

**MINUTES
CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS
FARMINGTON HILLS CITY HALL
MARCH 11, 2025 – 7:30 PM**

1. CALL MEETING TO ORDER

Vice Chair Irvin called the meeting to order at 7:30 P.M.

2. ROLL CALL

Members Present: Banks, Injeti, Irvin, Jamil, Lindquist, Rich, Vergun

Members Absent: Khan, O’Connell

Others Present: Zoning Supervisor Randt, City Attorney Morita, Recording Secretary McGuire

3. APPROVAL OF AGENDA

**MOTION by Jamil, support by Vergun, to approve the agenda as submitted.
Motion carried unanimously by voice vote.**

4. OLD BUSINESS:

A. ZBA CASE: 1-25-5748

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-square-foot building within the RA-1 and RA-3 Zoning 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

Zoning Supervisor Randt gave the facts of the case. The property is located on 10 Mile Road between Inkster and Middlebelt. Visuals including aerial maps and an assessor’s image provided an overview of the property. Materials submitted by the applicant included a revised site plan, architectural drawings and building elevations. The submitted plans showed the proposed first and second floor layouts, roof plan, and the elevations of both existing and proposed building elevations.

Applicant Presentation:

Dr. Arfaat Khan, Woodvale Street, Farmington Hills, and President of the Tawheed Center Board of Directors, was present on behalf of this request. Hisham Turk, Turk Architects, was also present. The applicants made the following points:

- Tawheed Center, a non-profit religious organization founded in 1993, is seeking to expand its facility to enhance ancillary services offered to its congregation. The proposed expansion will not increase the number of congregants or enlarge the prayer space but is intended to improve its ability to serve the Tawheed Center community while maintaining the harmony and character of the surrounding neighborhood. The Center has a longstanding commitment to mutual respect and positive relationships with nearby residents and its neighbor the Seventh Day Adventist Church.
- The Tawheed Center provides services to all people in need, including a monthly food pantry serving food-insecure individuals and families, being a lead organizer of the Greater Metro Detroit Area Food Drive, providing free health fairs in partnership with Henry Ford Health, offering financial aid programs to those facing economic hardship, providing counseling services addressing mental and emotional health, and also serves as a voting precinct for all elections.
- The existing structure – built over 15 years ago in the RA-3 district - already stands at 28.667 feet in height as previously approved by the City. The requested height variance is necessary to maintain architectural continuity, as the addition will align with the existing structure's height and form. Dr. Khan asked that the addition be considered a continuation of the previously approved design and that the height be treated as grandfathered.
- The hardship stems from the need to match the height of the existing structure. The proposed addition will be contiguous to the current building, requiring the alignment of floor and roof levels for structural and design consistency.

Board Questions:

Board members had no questions for the applicant or the architect at this time.

Public Comment:

Vice Chair Irvin opened the meeting for public comment.

Pamela Santo, Moran Street, expressed strong concerns regarding the impact of the Tawheed Center's proposed expansion on her property, which borders the Tawheed site for approximately 350 feet. She had submitted pictures which showed the state of the wood fence installed by the Center, the concurrent destruction of her own chain link fence, and flooding caused by a berm that obstructs natural drainage. She described her own health concerns due to vehicle exhaust, parking lot and car lighting, and noise—all of which she believes have also diminished her property's value. Ms. Santo also noted that she has been repeatedly contacted by the Tawheed Center with offers to purchase her property, which was upsetting to her. Noting the Tawheed Center does not pay taxes, she urged the Board to prioritize the interests of tax-paying residents in the area.

Steve Perkins, Moran Street, stated that his property is located directly across from the Tawheed Center's parking lot and expressed concern about the negative impact the proposed expansion could have on surrounding residential property values. He argued that the scale and continued encroachment of the Center's development into the neighborhood—along with existing issues like overflow parking on residential streets—are detrimental to the area's character and home values, whose owners all pay taxes while the Tawheed Center does not.

Valerie Edwards, Moran Street, opposed granting the variance, citing concerns about increased traffic and congestion at the already busy intersection of Ten Mile and Middlebelt. She noted that police presence is often required to manage current traffic conditions during Tawheed events and expanding the building and services would likely worsen congestion in the area.

Bill Ryan, Moran Street, opposed granting the variance. His property is directly adjacent to the existing Tawheed Center parking lot, and he raised concerns about the proposed expansion's impact on the residential character of the area. Due to elevation differences, the existing building already sits approximately five feet above his home, and extending the structure 200 feet closer—along with second-floor windows facing his backyard—would create a significant privacy intrusion and an imposing visual presence. He asked for greater buffering between the Tawheed Center property and adjacent properties. Current nighttime illumination including the lighting around the top of the building already affects his property.

Mohammed Ibrahim, Noble Drive, supported granting the variance. His home directly borders the Tawheed Center, and his family has greatly benefited from its programs over the past eight years. Mr. Ibrahim also noted that his property value has increased significantly since moving in and he has experienced no issues with air or noise pollution.

Sylvia Charbarneau, Cote D'Nel Street, opposed granting the variance, citing significant traffic issues during the Tawheed Center's Friday services and other large events. Congestion often requires police intervention and overflow parking frequently occurs on nearby residential streets, including Creekside and Moran. Expanding the facility to 70,000sf would result in a larger congregation and worsen already strained traffic conditions along the two-lane section of Ten Mile Road.

Mr. Sajid Muneer, Noble Drive, supported the variance request. His home is directly adjacent to the Tawheed Center and since purchasing his property six to seven years ago, its value has increased by approximately \$100,000, and he has not experienced any negative impacts from the Center's presence. He emphasized the benefits his family and other community members receive from the Center's programs and facilities and clarified that the proposed project is an expansion of existing services, not of the congregation size.

Mr. Shafath Mohammed, Moran Street, supported granting the variance, noting that his property backs up to the Tawheed Center's parking lot, and he has no concerns with occasional parking by others in his driveway for Tawheed events. He highlighted the positive role the Center plays in his family's life.

Ashhad Mohammed, Noble Drive, supported granting the variance. Although he previously moved away from Farmington Hills, he chose to return and purchase a home adjacent to the Tawheed Center due to the community benefits it offers his family. Mr. Mohammed noted that property values in the area have significantly increased.

Ali Ansari, Juneau Lane, supported granting the variance, stating that the Tawheed Center provides inclusive services and recreational opportunities for individuals of all ages and backgrounds.

Younus (no last name given), Purdue Avenue, supported the variance request. He chose to move into the neighborhood specifically to be near the Tawheed Center so that his family could benefit from its programs and services.

Shujat Khan, Ridgeview Drive, and a member of the Tawheed Center's Board of Directors, spoke in support of the variance, emphasizing the Center's commitment to continuous improvement and being a respectful neighbor. He acknowledged past concerns raised by residents and stated that while he may not know the full history, the Center is open to addressing individual concerns and working collaboratively with the community. Mr. Khan affirmed the Center's role in attracting families to the area and reiterated its intention to provide valuable services while remaining responsive and accountable to neighbors.

Nafees Islahi, Noble Drive, supported granting the variance. He has been involved with the Center for nearly a decade, teaching hundreds of students, and noted the growing need for additional space, particularly in the gym. Mr. Islahi emphasized the Tawheed Center's importance to his family and the broader community.

Ms. Ishaqsei, Country Circle, supported the variance request. She highlighted the Center's positive impact on her personal development and credited the Center with helping to shape her path to becoming a physician assistant. She emphasized that the expansion would provide much-needed space to support the growing demand for services and programs that benefit all age groups in the community.

Atif Iqbal, Winterset Circle and board member of the Tawheed Center, spoke in support of the variance. He has observed significant increases in nearby property values over the past five to ten years, which he believes are partly due to the Center's presence. He expressed concern about suggestions for physical barriers between the Center and its neighbors, emphasizing the importance of openness and unity in a diverse community. He affirmed the Center's commitment to being a good neighbor and working cooperatively to address any concerns.

Ifthakar Syed, Noble Drive, supported the variance request. His property directly borders the Tawheed Center. He emphasized that the Center serves as a vital resource for his family and many others throughout the year.

Dr. Jamal, Noble Drive and neighbor to the Tawheed Center, supported the variance request. The Center is an essential space for his children's educational, spiritual, and social development, as well as a hub for community service in Farmington Hills. Drawing from his experiences traveling across the country, Dr. Jamal emphasized that the area surrounding the Center is one of the best places to raise a family.

William Stuart, Moran Street, and neighbor to the Tawheed Center, opposed the variance request, citing concerns about light pollution from the parking lot, increased noise from events, and ongoing parking issues. He questioned the assertion that the expansion would not lead to growth in the congregation and suggested that a larger, commercially zoned site may be more appropriate for the Center's long-term needs.

Fasi Mohammed (phonetic), West Ten Mile Road, lives directly across from the Tawheed Center. He supported the variance request. Mr. Mohammed described the Center as a hub for education, cultural exchange, and community services, and stated that its presence has had a positive impact on neighborhood property values and the overall growth and diversity of the City.

Hassan (no last name given), Ten Mile Road, supported the variance request. The current facility no longer meets the needs of the growing community, and the expansion will benefit both children and adults.

Member Vergun reported that there was an affidavit of mailing with none returned. There were a number of correspondences regarding this request, with the written correspondence opposing the proposed variance.

As no other public indicated they wished to speak, Vice Chair Irvin closed the public hearing and invited the applicants to respond to public comment.

Applicant's response to public comment:

Dr. Khan thanked the public for their comments and engagement. He stated that the Center has consistently made efforts to maintain positive relationships with its neighbors and has attempted direct communication, although not all attempts have been reciprocated. He emphasized that all city-imposed requirements, including those related to barriers and drainage, have been addressed to the best of the Center's ability, and no citations or violations have been issued by the City regarding those matters.

Dr. Khan referenced a formal traffic study conducted during the planning process, which concluded that traffic levels were acceptable. He acknowledged that increased traffic does occur on Fridays, consistent with most places of worship on their primary day of service, but maintained that congestion on other days is minimal.

He clarified that while the Tawheed Center property spans three parcels, the variance request pertains only to the parcel zoned RA-3, where the height exceeds the 25-foot maximum. He noted that the rear portion of the facility, located on parcels zoned RA-1, is in compliance with the height requirements.

Board discussion and/or motion:

Member Rich opened the Board's discussion by clarifying that the Zoning Board of Appeals has jurisdiction only over the variance request before them, which concerns the height of the proposed building addition. Other issues raised during public comment—such as traffic, lighting, noise, parking, air quality — fall under the purview of other City departments and are not within the authority of the ZBA to decide. The only matter before the Board was whether to approve a 3.667-foot height variance. He also responded to concerns about tax-exempt status, stating that religious institutions and other nonprofit entities are permitted in residential districts under the

City's zoning ordinance and are typically exempt from property taxes under state and federal law. These exemptions are well-established policy decisions and not subject to change by the ZBA. Regarding concerns about flooding, lighting, noise, and fencing, Member Rich encouraged residents and the applicant to work together and with City staff to resolve issues through existing enforcement mechanisms.

Member Lindquist agreed with Member Rich's remarks and pointed out that the applicant could build the proposed addition at 25 feet high without any variance. The height difference—just under four feet—was the sole reason the matter had come before the ZBA. He acknowledged that seeking the variance had created an opportunity for the applicant to better engage with neighbors and potentially incorporate conditions that respond to concerns raised during the meeting. He also addressed the topic of property taxes, expressing his belief that nonprofit and religious organizations play a meaningful role in the community, and that their exemption from taxation is both appropriate and valuable.

Member Vergun provided context for the current request, noting that the original application involved three variances, which was later reduced to one. He emphasized that the need for the remaining variance arises due to the property spanning two zoning districts: RA-1, where a 30-foot building height is permitted, and RA-3, where the limit is 25 feet. Most of the proposed addition lies within the RA-1 district and complies with height regulations. Member Vergun expressed support for the applicant's efforts to work within the ordinance and commended their willingness to engage with both the city and neighbors. He also noted that the project had previously been reviewed and accepted by the Planning Commission.

Member Injeti asked for clarification relative to what specific hardship the applicant would face if the variance were denied. Dr. Khan explained that the requested 3.667-foot variance is necessary to match the height of the existing building. Without the variance, the addition would be noticeably lower than the existing structure, leading to misaligned floor levels and rooflines. Although the project could still move forward without the variance, the resulting structure would not be cohesive with the existing building.

Zoning Supervisor Randt reminded the Board that conditions could be attached to a variance approval. For example, the zoning ordinance requires that walls facing residential districts be constructed of or clad in brick. If the variance is granted, the Board has the authority to require specific conditions regarding screening or construction materials.

Member Lindquist asked whether the applicant would be open to conditions addressing resident concerns. Dr. Khan confirmed that the Tawheed Center would be willing to:

- Cooperate with the City on traffic mitigation if required.
- Conduct a drainage study to evaluate and address flooding concerns.
- Undertake a lighting study and mitigate any lighting impacts on neighbors.
- Consider neighbor suggestions related to screening, including the use of plantings, fences, or walls.

Mr. Turk pointed out that the concerns mentioned by Member Lindquist had already been addressed with the City. A traffic study had been provided. Photometric plans were submitted

and approved during the site plan review process and the design complies with zoning requirements. Additional measures could be taken if needed.

City Attorney Morita confirmed that a photometric study was likely submitted as part of site plan approval and that she had seen a traffic study in the record. Regarding drainage, she noted that while no standalone study appeared in the packet, the site plan included elevation data, which is standard for determining water flow compliance. The elevation must remain unchanged at the property line post-construction, which establishes the City's expectations for water runoff management.

Attorney Morita explained that, in cases where water flow issues arise after construction, residents should contact the City so engineering staff can inspect the site. She cautioned the Board against placing conditions that would require City staff to perform active enforcement on-site on Friday evenings.

Member Lindquist concluded that he was satisfied the concerns related to traffic, lighting, and drainage had been or would be addressed through the site plan process.

MOTION by Rich, support by Vergun, that in the matter of ZBA Case 1-25-5748, that the petitioner's request for a 3.667-foot height 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 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 render conformity with the ordinance unnecessarily burdensome. Specifically, without the variance there would be a building where the floors don't line up, an outcome that is unnecessarily burdensome.**
- 2. That granting the requested variance would do substantial justice to the petitioner as well as to other property owners in the district. Specifically, the portion of the building that needs the variance is the farthest point away from or is quite a distance away from the Moran Street area, and that portion of the building would not be any higher than the existing building. If the existing height is not unnecessarily burdensome to the neighbors, then adding that same height to the addition would do justice to both parties.**
- 3. That the petitioner's plight is due to the unique circumstances of the property, which has differences in elevation.**
- 4. The difference in allowed height against what was previously approved for the existing building requires this variance request; this problem is not self-created.**

With the following conditions:

- a. The applicant must comply with all existing ordinances and the existing site plan.**
- b. The building addition must be constructed in accordance with the submitted plans.**
- c. Any existing fence on the property must be in good condition prior to the issuance of a certificate of occupancy.**

Motion passed unanimously by voice vote.

5. NEW BUSINESS:

A. ZBA CASE: 3-25-5750

LOCATION: 24425 Farmington Rd.

PARCEL I.D.: 23-21-476-006

ZONE: RA-1

REQUEST: A variance is requested from the requirement that accessory buildings or structures shall not be erected in any front yard nor in any exterior side yard setback, in order for a current detached accessory structure (shed) to remain in its current location.

CODE SECTION: 34-5.1

APPLICANT/OWNER: Emily Schwartz

Zoning Supervisor Randt gave the facts of the case, which was a request for a variance to allow an existing detached accessory structure (shed) to remain in its current location within the front yard of a residential property at 24425 Farmington Road, which is within the RA-1 Zoning District. Pursuant to Section 34-5.1 of the Zoning Ordinance, accessory structures are not permitted in front yards or in exterior side yard setbacks. Supervisor Randt provided an overhead map, survey images, and photographs of the property and the shed in question.

Applicant Presentation

Emily and David Schwartz, 24425 Farmington Road, were present on behalf of this request. Ms. Schwartz highlighted the following points:

- Their 4.2-acre property is unique in both size and topography, with a steep, wooded landscape and limited flat, usable land. The property slopes dramatically toward the Rouge River and includes areas that become wetlands during certain times of the year.
- The shed was built during the summer of the previous year based on guidance the applicants received when they visited City Hall and showed a staff member the proposed location of the shed. The staff member told them the shed could be built as long as it was less than 200 square feet, less than 14 feet in height, and at least 10 feet from the property line. They were also told that written documentation from the City relative to this information and the proposed site was not necessary.
- After construction, they received a notice of violation due to the shed's location in the front yard.
- The purpose of the shed is to safely store lawn equipment, gardening tools, and other items necessary for maintaining the property, as well as to keep such items secure and out of reach of their young children.
- The applicants expressed their intent to landscape and paint the shed to reduce visibility from the road. It is located approximately 100 feet from the street and sits below street level, which already minimizes visibility.

Ms. Schwartz addressed the variance approval criteria as follows:

1. Strict compliance would be unnecessarily burdensome due to the unique topography and layout of the property. The selected site was determined to be the only feasible, practical, and safe location for the shed, based on consultations with their contractor. Other potential locations on the property were ruled out due to steep grades, wetland conditions, low-hanging utility wires, and proximity to a septic system.

2. The request would do substantial justice, allowing them to maintain their property in a safe and organized manner. Neighboring property owners support the variance, and a letter of support signed by all surrounding neighbors was included in the application.
3. The property itself is very unique and is not a standard subdivision-type lot. The location of the shed is approximately 100' back from the road, which on a typical lot would be behind the house. Photographs showed the minimal visibility of the shed from the road.
4. The situation is not self-created, as the placement of the shed was based on guidance from the City and the physical constraints of the site.

Granting the variance would not violate the spirit of the ordinance, especially with the planned painting and landscaping around the shed.

Board Questions

Member Injeti asked for clarification on the shed's primary purpose and any alternative mitigation strategies considered. Ms. Schwartz reiterated that the shed is essential for storing equipment safely and securely, particularly to keep potentially hazardous tools out of reach of their toddler. She explained that the family prioritized locating the shed in a place that was practical, concealed from public view, and safe for their children.

Member Jamil asked the applicant to clarify the information they had been given by the City. Ms. Schwartz affirmed that upon visiting City Hall, her husband and father-in-law were told the shed could be built, provided it met certain size and setback conditions, though no written documentation was provided. She also noted they received a follow-up voicemail encouraging them to return with further questions, but since they didn't think they had any questions, they had not contacted the City further.

Zoning Supervisor Randt clarified that while accessory sheds under 200 square feet do not require a permit, they must still comply with location and setback requirements. He noted that no staff member received a formal survey or documentation showing the shed's proposed location in the front yard before construction.

Public Comment

Vice Chair Irvin opened the meeting to public comment.

Paul Lukasiewicz, 24625 Farmington Road, spoke in support of the variance. He stated that the shed is barely visible from the street and does not negatively impact the surrounding area. As the closest neighbor, he expressed no objection to its placement and said that he had not even noticed it was there. The shed could be seen depending on where you were in his front yard; it was not visible from his entire front yard.

Member Vergun reported that there was an affidavit of mailing with one return. A letter of support was received from four neighboring property owners.

Applicant response to public comment

As there were no negative public comments, the rebuttal portion of the hearing was waived, and Vice Chair Irvin brought the matter back to the Board.

Board Discussion and/or motion

Member Injeti reported that he had visited the site and observed the steep slope behind the home, confirming that the rear yard is impractical for construction. He also noted that the flat area adjacent to the garage is directly beneath low-hanging electrical lines, further limiting viable placement options. Based on the site visit and property conditions, he found the shed's current location to be the most feasible option given the applicant's needs.

MOTION by Jamil, support by Banks, in the matter of ZBA Case 3-25-5750, that the petitioner's request for a variance from the requirement that accessory buildings or structures shall not be erected in any front yard nor in any exterior side yard setback, in order for a current detached accessory structure (shed) to remain in its current location, be GRANTED, because the petitioner did demonstrate practical difficulties exist in this case in that she 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 would be more consistent with justice to other property owners.
3. That the petitioner's plight is due to unique circumstances of the property.
4. That the problem is not self-created.

With the following conditions:

- a. The shed will be painted green.
- b. Landscaping will be added as a buffer around the shed.

Motion passed unanimously by voice vote.

5. PUBLIC QUESTIONS AND COMMENTS:

None.

6. APPROVAL OF MINUTES February 11, 2025

MOTION by Jamil, support by Khan, to approve the February 11, 2025 meeting minutes as submitted.

Motion passed unanimously by voice vote.

7. ADJOURNMENT

**MOTION by Rich, support by Banks, to adjourn the meeting.
Motion approved unanimously by voice vote.**

The meeting adjourned at 9:20pm.

Respectfully submitted,
Daniel Vergun, Secretary

/cem