

**CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS MEETING
FARMINGTON HILLS CITY HALL
31555 W. ELEVEN MILE ROAD
AUGUST 11, 2026**

1. Call Meeting to Order

Chair Irvin called the meeting to order at 7:30 pm and made standard introductory remarks to explain the role of the ZBA and the formal procedures of the meeting.

A site visit was held on Sunday, August 9, 2026. No business had been conducted.

2. Roll Call

Members Present: Irvin, Jamil (arrived 7:36pm), Injeti, O'Connell, Khan, Rich, Rowland (alt), Vergun

Members Absent: None

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 O'Connell, supported by Khan, to amend and approve the Agenda as follows:

- **Item 4A: Addition of Code Section 34-7.1.3.A**
- **Item 4B: Addition of Code Sections 34-7.14.6.B and 34-7.14.7**
- **Add 4D: Public Comment**

Motion passed unanimously by voice vote.

4. NEW BUSINESS:

A. ZBA CASE: 7-26-5778

LOCATION: 20957 Robinson.

PARCEL I.D.: 22-23-34-453-006

ZONE: RA-3

REQUEST: In order to construct a one-story, 1,123 sq. ft. addition to the north side of the existing non-conforming house constructed in 1942, which does not meet the required minimum 30 ft. front (Robinson) and exterior side yard (Salvador) setbacks for a corner lot.:

- 1. A 7 ft. variance from Section 34-3.1.6.E of the Zoning Ordinance to permit a front yard setback of 23 ft., where 30 ft. is required.**
- 2. A 13 ft. variance from Section 34-3.1.6.E and 34-3.5.2.E of the Zoning Ordinance to permit an exterior side yard setback of 17 ft., where 30 ft. is required.**

CODE SECTION: 34-3.1.6.E, 34-3.5.2.E, and 34-7.1.3.A

APPLICANT: Matt Schiffman

OWNER: Robert Schiffman

Background

Director of Planning and Community Development Kettler-Schmult explained that this property at the corner of Robinson and Salvador contains an existing nonconforming home. The applicant originally proposed a vertical addition, but determined that the existing foundation and footings could not support the additional height. The proposal was therefore revised to a horizontal addition. Because the existing home does not meet the required setbacks along Robinson and Salvador, the proposed addition requires setback variances. The applicant reduced the requested variances as much as possible while retaining the proposed floor plan and square footage necessary for their addition.

Applicant presentation

Matt Schiffman, 31609 Shaw, Farmington, Michigan, appeared on behalf of his family, who owned the property. He explained that they were requesting a 7-foot front yard setback variance and a 13-foot exterior side yard setback variance; these were the minimum variances necessary to construct the proposed single-story ground-floor addition.

Mr. Schiffman further explained that the existing 852-square-foot home was constructed in 1942, decades before the current setback requirements were adopted, and that its location, setbacks, and structural conditions predate present zoning standards. Similar setbacks are characteristic of this older portion of the neighborhood. The proposed addition is intended to modernize and expand the home while maintaining the scale and character of the area.

Mr. Schiffman stated that the practical difficulty results from the existing placement and structural condition of the home. A vertical expansion is not reasonably feasible because the existing foundation cannot support it, while a horizontal expansion is constrained by the existing setbacks. He emphasized that these conditions were not created by the applicant and that the property would remain a single-family residence. The addition would not negatively affect adjoining properties, public safety, or neighborhood character.

Mr. Schiffman also explained that, although family history is not a legal basis for granting a variance, the home has been in his family for more than 70 years. His grandmother lived there until her death last year at age 101. The family has chosen to preserve and occupy the property rather than sell it, and he requested the Board's support for the variances.

Public Comment

Chair Irvin opened the meeting to public comment. No members of the public indicated they wished to speak.

Member Rich reported that the file contained an affidavit of mailing, with no undeliverable notices, and correspondence in favor of granting the variances from Dr. Syed Razvi, Josh Marton, and Nancy Schiffman.

MOTION by O'Connell, supported by Rowland, in the matter of ZBA Case 7-26-5778, that the petitioners request to construct a one-story 1,123 sq ft. addition to an existing non-conforming house which does not meet the minimum front and exterior side yard setbacks with the following variances:

1. A 7-foot variance from Section 34-3.1.6.E of the Zoning Ordinance to permit a front yard setback of 23 feet where 30 feet is required.

2. A 13-foot variance from Sections 34-3.1.6.E and 34-5.2.E. to permit an exterior side yard setback of 17 feet where 30 feet is required.

be **APPROVED** based on the petitioner's submission, the petitioner's presentation before the Zoning Board of Appeals, 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 is necessary for the functioning of the site and permitted use. The existing home's foundation cannot structurally hold a second floor that would conform to the zoning ordinance without significant costs.*
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 addition that needs a variance was reduced from the original request of a 14-foot variance to 7-feet. Also, the existing home is closer to Robinson Street than the proposed addition. If the existing building location is not unnecessarily burdensome to the neighbors, then an addition at less than the existing setback would do justice to both parties.*
3. That the petitioner's plight is due to the unique circumstances of the property. *The existing home is currently located closer to Robinson Street, and the existing home's foundation cannot support an addition that would be taller but conform to the required setbacks.*
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 conditions:

1. **The building addition must be constructed in accordance with the submitted site plan and elevations received by the Zoning Office on June 11, 2026.**

Motion passed unanimously by voice vote.

B. ZBA CASE: 8-26-5790

LOCATION: 38400 Ten Mile Rd

PARCEL I.D.: 22-23-19-351-012

ZONE: B-3

REQUEST: Administrative appeal under Section 34-7.14.6.A of the City's Zoning Ordinance from the decision of the City's Building Official declaring Building Permit PB231881 in error and making the permit inactive, and the decision of the City Planner to retract approval of Applicant's site plan (SP 66-12-2021) for a vehicle car wash on a zoning lot in the B-3 General Business District that was approved by the Planning Commission on February 17, 2022, and request that the Zoning Board of Appeals do the following:

1. Stay the permit inactivation and stop-work determination during the appeal, consistent with MCL 125.3604(4) and pursuant to all necessary permits and approvals, unless the Building Official certifies to the Zoning Board of Appeals that by reason of facts stated in the certificate, a stay would, in the opinion of the Building Official, cause imminent peril to life or property.

2. Reverse the Building Official's determination that Building Permit PB231881 was issued in error.
3. Determine that the City must apply the then-applicable Zoning Ordinance and zoning regulations in effect at the time of the approved Site Plan 66-12-2021, project approvals applicable to the applicant's November 30, 2023, building-permit application and pre-C-9 review record.
4. Determine that Ordinance C-9-2024's savings clause preserves Applicant's pre-zoning amendment acts done and rights accruing, accrued, or acquired before the amendment took effect.
5. Reactivate Building Permit PB231881 and direct City staff to process inspections, trade permits, and related approvals in the ordinance course, subject to ordinary non-zoning compliance conditions that would apply to any validly issued permit.
6. In the alternative, if the ZBA concludes that additional interpretation, exception, variance, or other relief is procedurally necessary, to grant that relief to preserve Building Permit PB231881.
7. If any relief is denied, to make specific findings on the application date, completeness/abandonment, City knowledge, the City's post-C-9 processing conduct, reliance evidence, and the precise legal basis for denial, for a complete record for circuit court review under MCL 125.3606.

CODE SECTION: 34-7.14.6.A, 34-7.14.6.B, 34-7.14.7

APPLICANT: Dr. Delair Gardi, 38400 W. 10 Mile Road, LLC

OWNER: Dr. Delair Gardi, 38400 W. 10 Mile Road, LLC

Background

Director of Planning and Community Development Kettler-Schmult reported that the site plan for this project was approved in 2022, and the building permit application was submitted in 2023. Since that time, the project proceeded through building, zoning, and engineering reviews, with multiple plan revisions. During the same period, Ordinance C-9-2024 was reviewed and approved and became effective in January 2025, changing where car washes were permitted in the City. The subject property is zoned B-3, and the project had not yet begun construction when the ordinance took effect.

The project continued through the administrative process, and a building permit was issued in February 2026. In June 2026, the Building Official notified the applicant that the amended zoning regulations no longer allowed the proposed use at the property. A subsequent letter from the City Planner provided the same information, and a stop-work order was issued. These actions resulted in the appeal before the Board.

Applicant presentation

Attorney Gary August appeared on behalf of the applicant, Dr. Gardi, who was also present. Mr. August advised the Board that a Freedom of Information Act request for records and documents related to this matter remained pending. Due to the volume of records requested and the demands on the Clerk's Office associated with the August 4 primary election, the requested materials could not be provided in time for discussion at tonight's meeting. Mr. August said that he had been working with City Attorney Mendelsohn and other attorneys from the Rosati

Schultz Joppich & Amtsbuechler firm regarding this request, and he had been advised that the documents should be available in sufficient time for review before the September meeting.

Public comment

Chair Irvin opened the meeting for public comment. No public indicated they wished to speak, and Chair Irvin closed public comment and brought the matter back to the Board.

MOTION by Rowland, support by O’Connell, in the matter of ZBA Case 8-26-5790, that the Petitioner’s request for Administrative appeal under Section 34-7.14.6.B of the City’s Zoning Ordinance from the decision of the City’s Building Official declaring Building Permit PB231881 in error and making the permit inactive, and the decision of the City Planner to retract approval of Applicant’s site plan (SP 66-12-2021) for a vehicle car wash on a zoning lot in the B-3 General Business District that was approved by the Planning Commission on February 17, 2022, be **DEFERRED** to the next regular Zoning Board of Appeals meeting in order to allow the applicant to prepare their presentation based on the FOIA materials yet to be released.

Motion passed unanimously by voice vote.

C. ZBA By-laws update

Director of Planning and Community Development Kettler-Schmult advised that a board member had previously asked about changing the regular meeting start time from 7:30 p.m. to 7:00 p.m. The draft was created to bring to the full board for discussion. Because the meeting time is established in the ZBA bylaws, the change requires an amendment to the bylaws and subsequent approval by City Council.

Chair Irvin asked whether any members objected to the earlier start time. No objections were raised.

Director Kettler-Schmult confirmed that the proposed change would require City Council approval and would not take effect immediately, noting that the amendment process would take some time to complete.

Director Kettler-Schmult also advised that a two-thirds majority of the membership was required to approve moving the bylaws amendment forward.

MOTION by O’Connell, supported by Injeti, to change the Zoning Board of Appeals start time from 7:30 pm to 7:00 pm, and to forward the ZBA By-laws to City Council for approval.

Roll call vote:

Ayes: Injeti, Irvin, Jamil, Khan, O’Connell, Rich, Rowland, Vergun

Nays: None

Motion passed 8-0.

5. PUBLIC COMMENT

Ayanna Hill, 28209 Danvers Drive, stated that she was speaking as an aggrieved property owner and on behalf of the residents of Danvers Court, Danvers Drive, and the broader Wood Creek subdivision regarding ZBA Case 7-26-5786.

Ms. Hill stated that a formal written communication had been submitted on August 10 to City Council, the City Attorney, the City Manager, and Planning staff alleging statutory, procedural, and ethical violations related to the Board's consideration of the case. She objected to the accuracy of the July 14 meeting minutes and summarized four principal concerns: application of the incorrect legal standard for the use variance; an incomplete evidentiary record; insufficient consideration of public health and safety issues; and the appearance of impropriety or potential conflict of interest related to the participation of the applicant's brother, City of Farmington Mayor Joe LaRusso, as project engineer. Ms. Hill stated that surrounding property owners were preparing a formal appeal and requested that her written comments and notice be incorporated into the official administrative record for ZBA Case 7-26-5786.

6. APPROVAL OF MINUTES: July 14, 2026

MOTION by Vergun, supported by O'Connell, to approve the July 14, 2026 meeting minutes as submitted.

Motion passed unanimously by voice vote.

7. ADJOURNMENT

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

Motion passed unanimously by voice vote.

The meeting adjourned at 8:10 pm.

Brian Rich, Secretary

/cem