

**MINUTES  
CITY OF FARMINGTON HILLS  
ZONING BOARD OF APPEALS  
VIA VIDEO/TELECONFERENCE  
NOVEMBER 10, 2020  
7:30 PM**

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 7:34 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**

The Recording Secretary called the roll.

Members Present:       Barnette, City of Farmington Hills, Oakland County, MI  
                              Irvin (alternate), City of Farmington Hills, Oakland County, MI  
                              King, City of Farmington Hills, Oakland County, MI  
                              Lindquist, City of Farmington Hills, Oakland County, MI  
                              Masood, 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:       Seelye

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

**APPROVAL OF AGENDA**

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

Roll call vote:

Barnette:	Aye
Irvin	Aye
King	Aye
Lindquist	Aye
Masood	Aye
Rich	Aye
Vergun	Aye

**MOTION carried 7-0.**

**NEW BUSINESS**

- A. ZBA CASE: 10-20-5671  
LOCATION: 29582 Fox Grove  
PARCEL I.D.: 23-03-378-023  
REQUEST: In an RA-2 Zoning District, a 7-foot 10-inch variance to the 35-foot rear yard setback is requested in order to construct an addition.  
CODE SECTION: 34-3.1.5.E.  
APPLICANT/OWNER: Jeffrey Lockledge

Member Masood read the case.

Zoning Representative Grenanco presented the facts of the case. The property is located north of 13 Mile Road and west of Orchard Lake Road, and backs up to a commons area. The applicant is proposing to remodel an existing sunroom addition with a traditional frame construction, utilizing the same footprint and foundation as the existing addition.

Jeffrey Lockledge, 29582 Fox Grove, was present on behalf of this application for a 7-foot 10-inch variance to the 35-foot rear yard setback, in order to construct an addition on the home.

Utilizing a PowerPoint presentation, Mr. Lockledge said that the existing addition was part of the home when he purchased it in 2001, and had been constructed in the setback, with permit 9103335 granted in 1991 and a certificate of occupancy granted in 1993. The construction had design flaws which allowed leaks and also created a situation where windows spontaneously shattered because of their spacing in the aluminum frame. All the glass was replaced in 2002, but the leaks returned within 5 years.

The proposal was to remodel the existing structure using traditional frame construction, and to reduce the addition from two stories to one. The remodel would be on the same foundation, the footprint would be the same, and the height would be decreased. The style of construction would be more in keeping with the architecture of surrounding homes. The remodel would be completed as shown on the submitted plans.

Regarding the criteria for granting a variance, Mr. Lockledge emphasized that the existing structure was part of the home when it was purchased in 2001, and attempts to repair it had been futile. The purchase of the room was a motivating factor in the purchase of the home. Therefore:

- 1) Compliance with the strict letter of the ordinance rendered conformity with the ordinance unnecessarily burdensome, as the addition could not be repaired.
- 2) Regarding substantial justice, the setback is from a property line that adjoins the commons area, and the room is not easily visible to the neighbors. The loss of the room would affect the value of the home. The practice of placing additions and even the original home within the setback from the Commons Area in the subdivision is common. Also, in conjunction with the HOA, adjoining neighbors provided statements of agreement to the remodel. Photographs showed the views from the addition to neighboring lot lines, and an aerial map and photographs showed other homes in his neighborhood within the setback of the commons area.
- 3) Regarding whether the plight of the landowner is due to the unique circumstances of the property, the property is next to a commons area that keeps the construction from encroaching on a neighbor's yard, the original addition was issued a permit by the City, and the room was part of the home at the time of purchase in 2001.
- 4) Regarding whether the problem is self-created, when the home was purchased the existing room was complete, and the prior owner had permits and a certificate of occupancy for the room.

City Attorney Morita asked the applicant to provide a copy of his presentation for City records, including any letters sent in support of this request.

In response to questions from Member Lindquist, Mr. Lockledge said that the footprint of the new addition would be exactly the same as the previous sunroom, and would be built on the same foundation.

In response to questions from Members Lindquist and King, Zoning Representative Grenanco explained that when the permit and certificate of occupancy were granted for the sunroom, no variance was needed. City Attorney Morita further explained that the ordinance setback requirement had changed after this subdivision was constructed, which was why there were so many nonconforming homes in the subdivision.

In response to questions from Member Rich, Mr. Lockledge said he did not think the original construction company was still in business, and he did not know if there was a warranty of any kind on the original sunroom product. Again, the certificate of occupancy was granted in 1993.

Chair Vergun opened the public hearing. Seeing that no public indicated they wished to speak, Chair Vergun closed the public hearing.

Member Masood reported that there was an affidavit of mailing, with 26 notices mailed, and no returns.

Chair Vergun asked the Board for further discussion or a motion.

**MOTION by Rich, support by King**, in the matter of ZBA Case 10-20-5671, 29582 Fox Grove, that the petitioner's request for a 7-foot 10-inch variance to the 35-foot rear yard setback in order to construct an addition 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.
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 setback requirements were changed subsequent to the building of the original addition to the home, and that the new construction will occupy the same footprint so it will not be any more obtrusive and will actually be more in conformity with the neighborhood. Also, for the reasons the petitioner did identify it would be difficult to even determine that there was an encroachment into the setback simply by looking at the property in comparison to other properties in the area and certainly given the extensive distance in the commons area itself.

With the following condition:

1. The construction conforms with the plans submitted and the construction is consistent with the construction of the home itself.

Roll call vote:

Barnette:	Aye
Irvin	Aye
King	Aye
Lindquist	Aye
Masood	Aye
Rich	Aye
Vergun	Aye

**Motion to GRANT carried 7-0.**

B. ZBA CASE: 10-20-5672  
LOCATION: 25218 Brookview  
PARCEL I.D.: 23-23-201-020  
REQUEST: In an RA-1 Zoning District, in order to construct a detached 1,200 square foot garage in addition to the existing 470 ft. attached garage, the following variance is requested: a 606.5 square foot variance from the maximum allowed.  
CODE SECTION: 34-5.1.2.D.  
APPLICANT/OWNER: Neil Long

Member Masood called the case.

Zoning Representative Grenanco presented the facts of the case. The property is located south of Eleven Mile Road and west of Middlebelt. The applicant is proposing to put a detached garage in the eastern (rear) part of the property. An existing shed will be removed if the variance is granted.

Mr. Long, 25218 Brookview, was present on behalf of this application for a 606.5 square foot variance in order to construct a detached 1,200 square foot garage at the rear of his property. He made the following points:

- They had moved to this home in May, 2020.
- Granting the variance will allow all residents of the home to have adequate covered vehicle storage during inclement weather, and will allow all essential garden equipment and a utility trailer to be stored indoors.
- The home currently has a small 2 car attached garage, which only 1 car can be parked in due to an alcove that was added by a previous owner.
- The home does not have a basement.
- The 10 x 12 shed will be removed if the variance is granted.
- Granting the variance will avoid having multiple outbuildings and unsightly outdoor storage of bicycles, vehicles and equipment.
- The structure will only be visible by 1 or 2 neighbors. It will be surrounded on two sides by mature trees and shrubs and is hidden from the main road by mature trees. All plantings will remain in place after construction.
- The new garage will be colored in the same beige and tan as the existing home.
- No businesses will be run from the garage, and there will be no water or heat in the garage.
- Regarding whether the plight of the landowner is due to the unique circumstances of the property, due to the shape, layout and roofline of the home the current garage cannot be extended.

- Farmington Hills had other properties that had larger outbuildings than allowed by the current ordinance.

Mr. Long pointed out that he was allowed to build a detached garage under the current ordinance; the variance request was for a larger building than allowed.

In summary, the variance request addressed the issue of unreasonably preventing the petitioner from using the property for a permitted purpose, the permitted purpose being the ability to protect assets and store them protected from weather. Granting the variance would do substantial justice, as no neighbors would be able to see the garage. Additionally, he had canvassed the immediate neighbors, and no one had an issue with the request. The previous owner of the home lived next door.

Chair Vergun asked for Board questions.

Member Rich noted that Mr. Long's presentation had shown properties that had temporary tent structures and tarp-covered vehicles. He confirmed with Mr. Long that those pictures were not of this subject property.

Chair Vergun asked Mr. Long to describe what he could build without a variance. Mr. Long said the garage would be roughly 50% of the requested size, if built without a variance, and would allow only two cars to be parked inside the garage. They were hoping to be able to park his truck, his daughter's car, his son's car who was leaving for military service, a project car, and a utility trailer, as well as store gardening equipment in the new garage

Member Masood asked if the variance calculations had assumed the removal of the 10x12 shed. Zoning Representative Grenanco said that that was correct.

Member Masood reported that there was an affidavit of mailing. 18 notices had been mailed, with zero returns.

As there was no public in attendance, and therefore no public indicating they wished to speak, Chair Vergun asked the Board for further discussion or a motion.

**MOTION by King, support by Barnett**, in the matter of ZBA Case 10-20-5672, 25218 Brookview, that the petitioner's request for a 606.5 square foot variance from the maximum allowed in order to construct a 1,200 square foot 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.
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 existing home has no basement, the current garage is only partially useable, and the home is located on a large lot. The property was purchased in its current condition.

After discussion, motion maker King and support Barnette agreed to add the following conditions:

With the following conditions:

1. The Board acknowledges the building will be constructed of steel.
2. The garage will be constructed according to the plans and in the location as submitted.
3. The color will be consistent with the colors of the home: a tan color with dark brown trim.
4. The existing shed will be removed.
5. The garage will have no water or heat, will contain no livable space, and will only be used for vehicle storage and storage of materials accessory to the home.

Chair Vergun said he would oppose the motion, because the request was for a large variance, while the applicant could meet ordinance requirements and still be able to provide significant desired utility. While the lot is large, the ordinance only refers to the size of the home, regardless of lot size.

Member Rich said that while he favored having vehicles and equipment enclosed rather than outside in the yard, in this case he didn't see compliance with the ordinance as being unnecessarily burdensome. What the applicant is looking for in this case is to have the equivalent of an 8 car garage. Even with the alcove in the existing attached garage, the final result would be 7.5 car spaces, and this is still beyond what would be ordinarily necessary for an occupant of a home, which is the permitted purpose of the property. Because the property is so large, Member Rich did not have an issue with the 2<sup>nd</sup> requirement about doing justice to the petitioners as well as other property owners in the district, but the main issue is the overall size of the variance request, which also relates to the 3<sup>rd</sup> criteria: the petitioner's plight is due to the unique circumstances of the property. There really isn't anything special about this particular property – it is large but there are many large properties in Farmington Hills. The fact that the house doesn't have a basement may in fact be why the original owner moved next door. Member Rich felt the problem is truly self-created. The applicant would be able to store all the actively used vehicles in a compliant structure. Member Rich acknowledged that the applicant would like to store his son's vehicle as well as his own project vehicle, which is clearly an attractive vehicle that he would want to protect. But storing a classic vehicle is not the permitted or intended purpose for a garage in a residential neighborhood. While a garage can be used for that, to grant the equivalent of a 7.5 or 8-car garage just seems excessive for what the ordinance allows and does not meet the standards for practical difficulty. Member Rich opposed the motion.

Chair Vergun called the vote.

Roll call vote:

Barnette:	Aye
Irvin	Aye
King	Aye
Lindquist	Nay
Masood	Nay
Rich	Nay
Vergun	Nay

**Motion to GRANT failed 3 ayes – 4 nays.**

Member Masood offered the following motion to deny this request:

**MOTION by Masood, support by Rich**, in the matter of ZBA Case 10-20-5672, 25218 Brookview, that the petitioner's request for a 606.5 square foot variance from the maximum allowed in order to construct a 1,200 square foot detached garage be **DENIED** because the petitioner did not demonstrate practical difficulties exist in this case in that he did not 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 granting the variance would permit a six car garage in addition to the 2-car garage that exists. The ordinance allows the combined floor area of accessory buildings to be 50% of the floor area of the residential dwelling, and by granting this variance accessory buildings would be closer to 80% of the floor area of the residential dwelling. Last, by conforming with the ordinance the petitioner can add adequate space.

Roll call vote:

Barnette:	Aye
Irvin	Aye
King	Nay
Lindquist	Aye
Masood	Aye
Rich	Aye
Vergun	Aye

**Motion to DENY carried, 6 ayes – 1 nay.**

**PUBLIC QUESTIONS AND COMMENTS:** None.

**APPROVAL OF MINUTES:** August 18, 2020

**MOTION by Rich, support by Lindquist**, to approve the August 18, 2020 Zoning Board of Appeals meeting minutes as presented.

Roll call vote:

Barnette:	Aye
Irvin	Aye
King	Aye
Lindquist	Aye
Masood	Aye

Rich	Aye
Vergun	Aye

**Motion carried 7-0.**

**REVIEW AND APPROVAL OF 2021 FUTURE MEETING DATES**

**MOTION by Rich, support by King, to approve the 2021 Meeting Dates as presented:**

January 12, 2021  
February 9, 2021  
March 9, 2021  
April 13, 2021  
May 11, 2021  
June 8, 2021  
July 13, 2021  
August 10, 2021  
September 14, 2021  
October 12, 2021  
November 9, 2021  
December 14, 2021

Roll call vote:

Barnette:	Aye
Irvin	Aye
King	Aye
Lindquist	Aye
Masood	Aye
Rich	Aye
Vergun	Aye

**Motion carried 7-0.**

**ADJOURNMENT**

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

Roll call vote:

Barnette:	Aye
Irvin	Aye
King	Aye
Lindquist	Aye
Masood	Aye
Rich	Aye
Vergun	Aye

**Motion carried 7-0.**



Respectfully submitted,  
Azam Masood, Secretary

/cem