

**CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS MEETING
FARMINGTON HILLS CITY ALL
31555 W. ELEVEN MILE ROAD
November 11, 2025**

1. CALL MEETING TO ORDER

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

2. ROLL CALL

Members Present: Banks, Jamil, Khan, O'Connell, Rich, Rowland (Alt.), Vergun

Members Absent: Irvin

Others Present: Director of Planning and Community Development Kettler-Schmult, Zoning Supervisor Greenwood, City Attorney Kolb, Recording Secretary McGuire

3. APPROVAL OF AGENDA

Motion by O'Connell, support by Rich, to approve the agenda as submitted.

Motion passed unanimously by voice vote.

4. OLD BUSINESS:

A. ZBA CASE: 11-25-5767

LOCATION: 23705 Industrial Park Drive

PARCEL I.D.: 22-23-30-252-021

ZONE: LI-1, Light Industrial District

REQUEST: An appeal from the City Planner's determination that Applicant's proposed use of the property for an assembly use is not permitted in the LI-1 Light Industrial District.

CODE SECTION: 34-3.1.29, 34-7.14.6.B

APPLICANT/OWNER: Gerald Johnson

Introduction

Director of Planning and Community Development Kettler-Schmult provided background on the property at 23705 Industrial Park Drive. A past variance from 1980 concerned only a setback. The current owner, OCC Holdings, completed interior building work under a 2024 permit. In April 2025, a re-occupancy request for use of the space was denied because it was for a church use, which is not permitted in the LI-1 District. A subsequent May 12, 2025 re-occupancy request for an assembly use was also denied, leading to this appeal.

Applicant presentation

Gerald Johnson introduced himself as owner of the campus, which includes four buildings historically used for audio-video production. He explained that the building at 23705 has been dormant for about 15 years. He outlined the historic and ongoing uses of the campus, noting that other buildings regularly host production work and limited audience events. Mr. Johnson stated that the intent is to return 23705 to its historic audio-video production function, including limited audience recording, live stream work, podcasting, and social-media based

production. He explained that the Gathering Church would be a client renting the space for three hours on Saturdays for recorded content production, not full-time church operations.

Mr. Johnson pointed out that assembly elements are inherent in media production and consistent with permitted uses such as trade/industrial schools and indoor recreation facilities. Similar assembly levels already occur on campus, including gatherings of approximately 200 students at FlexTech High School. He also indicated that neighbors are supportive of this request.

Board Member Rich disclosed that the applicant had made a campaign contribution to his wife's mayoral campaign. The contribution totaled less than ~~.05%~~ .5% of total contributions, and Mr. Johnson was one of 528 individual contributors. Mr. Rich said he could remain impartial but would recuse if any board member requested him to do so. No board member made that request.

In response to questions from Member O'Connell, Mr. Johnson explained that he and his team began the process with the building department rather than the planning department, learning only afterward that planning review should have occurred first. The building plans they submitted were approved by the building department, and construction proceeded based on those approved plans, which described the intended use as an assembly-type space. The build-out was designed entirely around church use, with the expectation that the church would occupy the building full-time. Approximately \$800,000 was invested in completing the build-out in reliance on the approved plans.

Once construction was completed and they applied for a re-occupancy permit, Mr. Johnson learned that the intended church use was not permitted in the LI-1 zoning district. Upon that denial, they pivoted, shifting their request to operate the facility in a way consistent with the other buildings on the campus—namely, as a production facility for audio, video, livestream, commercial creation, and related media work.

Mr. Johnson explained that the main space remains flexible and suited to production purposes. Under this revised proposal, the Gathering Church would only rent the space for three hours on Saturday evenings, primarily for recording content such as YouTube videos and social media materials, rather than operating as a full-time church presence. The remainder of the week, the facility would be used for multi-purpose production clients consistent with the historical function of the campus.

Member Rich asked Mr. Johnson to clarify additional church uses beyond the proposed three-hour Saturday rental period. Mr. Johnson explained that the organization conducts seasonal events, including Thanksgiving and Christmas programs occurring during the same Saturday evening window. He also described a summer program held three Saturdays each year during afternoon hours, involving food distribution and bicycle giveaways for children. These would constitute the additional special events referenced in the application.

Public hearing

Vice Chair Vergun opened the public hearing. No members of the public came forward to speak, and the public hearing was closed.

Board Secretary Rich confirmed that an affidavit of mailing had been submitted, with no undeliverables, and that three individuals had signed petitions supporting the proposed use. The matter was returned to the Board for further discussion and potential motion.

Board deliberation and/or motion

MOTION by O'Connell, support by Banks, that the Zoning Board of Appeals affirms the request that the City Planner's determination was incorrect such that the assembly use specifically requested by this applicant in this case would be allowed in an LI-1 Light Industrial District.

Findings:

The specific facts involved include that there is production and recording, those sorts of things, on the premises, that the amount of time used for church services is less than 2% of the time during the year, that the general intent, of not allowing "assembly in LI-1 Light Industrial District is for the safety of visitors. You wouldn't want 100 people wandering around in the middle of operating heavy machinery. That's not the case here. All of the LI-1 Industrial uses in this case deal with production, video, audio, those sorts of things.

Also, personal services are allowed in the LI-1 Industrial District, and while prayer with a deacon or minister or limited church services might not specifically fall within that category, obviously certain retail services would be used which would involve people coming to the premises, and there is not much difference in people coming to worship for the limited purposes and times involved: generally only three hours on Saturday nights or a few hours for special events three times per year on Saturdays, that is such de minimis type of usage while still meeting the letter of what's allowed in the ordinance as far as production services. These specific facts in this case justify granting this appeal.

In each case, including any other cases of similar nature, the ZBA will evaluate any request based on its own merits. This decision is not a blanket statement that assembly such as a church is permitted in the LI Light Industrial Zoning District. This is simply a recognition that the specific facts in this case allow for this specific use.

With the following condition:

- Assembly use will be no more than 15% of the total available time, or 876 hours per year.

Motion passed unanimously by voice vote.

B. ZBA CASE: 11-25-5768

LOCATION: 35718 W. Lyman

PARCEL I.D.: 22-23-17-401-025

ZONE: RA-1, One Family Residential District

REQUEST: A variance from 34-5.12.C.ii of the Zoning Ordinance to permit fencing over three (3) feet in height to be installed in the exterior side yard where three (3) feet is the maximum height allowed.

CODE SECTION: 34-5.12.C.ii

APPLICANT/OWNER: Michael T. O'Connell

As Member O'Connell was the petitioner in this case, he was recused and he left the dais.

Introduction

Director of Planning and Community Development Kettler-Schmult explained that the applicant submitted a permit request for a pool and associated fencing at 35718 West Lyman, located in the RA-1 One Family Residential District. The pool met zoning requirements, but the fence permit was denied because the eastern segment of the fence, ranging from four to six feet in height, extended into the exterior side yard eight feet. In the side yard, the fence is limited to three feet in height. The applicant therefore requested a variance for fence height within the exterior side yard.

Applicant presentation

Applicant Michael O'Connell stated that he is installing a pool and requires a privacy fence around his yard. He had submitted plans for a new deck, pool, and fence; the fence portion was denied as described. Mr. O'Connell clarified that the variance request should reflect a ten-foot deviation rather than eight feet because the planner had misread the plan based on the size of the deck at the front portion, which affected the drawing dimensions. He further explained that an approximately 65-year-old oak tree sits directly where the fence would be required under ordinance-compliant placement. To avoid damaging the tree, the fence must shift outward around it. He also noted that his original permit proposed a four-foot fence height in compliance with the Michigan Pool Barrier Code, but since the matter required a variance regardless, the updated drawing reflects a uniform six-foot height, which height is allowed except within the exterior side yard.

Mr. O'Connell had provided letters of approval from his HOA and from the neighbor directly behind him.

Board asks questions

Member Rich confirmed the orientation of the site plan and clarified that only the small eastern portion of the fence—extending beyond the front of the home—is affected. Member Rich asked whether any part of the fence along Drake Road might later pose an issue. Mr. O'Connell stated that all other fence segments meet setback requirements.

Director Kettler-Schmult asked if staff had reviewed the updated drawing showing the ten-foot dimension and whether setback requirements were still met. Mr. O'Connell responded that setback compliance had never been questioned in earlier reviews and that the fence location was unchanged; only the fence height required a variance.

Member Rich asked whether the requested six-foot height served a purpose beyond aesthetics. Mr. O'Connell explained that he sought a six-foot high fence because that was the height of the rest of the fence, and state guidance indicated a preference for five- to six- foot pool barriers; a 4-foot high fence was the minimum height for a fence around a pool.

Public comment

Vice Chair Vergun opened the meeting to public comment.

Bryan Brincat, 26445 Drake Road, stated he lived behind the applicant, and he supported this variance request. He saw no issues with the proposed fence placement or height, and believed a six-foot fence would provide necessary privacy along Drake Road.

Member Rich said there was an affidavit of mailing, with two letters of support and an HOA acknowledgement with no objection.

MOTION by Jamil, support by Banks, that in the matter of the ZBA case 11-25-5768, the petitioner's request for a variance from 34-5.12.C.ii of the Zoning Ordinance to permit fencing over three (3) feet in height to be installed in the exterior side yard where three (3) feet is the maximum height allowed be GRANTED, because the petitioner did demonstrate practical difficulties exist in this case, in that he set forth facts which show:

- 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. 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. That the petitioner's plight is due to unique circumstances of the property.**
- 4. That the problem is not self-created.**

With the condition that the fence be constructed of a height and in the location as given in the plans submitted to the ZBA.

Motion passed unanimously by voice vote, 6-0-1 (O'Connell recused).

Member O'Connell rejoined the Board on the dais.

C. ZBA CASE: 11-25-5769

LOCATION: 38000 Hills Tech Drive

PARCEL I.D.: 23-18-100-021

ZONE: IRO, Industrial Research Office District

REQUEST: In order to construct a new dumpster enclosure, not screened from view on all sides, a variance from Section 34-5.1.3.D.ii of the Zoning Ordinance to permit dumpsters to not be screened on all sides and not include access gates that provide screening.

CODE SECTION: 34-5.1.3.D.ii

APPLICANT: Todd Drouillard, HED Architects

OWNER: Robert Bosch, L.L.C.

Introduction

Director of Planning and Community Development Kettler-Schmult explained that this case appeared before the Board in May 2025, when a variance was granted for a dumpster enclosure based on the plans submitted at that time. Because the applicant made changes to the approved design—specifically relocating the wall due to extensive utilities, reducing the wall height from 12 feet to 8 feet 3 inches, and changing materials from masonry block to ribbed

metal or composite panels—the planning office denied the revised submittal, requiring a new variance request.

Applicant presentation

Todd Drouillard, HED Architects, and Jeff Smigelski, Bosch facilities manager, were present on behalf of this variance request.

Mr. Drouillard explained that numerous utilities, including chilled water, gas, steam, electrical, and data lines, run directly beneath the original wall alignment. These conditions made it infeasible to construct the continuous footing required for a masonry enclosure. The revised design uses a metal panel system mounted to strategically placed posts, which are placed to avoid the utilities mentioned. Also, the enclosure can be removed if utility repairs are needed. The new design blends with the metal exterior of the Bosch facility.

Member O’Connell confirmed that the change in materials was necessitated by the inability to pour continuous footings. Mr. Drouillard said that was the case. He added that to further safeguard the enclosure, bollards have been installed, and curbing has been placed to prevent dumpsters from sliding toward the metal panels. Bosch’s operations follow a structured, coordinated process for servicing dumpsters. This system adequately protects the enclosure and ensures durability.

Member Rowland asked the applicant to clarify the location of the fire line near the dumpster pad and to identify what other utilities were present in the area. Mr. Drouillard explained that a significant concentration of utilities converges at the proposed enclosure location. A major chilled water system runs from the long building on the site and passes directly underneath the dumpster pad, along with a large gas main, and electrical and data conduits follow the same general path.

Mr. Drouillard reiterated that the presence of these multiple underground utilities made it impossible to build the originally approved masonry wall, which required a continuous footing. The metal panel system on drilled posts avoids disturbing these utilities and allows removal of individual fence sections if future access is needed.

Vice Chair Vergun commented that although the applicant was required to return because the revised proposal no longer matched what the Board approved in May, the new enclosure appears less intrusive and more visually compatible while still meeting functional needs. The reduced height and revised materials result in a design that is lighter in appearance and less structurally imposing.

Public hearing

Vice Chair Vergun opened the meeting to public comment. As no public indicated they wished to speak, Vice Chair Vergun closed public comment and brought the matter back to the Board.

Member Rich noted that there was an affidavit of mailing with no undeliverables.

Board deliberation and/or motion

MOTION by Rich, support by O’Connell, that the petitioner’s request for a variance from Section 34-5.1.3.D.ii of the Zoning Ordinance be granted, in order to construct a new dumpster enclosure, not screened from view on all sides and not including access gates that provide screening, because the petitioner did demonstrate that practical difficulties exist and they set forth facts which show that:

- 1. Compliance with the strict letter of the ordinance renders conformity with the ordinance unnecessarily burdensome.**
- 2. Granting the variance requested would do substantial justice to the petitioner as well as to other property owners in the district.**
- 3. The petitioner’s plight is due to unique circumstances of the property.**
- 4. The problem is not self-created.**

Findings:

When this request first came before the ZBA in May 2025, the Board found all of those conditions to have been met. Specifically, the intent is to consolidate the dumpster area, which makes the property less burdensome to be used for its intended purpose. The other property owners in the district can’t see the dumpsters.

Regarding #3: *the plight is due to unique circumstances of the property*: Because of the limited space in that central location, the applicant provided information that showed that emptying those dumpsters with full enclosures and doors would be extremely difficult for the sanitation, or in this case, mostly the recycling vehicles to empty those dumpsters.

Specifically, the reason why the applicant is here today is simply because the materials that they suggested originally could not be used because of the underground utilities, and so that is what prevents them from using the concrete, but this type of structure and materials would be allowed in any event, even if there weren't a problem with the utilities. And that is the only reason they had to come back.

Condition:

With the condition that the dumpster enclosure be as presented to the ZBA in this new application.

Motion passed unanimously by voice vote.

5. PUBLIC QUESTIONS AND COMMENTS

None

6. APPROVAL OF MINUTES: October 14, 2025

MOTION by Rich, support by Khan, to approve the October 14, 2025 meeting minutes as submitted.

Motion passed unanimously by voice vote.

7. APPROVAL OF ZBA MEETING SCHEDULE, 2026

Motion by Khan, support by Banks, to approve the 2026 ZBA meeting schedule as submitted.

Motion passed unanimously by voice vote.

8. ADJOURNMENT

**MOTION by Jamil, support by Banks, to adjourn the meeting.
Motion passed unanimously by voice vote.**

The meeting adjourned at 8:47pm.

Brian Rich, Secretary

/cem