CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS MEETING
FARMINGTON HILLS CITY ALL
31555 W. ELEVEN MILE ROAD
SEPTEMBER 8, 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 had been held on Sunday, September 6, 2026. No business had been conducted.

2. **Roll Call**
   Members Present: Irvin, Injeti, O'Connell, Khan, Reames (alt), Rich, Rowland (alt)

   Members Absent: Jamil, Vergun

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

3. **Approval of Agenda**
   MOTION by Rich, supported by Khan, to approve the Agenda as published.
   Motion passed unanimously by voice vote.

4. **NEW BUSINESS:**
   A. **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 said that the property is located on Ten Mile Road between Ten Mile Road and Grand River Avenue. The appeal concerns the Building Official's revocation of an issued building permit and the subsequent notice that a change to the Zoning Ordinance affected the project. The amendment had been approved through the Planning Commission and City Council and went into effect on January 1, 2025.

Director Kettler-Schmult deferred further detail to the applicant's presentation.

Applicant presentation
Applicant's Attorney Gary August, Troy MI, appeared on behalf of this request. Applicant Dr. Delair Gardi, Northville, was also present.

Mr. August stated that the matter had been tabled at the prior meeting to allow the applicant to review documents produced through a Freedom of Information Act request. His written submission contained a detailed chronology with supporting exhibits, summarized in the handout titled "Restore the approved project."

Mr. August reviewed the following timeline:
- February 17, 2022: The Planning Commission approved the site plan for the proposed car wash.
- December 2023 through February 2024: Building permit applications were received, and reviews were approved.
- October 11, 2024: Revisions were approved.
- December 30, 2024: The effective date of Ordinance C-9-2024, which amended the B-3 zoning regulations and restricted new vehicle washes. Mr. August emphasized that the site plan approval, permit application, and key reviews occurred before this date.

- **January 16, 2025: Planning and Community Development Director sent a memo to the City Manager that identified projects affected by the C-9 amendment, including the Sheetz and Jax car wash projects, but not the 38400 Ten Mile Road project.**
- January 22, 2025: The City began reviewing the previously submitted plans.
- **September 22, 2025: The Planning and Community Development Director issued a memorandum to the Staff Engineer** stating that the Planning Office had no objections to the submitted plans, that the plans met the requirements of the Zoning Ordinance, and that they were in general compliance with the Planning Commission approval. Mr. August argued that this showed the Planning Department was treating the project as able to proceed despite C-9-2024. He was not asserting that the memorandum itself automatically created grandfathered rights, but that it was the position of the Planning Department that this project could proceed through all planning, even though it was a car wash.
- September 23, 2025: Engineering review followed.
- September 25, 2025: Sewer connection review followed.
- November 13, 2025: TAP fees were identified.
- February 4, 2026: Required agreements and payments were completed.
- February 12, 2026: The building permit was issued. The permit expressly identified the zoning as B-3 and the use as a vehicle wash and referenced the approved site plan.
- June 2, 2026: The Building Official determined that the permit had been issued in error on the basis that Ordinance C-9-2024 barred the vehicle wash use.
- June 5, 2026: The site plan approval was declared null and void on the stated basis that rights had not vested before the amendment became effective.

Mr. August requested that the Board reverse the City's decisions to withdraw approval and restore the prior approvals and permit, because the City's actions after adoption of C-9-2024 demonstrated that the project continued to be processed as one not affected by the amendment and continued to progress through the approval process. The City had consistently processed the project after adoption of Ordinance C-9-2024 and had ultimately issued the building permit in a manner consistent with the Planning Department's prior determination that the project complied with the applicable zoning requirements:

Mr. August further stated that the applicant was not asking the Board to decide the matter on a vested rights theory. Rather, he challenged the City's determination that the permit had been issued in error. He argued that the City's actions after the December 2024 zoning amendment demonstrated that the City had treated the project as unaffected by C-9-2024 and had continued to lead the applicant to believe that the project remained viable.

The City continued processing the project and accepting payments and fees. The applicant had paid approximately $181,000 to the City of Farmington Hills and EGLE for project-related permits and had spent approximately $325,000 for additional services and equipment deposits associated with the car wash.

Mr. August argued that Ordinance C-9-2024 should be read together with its savings clause, which states that the ordinance does not affect or impair any act done or right accruing, accrued, or acquired. He contended that the term "accruing" must have meaning distinct from "accrued" or "acquired", and that the applicant's rights were accruing as of December 30, 2024.

He maintained that the City's actions before and after that date, including the September 2025 Planning Department determination that the plans complied with the Zoning Ordinance, supported application of the savings clause to the project.
Mr. August requested that the Board determine that the project was preserved by the C-9-2024 savings clause, reverse the June 2 and June 5 decisions, restore and extend the building permit and site plan approval, and allow inspections, trade permits, and related approvals to resume.

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 for the August meeting. No additional notice was required because the matter had been adjourned to a date certain. There were no undeliverable notices, and no public comment had been received.

Board Discussion
Member Rich clarified for the record that the Sheetz project referenced during the applicant's presentation was not a car wash, but involved a different issue related to C-9-2024 with similar considerations. He was not prepared to determine whether the applicant's distinction between the terms "accrued" and "accruing" was determinative. However, he was willing to make a motion.

City Attorney Joppich added factual context regarding the other developments referenced by Mr. August. Those developments had site plans being processed concurrently with the ordinance amendment as it moved through the Planning Commission and City Council processes, and were therefore on notice of the pending zoning change. By contrast, the subject project's site plan dated back to early 2022 and the project had remained under administrative and engineering review for an extended period. The subject project was not being processed concurrently with the ordinance amendment. This timing could be considered by the Board as a circumstance unique to the project.

Chair Irvin asked whether there was any further discussion and, hearing none, indicated that he was ready to entertain a motion.

MOTION by Rich, support by O'Connell, in the matter of ZBA Case 8-26-5790, to grant the Petitioner's appeal in this case, reverse the administrative actions nullifying the site plan and de-activating the building permit, authorize the reactivation and re-instatement of Site Plan #SP 66-12-2021 and Building Permit PB231881, and allow the Petitioner's vehicle wash project at 38400 Ten Mile Rd. to proceed as a lawful non-conformity subject to Site Plan #SP 66-12-2021, any permits issued in connection with the project, and the rules and regulations in the Zoning Ordinance for the B-3 zoning district in-effect prior to adoption of Zoning Ordinance C-9-2024, based on the Petitioner's submissions, Petitioner's presentation before the Zoning Board of Appeals, information provided in the staff packet to the Board for this appeal, and the combination of all the following factual findings and determinations:

1. The Petitioner's application for site plan to renovate an existing building for a vehicle car wash located at 38400 Ten Mile Rd. in the B-3 zoning district was approved by the Farmington Hills Planning Commission on February 17, 2022;

2. When the Petitioner's site plan was approved, a vehicle car wash was a permitted use in the B-3 district under the City's Zoning Ordinance in effect at the time;

3. Following site plan approval, between February 17, 2022, and February 12, 2026, City staff worked with the Petitioner and his contractors to move the vehicle wash project forward, including acceptance of the Petitioner's application for a building permit, reviews of plan submissions, acceptance of payment for water and sanitary tap fees, and acceptance of payment for water and sewer related permit fees;

4. Between October 17, 2024, and December 9, 2024, public meetings were held by the City's Planning Commission and City Council to review and consider Zoning Ordinance C-9-2024, which amended zoning regulations in the B-3 zoning district by, among other changes, removing vehicle washes as a permitted use;

5. On December 9, 2024, the City Council unanimously approved Ordinance C-9-2024;

6. Ordinance C-9-2024 went into effect on December 30, 2024;

7. The Petitioner was not aware of the adoption of Ordinance C-9-2024 or when the Ordinance went into effect;

8. On January 17, 2025, approximately one month after Ordinance C-9-2024 was adopted, the City contacted a different applicant for a different vehicle wash project in the B-3 district about the zoning amendments made in Ordinance C-9-2024, and notified that applicant that its proposed vehicle wash was no longer allowed;

9. After Ordinance C-9-2024 went into effect, the City continued to work with the Petitioner and his contractors to communicate about and process his site plan and permit applications;

10. On February 12, 2026, the City issued Building Permit PB231881 for the Petitioner's vehicle wash project;

11. On June 2, 2026, after becoming aware of the zoning amendments made by Ordinance C-9-2024, the City's Building Official issued a letter notifying the Petitioner that Building Permit PB231881 had been issued in error because vehicle washes were no longer permitted within the B-3 district;

12. On June 5, 2026, the City Planner issued a similar letter notifying the Petitioner that Site Plan #SP 66-12-2021 was null and void for the same reasons;

13. Together, these two letters were the first time the Petitioner was notified about the zoning amendments made by Ordinance C-9-2024 and that vehicle washes were no longer allowed in the B-3 district;

14. According to materials provided by the Petitioner in support of his Appeal, he has spent over $500,000 for the total project to date, including approximately $43,000 following approval of his site plan application;

15. The Building Official, City Planner, and other City staff that worked on the Petitioner's application did not intentionally mislead, misinform, or mishandle the Petitioner's application; took the appropriate steps to notify the Petitioner when they first learned of the conflict with and legal impact of the zoning amendments made by Ordinance C-9-2024 on the Petitioner's project; were without much of the detailed information presented in Petitioner's appeal; followed the City Code and Zoning Ordinance by terminating the building permit and site plan for a proposed use that was no longer allowed in the B-3 district; and acknowledge that only the ZBA has the legal authority to act otherwise; and

16. The unique circumstances of this appeal summarized above, and the Applicant's reliance on the City's representations and actions extending over a period of 18 months following the adoption of Ordinance No. C-9-2024.

17. And basically, for all the above reasons, given the history of the project, given the timelines, given what the petitioner had relied upon after significant time between approval of the site plan and the adoption of C-9-2024, and the fact that they were actually working with the City throughout that time to work toward getting the building permit, which, if that process had been faster, probably would have preceded enactment of the ordinance.

Roll call vote:
Ayes: Injeti, Irvin, Khan, O'Connell, Reames, Rich, Rowland
Nays: None
Motion passed 7-0.

5. NEW BUSINESS:

A. ZBA CASE: 9-26-5791
LOCATION: 23485 Tuck Rd.
PARCEL I.D.: 22-23-26-179-009
ZONE: RA-3
REQUEST: Appeal to replace an existing non-conforming 6-foot-high fence on a corner lot located within the RA-3, (One Family Residential) District, because the proposed fence does not meet the required setbacks. The following variances are requested:

1. A 24 foot variance from Section 34-5.1.2.F and 34-3.1.6.E of the Zoning Ordinance to permit a fence in the exterior side yard setback over 3 feet in height to be installed 6 feet from the Lamar right of way where 30 feet is required.
2. A 4 foot setback variance from Section 34-5.1.2.F of the Zoning Ordinance to permit a fence in the exterior side yard over 3 feet in height and not to exceed 6 feet to be

installed 6 feet from Lamar right of way where a minimum 10 foot setback from a street right of way is required.

CODE SECTION: 34-3.1.6.E, 34-5.1.2.A, and 34-5.1.2.F
APPLICANT: Keri and Darin Knochel
OWNER: Keri and Darin Knochel

Background
Director of Planning and Community Development Kettler-Schmult stated that the property is located at the intersection of Lamar and Tuck. The applicants were seeking to replace an existing nonconforming fence in the same location. She explained that once a nonconforming fence is removed, the nonconforming status is eliminated, and a variance is required to replace it in the same location. She further noted that only the portion of the fence along Lamar required relief and the remainder of the fence location complied with the ordinance.

Applicant Presentation
Keri Knochel, 23485 Tuck Road, said that she and her husband purchased the property approximately four years ago, in part because of the large backyard, which they use for their dog, family gatherings, and their in-ground pool, and they anticipated future family activities. The existing wood fence was approximately 15 to 20 years old, and had deteriorated significantly, including multiple damaged and broken posts beginning in March 2025.

Their fence contractor applied in April 2026 to replace the fence in the same location, but the application was denied on June 12, 2026 because the existing location did not comply with current setback requirements. Rather than moving the fence 30 feet from the property line in order to comply with Ordinance standards, the applicants sought the requested variances.

Ms. Knochel explained that the existing fence is set back beyond the required front yard setback along Tuck Road and does not impede driver visibility or sight lines at the nearby 4-way stop. She also noted that other corner lots in the neighborhood have similar six foot privacy fences located closer to side property lines.

They were proposing to replace the wood fence with a six foot vinyl privacy fence for safety, security, and durability. She identified several reasons for maintaining the existing fence location:

- The property has an above ground pool that is regularly used by family and guests, including young children, and the fence provides a secure enclosed area.
- A generator hookup is located on the north side of the garage, and the existing fence location allows the generator to remain within a locked area during power outages.
- The applicants store a trailer in the gravel area behind the locked gate. Because of a drainage ditch on the north side of the property, the existing gate and fence configuration provides practical access for backing the trailer into the yard.
- Relocating the fence to comply with the 30 foot setback would result in the loss of approximately 25 percent of the usable backyard green space and would affect future use of the yard for family activities and improvements.

Ms. Knochel emphasized that relocating the fence would also displace the trailer and reduce security around the pool and generator. The existing fence had remained in the same location

for approximately 15 to 20 years without adversely affecting the neighborhood. She requested approval of the variances so the deteriorating fence could be replaced with a new vinyl fence in the same location.

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. There were no undeliverable notices, and no public comment had been received.

Board Discussion
Member Rowland indicated she was ready to offer a motion.

MOTION by Rowland, support by Khan, in the matter of ZBA Case 9-26-5791, that the Petitioners request to replace an existing non-conforming 6-foot-high fence on a corner lot with the following variances:

1. A 24-foot variance from Sections 34-5.1.2.F and 34-3.1.6.E of the Zoning Ordinance to permit a fence in the exterior side yard setback over 3 feet in height to be installed at 6 feet from the Lamar right of way where 30 feet is required.
2. A 4-foot setback variance from Section 34-3.5.1.2.F to permit a fence over 3 feet in height and not to exceed 6 feet to be installed 6 feet from Lamar right of way where a 10-foot minimum setback from street right of way is required.

Be **GRANTED** based on the Petitioner's submissions, Petitioner's presentation before the Zoning Board of Appeals, public comments and the following standards, findings, and determinations:

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 new fence is replacing the existing non-conforming fence at the same location. Moving the fence to a location that complies with the zoning ordinance will significantly reduce the useable area within the fenced area of the rear yard for storage.*

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 (i.e., are there reasonable alternatives?) *The proposed fence will be in the same location as the existing fence, including the area of the property along Lamar Street, so it is not expanding the footprint of the fence. In addition, other properties in the neighborhood have similar non-conforming fences.*

3. That the petitioner's plight is due to the unique circumstances of the property. *The property is located on a corner lot, and requiring a 30-foot side yard setback on the side of the property along Lamar Street would considerably reduce the size of the rear yard contained within the fence The proposed fence will be in the same location, and have the*

same footprint, as the existing fence.

4. The problem is not self-created. *The configuration of the property and features of the site, including the current fence are existing on the site. The existing non-confirming fence was installed by the previous owners of the property, is old and in need of repairs. Petitioners are not expanding the existing non-conforming fence but rather are replacing it with a new fence that occupies the same location and footprint as the existing fence.*

With the following conditions:

1. ***The fence must be constructed in accordance with the submitted site plan and elevations received by the Zoning Office on August 7, 2026.***

Motion passed unanimously by voice vote.

Chair Irvin called a brief recess at 8:21pm and resumed the meeting at 8:35pm.

B. ZBA CASE: 9-26-5792
LOCATION: 24435 Halsted
PARCEL I.D.: 22-23-19-426-013
ZONE: LI-1
REQUEST: Appeal to establish a new use, outdoor vehicle sales, at an existing building within the LI-1 (Light Industrial) District. The project received conditional approval by Planning Commission on July 16, 2026. The following variances are requested:

1. A 10-foot variance from Section 34-4.36.1.B of the Zoning Ordinance to allow a vehicular access drive 50 feet from the intersection of Halsted Road and Hallwood Court where a minimum 60-foot distance is required.
2. A variance from Section 34-3.5.2.N and 34-5.4 of the Zoning Ordinance to waive the off-street loading and unloading space requirement for a property in the LI-1 District where a 500 sq. ft. space with 14-foot vertical clearance is required.

CODE SECTION: 34-4.36.1.B, 34-3.5.2.N and 34-5.4
APPLICANT: Hayder Alkhafaji
OWNER: HFR Capital LLC

Background

Director of Planning and Community Development Kettler-Schmult stated that the existing building is located near Halsted Road and Hallwood Court in the Light Industrial District. The previous use was primarily office with a small service area in the rear. The proposed change in use triggered review of existing site conditions. The driveway location had been compliant for the prior use but requires a variance for the proposed use. The existing nonconforming building had previously been allowed to continue without the required loading and unloading space, but the change in use required review for compliance. The proposed site plan was included in the Board materials, and the project had received conditional approval from the Planning Commission.

Member Reames asked whether both driveways required relief. Director Kettler-Schmult explained that only the driveway closest to Halsted Road requires a variance, because the other driveway is more than 60 feet from the intersection and complies with the Ordinance.

Member Rich asked whether prior ordinance changes concerning automobile dealerships affected the requested variances. Director Kettler-Schmult explained that those restrictions applied to the B-3 General Business District. Vehicle sales are a permitted use in the Light Industrial District.

Member O'Connell asked whether a new restriction involving automobile dealerships located on corner lots applied to this property. Director Kettler-Schmult explained that the restriction also only applied to the B-3 General Business District and did not apply to the Light Industrial property.

Applicant presentation
Amar Alkafaji, 32000 Northwestern Highway, Farmington Hills, appeared on behalf of the applicant, his cousin Hayder Alkhafaji, West Bloomfield.

Amar Alkafaji stated that the applicant currently operates a successful business in Livonia and intends to establish and invest in a used vehicle dealership at the Farmington Hills property. Regarding the driveway variance, Mr. Alkafaji stated that the existing curb cut has been in place for decades and that the corner location of the property creates a practical need for ingress and egress at that location. The prior occupant used the driveway without known problems, including for truck traffic associated with that business.

Regarding the loading space variance, Mr. Alkafaji stated that the proposed small used vehicle dealership does not require a dedicated loading area. Vehicles and other deliveries would be handled individually and could enter through the existing overhead doors without obstructing the side drive. Creating a loading area would eliminate required parking and likely create the need for a parking variance. He also pointed out that relocating the driveway would require removal of existing landscaping and trees. The proposal would make use of the existing site configuration with minimal modifications while preserving parking and landscaping.

Member Rich asked whether the dealership would sell new or used vehicles. Mr. Alkafaji stated that it would be a used vehicle dealership, and vehicles would be delivered one at a time rather than by large vehicle haulers.

Regarding vehicle services, Mr. Alkafaji explained that the dealership would provide service associated with its vehicle sales, including preparing trade-in vehicles for resale. Repair and service activity would occur at the rear of the property, the number of vehicles displayed outside would be limited, and the dealership would operate limited hours.

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 no public comments had been received.

Board discussion

Chair Irvin returned the matter to the Commission for discussion and/or a motion.

MOTION by Injeti, support by Reames, in the matter of ZBA Case 9-26-5792, that the Petitioner's request to establish a new permitted use (used vehicle dealership) on the existing property within LI-1 (Light Industrial District), with the following variances:

1. Intersection Offset: A 10-foot variance from Sections 34-4.36.1.B of the Zoning Ordinance to allow a vehicular access drive 50 feet from the intersection of Halsted Road and Hallwood Court where a 60-foot distance is required.
2. Off-street Loading Space: A variance from Sections 34-3.5.2.N and 34-5.4 of the Zoning Ordinance to waive the off-street loading and unloading space requirement for a property in the LI-1 (Light Industrial District) where a 500 sq.ft. space with 14-foot vertical clearance is required.

Be **GRANTED** based on the Petitioner's submissions, Petitioner's presentation before the Zoning Board of Appeals, public comments and the following standards, findings, and determinations:

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 proposed use is permitted in this location, and the vehicular access drive is an existing feature of the property that is necessary for customer access and deliveries due to the limited size of the site and constraints of the existing building and required layout. In addition, a loading space cannot be added without removing parking or disrupting safe circulation on the site, both of which are required under the Zoning Ordinance. Proposed management of deliveries will not result in adverse impacts to surrounding properties.*

2. That granting the variances 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 proposed use is permitted in this location and will remain compatible with the adjacent commercial uses. The current location of the vehicle access drive and the lack of a designated loading area will not impact traffic safety in the area or on the site.*

3. That the petitioner's plight is due to the unique circumstances of the property. *The existing building and parking lot layout limit options for the site. The location of the vehicle access point currently exists on the site and will not pose a traffic safety issue. Due to the layout of the site, a loading zone would require removal of parking spaces that are otherwise required by the Code.*

4. The problem is not self-created. *The configuration of the property and features of the site, including the access drive, building and parking lot were existing or created by previous owners.*

5. *The requested relief for variances #1 and #2 represents the minimum necessary to allow reasonable redevelopment of the property.*

With the following conditions:

1. ***The project must be constructed in accordance with the site plan conditionally approved by the Planning Commission on July 16, 2026.***
2. ***No loading or unloading shall take place on Halsted or Hallwood Court***

Motion passed unanimously by voice vote.

C. ZBA CASE: 9-26-5793
LOCATION: 33631 Kirby St
PARCEL I.D.: 22-23-33-476-013
ZONE: RA-3, One Family Residential District
REQUEST: A 5-foot variance from 34-5.1.2.A of the Zoning Ordinance to permit a detached accessory building to have a 3-foot side yard setback where a minimum 8-foot setback is required for the property zoned RA-3.
CODE SECTION: 34-5.1.2.A, 34-5.1.2.C
APPLICANT/OWNER: Ryan Haefner

Background
Director of Planning and Community Development Kettler-Schmult explained that this request involved modifications to plans for a detached accessory building previously approved by the Board in February 2026. The previously approved design had a total roof peak height of 17 feet 8 inches, and two dormers. The revised design proposed a total roof peak height of 22 feet with one dormer, in the same location.

Director Kettler-Schmult stated that staff reviewed the revised design and determined that no additional height variance was required. For a peaked accessory building, height is measured to the midpoint between the peak and eave, and the revised design remained within the 15 foot height limitation. The dimensional variance itself had not changed, but the prior approval was conditioned on the plans and elevations that were before the Board at that time. The revised plans therefore required Board approval.

Applicant presentation
Tom Haefner, 35611 Heritage Lane, Farmington, appeared on behalf of his son, applicant Ryan Haefner.

Mr. Haefner explained that the applicant was seeking approval of the revised design while retaining the previously approved 3 foot side yard setback. A septic field in the backyard limited where the accessory building can be located and the proposed location remains the practical location for the building.

Mr. Haefner also stated that the applicant had been advised that the existing one car detached garage would need to be removed before the permit for the new accessory building could be finalized. He expressed a preference to retain the existing garage during construction because it is used for lawn equipment storage.

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. One letter of support was received, from Rucchi Gorham, 33625 Kirby Street.

Board discussion and/or motion

MOTION by O'Connell, support by Rowland, in the matter of ZBA Case 9-26-5793, to grant the Petitioner's request and allow him to modify the plans, design and elevation for a detached accessory building based on the Petitioner's submissions, Petitioner's presentation before the Zoning Board of Appeals, information provided in the staff packet to the Board for this request, and the combination of all the following factual findings and determinations:

1. The Petitioner appeared before the Board on February 10, 2026, and requested variances for a detached accessory building that the Board ultimately granted.
2. When the Board granted the Petitioner's request on February 10, 2026, it conditioned approval on the plans, design, and elevation that were submitted by the Petitioner and included in his request before the Board at the time.
3. The Petitioner has since modified the plans he previously submitted to accommodate the owner of a neighboring property.
4. The proposed modifications do not require any new variances and conform to the variances the Board previously granted on February 10, 2026.
5. The Petitioner's request is limited to changing the plans that the previously approved variances are conditioned on.

With the following conditions:

1. ***The detached accessory building must be constructed in accordance with the submitted site plan and elevations received by the Zoning Office on August 10, 2026, and the variances granted by the Zoning Board of Appeals on February 10, 2026.***
2. ***The existing detached garage be removed prior to finalization of the building permit for the new garage.***

In response to questions from Member O'Connell regarding the second condition, Director Kettler-Schmult explained that the existing garage needed to be removed prior to finalization of the building permit to ensure that there were not two accessory buildings on the lot. Chair Irvin added that staff had requested this condition, and the petitioner had not objected at the February hearing.

Motion passed unanimously by voice vote.

6. **APPROVAL OF MINUTES: August 11, 2026**
   MOTION by Khan, support by Rowland, to approve the August 11, 2026 meeting minutes as submitted.
   Motion passed unanimously by voice vote.

7. **PUBLIC COMMENT**

None

8. ADJOURNMENT

Motion by Reames, support by Khan, to adjourn the meeting.
Motion passed unanimously by voice vote.

The meeting adjourned at 9:03pm.

Brian Rich, Secretary

/cem