 2-21-5674  
LOCATION: 22665 Glenmoor Heights  
PARCEL I.D.: 23-26-451-010  
REQUEST: In an RA-4 Zoning District, in order to construct a room addition attaching the residential structure and detached garage, a 10-foot one-inch variance to the 35-foot rear yard setback is requested.  
CODE SECTION: 34-3.1.7. E  
APPLICANT/OWNER: Joshua Dunham

Member Masood called the case.

Zoning Representative Fletcher presented the facts of the case. The corner lot is located in an RA-4 zoning district, north of Shiawassee and 9 Mile Road and west of Middlebelt Road.

Joshua Dunham, 22665 Glenmoor Heights, was present on behalf of this variance request, as was Joe Sterbling, Adler Building Company, 29612 Pond Ridge Road, Farmington Hills.

The applicant was proposing to expand out from the kitchen. They had originally explored a 12-foot addition off the back of the kitchen, but this would not provide the required 10-foot separation between the garage and the main structure. Therefore they changed the plans to connect to the garage. The kitchen would expand, and the additional room would provide living space. The exterior architecture would match the house and blend with the garage.

The issue resulting in this variance request is that by connecting the addition to the garage, the garage changed from a detached to an attached garage. While the garage would be in the same location, it would now need a 35-foot rear yard setback to meet ordinance requirements. Therefore the rear yard setback variance was requested.

Mr. Sterbling added that if the addition was not attached to the garage, the new family room could only be 9 feet long, due to the required 10 foot space between the addition and the detached garage. The house was built in 1963.

In response to a question from Member Lindquist, Mr. Sterbling said that with the proposed addition, no part of any structure including the addition would be any closer to any property line than before building the addition.

Member O'Connell asked if the garage met the setback requirements currently. City Attorney Morita said the garage, as a detached accessory structure, did meet current setback requirements. With the addition, the garage became part of the main structure, and required the greater 35-foot rear yard setback. If the addition did not connect with the garage, the addition would have to be 10 feet from the garage in order to meet fire code, resulting in a very small building envelope for the new addition.

Chair Vergun opened the public hearing. Seeing that no public indicated they wished to speak, Chair Vergun brought the matter back to the Board for discussion and/or a motion.

Member Masood said there was an affidavit of mailing on file. 61 mailings had been sent out, with one return.

**MOTION by Lindquist, support by O'Connell**, in the matter of ZBA Case 2-21-5674, 22665 Glenmoor Heights, that the petitioner's request for a 10-foot one-inch variance to the 35-foot rear yard setback in order to construct a room addition attaching to the residential structure and detached garage 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 for a permitted purpose or would render conformity with the ordinance 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. A lesser relaxation is not necessary as the effect of placing something in the middle of the lot between the two existing structures does not impact adjacent landowners.

3. That the petitioner's plight is due to the unique circumstances of the property, specifically noting the unique design and circumstance of the corner lot with the Glenmoor Heights address and the driveway access from Stockton Drive.
4. That the problem is not self-created. The lot exists as the homeowner purchased it.

With the following condition:

- That the expansion be built to conform to the designs provided to the Board and consistent in architectural style and color with the remainder of the property, or an adjustment be made to the remainder of the property to match the addition.

Member Rich commented that in contrast to the previous case, in this case as Member Lindquist had identified, there is no additional encroachment into any setbacks with respect to the footprint of the property. None of the structures are any closer to any of the property lines.

Roll call vote:

Irvin	Aye
Lindquist	Aye
Masood	Aye
O'Connell	Aye
Rich	Aye
Vergun	Aye

**MOTION carried 6-0.**

**PUBLIC QUESTIONS AND COMMENTS:** None.

**APPROVAL OF MINUTES:** November 10, 2020

**MOTION by Rich, support by Lindquist,** to approve the November 10, 2020 Zoning Board of Appeals meeting minutes as presented.

Roll call vote:

Irvin	Aye
Lindquist	Aye
Masood	Aye
O'Connell	Aye
Rich	Aye
Vergun	Aye

**MOTION carried 6-0.**

**ADJOURNMENT**

**MOTION by Lindquist, support by Irvin, to adjourn the meeting at 8:56 p.m.**

Roll call vote:

Irvin	Aye
Lindquist	Aye
Masood	Aye

O'Connell	Aye
Rich	Aye
Vergun	Aye

**MOTION carried 6-0.**

Respectfully submitted,  
Azam Masood, Secretary

/cem