

**CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS MEETING
FARMINGTON HILLS CITY ALL
31555 W. ELEVEN MILE ROAD
APRIL 14, 2026 at 7:30 pm**

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 had been held on Sunday, April 12, 2026. No business had been conducted.

2. ROLL CALL

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

Members Absent: Vergun

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 Jamil, supported by Khan, to approve the agenda as submitted.

Motion passed unanimously by voice vote.

4. NEW BUSINESS:

A. ZBA CASE: 4-26-5777

LOCATION: 29820 W. 9 Mile Rd.

PARCEL I.D.: 23-26-482-001

ZONE: LI-1, Light Industrial

REQUEST:

- a. A variance to not establish an off-street loading and unloading space where such space is required for sites within an LI-1 District. (Sections 34-5.4.3 and 34-5.4.4)
- b. A variance to not establish a space for the location of a dumpster where such space is required for sites within an LI-1 District. (Section 34-5.1.3.D)
- c. A variance to permit the site to have three (3) parking spaces where five (5) are required. (Sections 34-5.2.10 and 34-5.2.10.E.ii)
- d. A variance to permit a six-foot high wood privacy fence to be constructed in the minimum setback of a yard abutting Nine Mile Road right-of-way, where a minimum 25-foot setback is required. (Sections 34-5.12.2.B and 34-3.1.29.E)
- e. A variance to permit a six-foot high wood privacy fence to be constructed in the minimum setback of a yard abutting the Shiawassee Road right-of-way, where a minimum 25-foot setback is required. (Sections 34-5.12.2.B and 34-3.1.29.E)

CODE SECTIONS: 34-5.4.3, 34-5.4.4, 34-5.1.3.D, 34-5.2.10, 34-5.2.10.E.ii, 34-5.12.2.B and 34-3.1.29.E

APPLICANT: Joseph S. Novitsky, AIA, Architect

OWNER: Ilan Hazan

Director of Planning and Community Development Kettler-Schmult gave the background for this request. The applicant was proposing a new use for the building and site at 29820 W. Nine Mile Road, a property that had been vacant for some time. The applicant had gone before the Planning Commission for conditional approval in October 2025, and an updated denial letter with a revised plan was issued in March 2026 by City Planner Diane Mulville Friel.

Director Kettler-Schmult noted that a secondary, smaller building shown on the aerial photograph had received a demolition permit and that the demolition project was completed in fall 2025. The building was to remain in its existing location, and the fencing was proposed to be replaced with new fencing. Staff had prepared recommended conditions if the Board was inclined to consider a motion for approval.

Member Khan asked whether the handicap parking space was included in the three parking spaces shown. Director Kettler-Schmult initially stated that there were actually a total of four spaces, one of which was a handicap space and one of which was indicated in front of the roll-up doors.

Applicant presentation

Joseph Novitsky, JSN Architecture, 3856 Twelve Mile Road, Berkley, was present on behalf of this application. Owner Ilan Hazan was also present.

Mr. Novitsky made the following points:

- Mr. Hazan had operated a cabinet shop in Farmington Hills for some years and had spent a long time looking for a small, appropriately zoned warehouse for his business. The owner had complied with everything requested of him, including demolishing the older, smaller building.
- Regarding the loading zone request (request a), Mr. Hazan operated a one-person shop. The building could not accommodate anything larger than a box truck, due to its shelving, and the product stored inside. This business did not need a loading zone.
- Regarding the dumpster request (request b), Mr. Hazan did not have refuse on site. He did not produce garbage, did not manufacture products, and did not assemble products on site. Mr. Hazan takes created or boxed material to job sites and leaves it there as part of his business protocol.
- Regarding the parking request (request c), Mr. Hazan had no employees, no guests, no sales office, and no helpers coming to the property. Mr. Hazan operated a one-person shop and did not need the additional parking spaces. The building was filled with shelving, and no additional people would be in the building.
- Regarding the fence requests (requests d and e), there were many 6' privacy fences along residential streets in this neighborhood, especially on corner lots adjacent to sidewalks. The variance request was not unusual or extraordinary. For security reasons, Mr. Hazan did not want people looking into the shop as he was seldom there, and he did not want the inventory to be visible.
- The request was reasonable. Neighbors appreciated that the property was being maintained for the first time in many years.

Board questions and discussion

Chair Irvin asked whether there was any intention to convert the building into a showroom in the future, including any opportunity for customers to come in and view example displays.

Mr. Hazan stated that the building would be a storage warehouse. The cabinets were already pre-built and pre-packed; he would not manufacture anything on site. He had purchased a Hi-Lo so he could unload and reload trucks, and had completed a test to see what type of truck could back into the building; nothing larger than a box truck could do so. Merchandise comes in boxes and stays in boxes until it is transported by his van or by another pickup. There was shelving around the interior of the building with merchandise on the shelves, and only the middle area was left open for maneuvering the Hi-Lo. He did not have employees, only subcontractors, and everyone went directly to job sites. The property would be used exclusively as a warehouse.

Regarding the requested privacy fence. Mr. Hazan stated that when he is at the property, he feels vulnerable due to bicyclists, pedestrians, and drivers approaching from multiple directions. He had told the Planning Commission that he felt uncomfortable and exposed while on the property; a privacy fence would provide a better safety feature for him and for the items inside the warehouse, particularly if he wanted to open the doors halfway without allowing visibility into the building.

In response to questions, Mr. Novitsky and Mr. Hazan gave the following further information:

- The privacy fence would extend around three sides of the property.
- The masonry fence on the west side of the property would consist of a 6' panelized system installed in H piles with footings. The system would be inobtrusive, and Mr. Hazan would give up approximately two feet of his property in order to save the trees. By installing vertical H piles and dropping the panels between them, Mr. Hazan avoided a continuous trench footing that would damage tree roots. The Planning Commission had accepted this construction.
- Cabinets were not assembled at the site. Cabinets come preassembled and boxed, which is why Mr. Hazan does not generate garbage. The only garbage would be similar to what someone would have under a desk, which Mr. Hazan could take home with him.

Public Comment and Correspondence

No members of the public were present to comment.

Member Rich reported that there was an affidavit of mailing with two undeliverables, and no correspondence had been received from the public.

Board discussion and action

In response to questions, Director Kettler Schmult provided the following:

- The Planning Commission approval was conditional. If the Zoning Board of Appeals approved the variance requests, the plan before the Board would be the plan that proceeds.
- The property had been vacant for four or five years; it had previously been the site of Randolph Fence.
- The applicant had taken action to re-roof the main building, and demolition of the small concrete structure had already been completed. The applicant had been making improvements to the property, although some work had been started without proper permits.

MOTION by Jamil, supported by O'Connell, in the case of ZBA case 4-26-5777, that the petitioner's request for the following variances be granted:

- a. A variance to **not** establish an off-street loading and unloading space where such space is required for sites within an LI-1 District. (Sections 34-5.4.3 and 34-5.4.4)
- b. A variance to **not** establish a space for the location of a dumpster where such space is required for sites within an LI-1 District. (Section 34-5.1.3.D)
- c. A variance to permit the site to have three (3) parking spaces where five (5) are required. (Sections 34-5.2.10 and 34-5.2.10.E.ii)
- d. A variance to permit a six-foot high wood privacy fence to be constructed in the minimum setback of a yard abutting **Nine Mile Road** right-of-way, where a minimum 25-foot setback is required. (Sections 34-5.12.2.B and 34-3.1.29.E)
- e. A variance to permit a six-foot high wood privacy fence to be constructed in the minimum setback of a yard abutting the **Shiawassee Road** right-of-way, where a minimum 25-foot setback is required. (Sections 34-5.12.2.B and 34-3.1.29.E)

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, 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.
3. The petitioner's plight is due to the unique circumstances of the property.
4. The problem is not self-created.

With the following conditions:

1. Use of the site is limited to small-scale material storage for a kitchen/bath remodeling business.
2. No loading/unloading off-site or within the roadway.
3. No outdoor storage of warehousing materials or refuse.
4. Fencing located outside the corner clearance of the driveway for pedestrian safety, and must be indicated as such on the site plan.

Motion discussion

Member Rich asked questions regarding the setback requirements. Director Kettler-Schmult explained that the determination from the City Planner was that both Grand River Avenue and Shiawassee Road are side streets requiring a 25' setback. There was no front yard for this property because of the unique configuration of the lot.

Chair Irvin observed that the site was very unique and the condition was not self-created.

Member Rich asked for the distance from the east wall of the building to the eastern fence, in order to determine how much maneuvering room would remain within the interior of the fence on the east side of the building.

Mr. Novitsky reiterated that the site was unique. There was approximately 48' from the building to the area where the demolished building had been located; this was sufficient for a cube van to enter and exit successfully. Mr. Hazan was not proposing to pave any additional area. Mr. Hazan was working with the Engineering Department regarding the use of percolating pavers; the site perked, and stormwater would be managed on-site.

Member Rich noted Mr. Hazan was a sole operator with one cube van. He asked whether there was enough space to designate an area for loading and unloading, even if the applicant did not build loading equipment, a ramp, or other improvements. He also asked whether an area could be set aside for a dumpster, even if it was never used for that purpose, in order to avoid the need for one of the variances.

Mr. Novitsky stated that the triangular site was very narrow. Mr. Hazan had agreed with the Fire Marshal to install another emergency fence access point so emergency personnel could get in and out. Neither a dumpster space nor a dedicated loading and unloading space would fit on this parcel.

Chair Irvin asked how large the box truck was. Mr. Hazan stated that it was approximately 25'- 30'. He was already using the site in the manner described, and it was working.

Director Kettler-Schmult stated that if the applicant were to place a dumpster on site, a different variance would be required because dumpsters are not permitted in an area adjacent to a street.

Member Rich said that while he understood the applicant's reason for wanting to prevent people from seeing what was going on in and out of the facility, a solid 6' high wood fence at the corner could make the property look like a fort. He wondered whether another type of fencing could provide significant privacy without creating the same appearance. He noted that during the Planning Commission review, Planning Commissioner Mantey had also raised a concern regarding the solid wood fence and had suggested a chain link fence. Member Rich said he did not necessarily like the idea of a chain link fence, but a solid wood fence could appear to be a very uninviting barrier at the crossroads of Shiawassee Road and Nine Mile Road.

Chair Irvin stated that Rich had raised a good point, but that the Board had to consider the request and site plan before it, unless the applicant wanted to reapply with a different site plan.

Roll call vote:

Banks **yes**
Irvin **yes**
Jamil **yes**
Khan **yes**
O'Connell **yes**
Rich **yes**
Rowland **yes**

Motion passed 7-0.

Chair Irvin noted that there was no public in attendance this evening, and therefore, no public comment.

5. APPROVAL OF MINUTES: March 10, 2026

MOTION by O'Connell, supported by Rowland, to approve the March 10, 2026 meeting minutes as submitted.

Motion passed unanimously by voice vote.

6. ADJOURNMENT

MOTION by Jamil, supported by Khan, to adjourn the meeting.

Motion passed unanimously by voice vote.

The meeting adjourned at 8:09 pm.