

**MINUTES  
CITY OF FARMINGTON HILLS  
ZONING BOARD OF APPEALS  
CITY HALL – COUNCIL CHAMBER  
JANUARY 13, 2015**

**CALL MEETING TO ORDER**

Chair Seelye called the meeting to order at 7:35 p.m. and made standard introductory remarks explaining the formal procedure, courtesies and right of appeal.

**ROLL CALL**

The Recording Secretary called the roll.

Members present: Barringer, Lindquist, Masood, Rich, Seelye, Stevens, Vergun

Members Absent: Paramesh, White

Others Present: Attorney Morita, Zoning Division Representative McGuire

**SITE VISIT JANUARY 11, 2015**

Chair Seelye noted when the Zoning Board of Appeals members visited the sites.

The Sunday site visit begins at 9:00 a.m. at City Hall. It is an advertised open, public meeting under the Open Meetings Act, is only for informational purposes; the Board members abstain from any action, hearing testimony, or any deliberations.

**APPROVAL OF AGENDA**

There were no changes to the agenda.

**MOTION** by Stevens, support by Vergun, to approve the agenda as published.

**MOTION CARRIED 7-0**

**NEW BUSINESS:**

- A. ZBA CASE: 1-15-5551  
LOCATION: 28164 Wildwood Trail  
PARCEL I.D.: 23-24-402-007  
REQUEST: In order to build an attached accessory structure and breezeway of 2,204 sq. ft. in area in addition to an existing 400 sq. ft. garage and 140 sq. ft. shed, the following variance is requested. (1) A 1,494 sq. ft. variance to the limit of 1,250 sq. ft. allowed for total accessory uses and buildings.  
CODE SECTION: 34-5.1.1.A, 34-5.1.2.D.  
APPLICANT/OWNER: Michael Leroy Imel

Zoning Representative McGuire discussed the location of the property and presented an aerial map, photo of the front of the home and sketches of the floor plan, foundation plan and elevations for the proposed addition. She noted that the subdivision is zoned RA-1, completely surrounded by residential areas and the parcel itself is heavily treed. She explained that the applicant is proposing to build an attached accessory structure and breezeway of 2,204 sq. ft. in area; this is in addition to a garage and shed currently on the property and the ordinance states that in no instance shall the combined floor area of all accessory

use buildings exceed 50% of the floor area or 750 sq. ft., whichever is greater, but in any instance cannot exceed 1,250 sq. ft. and in this particular case the floor area of the home is 2,634 sq. ft., therefore, the maximum floor area of an accessory structure reaches the 1,250 sq. ft. calculation. She stated that the floor area of the proposed 2-story garage and breezeway is 2,204 sq. ft. and the combined floor area of all existing and proposed accessory buildings is 2,744 sq. ft., therefore a variance of 1,494 sq. ft. is required. She added that all other standards of the zoning district have been met.

Michael Imel, applicant, 28164 Wildwood Trail, explained that he is a car guy and the proposed structure will be used to store his “toy” vehicles from the elements and to free up space in the current garage for their personal vehicles. He provided a diagram showing which vehicles would be stored in the proposed structure and noted that he is an engineer for GM and never knows what type of company vehicle he will be getting, therefore, they intend to keep their truck in order to tow their trailer and camper and the minivan for traveling with their kids. He added that the other vehicles are considered their toys and the proposed structure would be used to house them and the area above the garage will be used as storage space since they do not have a basement to use for storage.

Chair Seelye questioned if the loft area will be used for an office as well. Mr. Imel responded that it will mainly be for storage but will have power tools and a work area.

Member Vergun asked if the building will be heated. Mr. Imel responded that the structure is more to protect the cars from the elements and eventually he will insulate it and possibly install a woodstove but as of right now he is not pulling any permits for any kind of HVAC.

Chair Seelye questioned if the little brown wood shed will stay or be removed. Mr. Imel responded that the little brown shed will be removed once the wood from the green wood rack is gone and the wood from the brown shed can be split and stored in the green wood rack.

Mr. Imel explained that there is a smaller white shed on the property that houses a small lawnmower and lawn equipment which will be removed once the equipment can be stored in the new garage.

Member Rich questioned which sheds were included in the request. Mr. Imel responded that the application included a grey shed in the back which stores a large compact tractor with a frontend loader which he uses to clear his driveway of snow and he would like to keep that shed.

Zoning Representative McGuire clarified that the application stated there is a 400 sq. ft. attached garage and a 140 sq. ft. shed; the 140 sq. ft. shed will stay on the property; the other two sheds, as described by the applicant, were not listed as part of the square footage calculation.

Member Rich commented that the application states that the breezeway is only requested for height restrictions.

Mr. Imel explained that he has been working with Mark Stec from the Planning Department to go through all the zoning requirements and he discovered that if the proposed garage was attached to the home he would not be restricted by the 50% height rule; 14 feet was the maximum height the garage could be which at that height would end up having a pretty flat roof, therefore, if he attached the garage to the home he would not have to request an additional variance. He added that he does not necessarily need or want the breezeway but will take the breezeway if it gets him the garage.

Member Lindquist asked if the applicant had the area of the 2<sup>nd</sup> story and of the breezeway broken down. Mr. Imel responded that the overall garage is 30 ft. x 44 ft., the upstairs of the garage is roughly 16 ft.

wide and runs the length of the garage at 44 ft. and the breezeway is approximately 10 ft. wide and 15-16 ft. in length.

Member Lindquist stated that he is concerned with the dramatic amount of additional space and if the Board was inclined to grant some relief but not to include the second level above the garage, would the applicant still proceed with the plan. Mr. Imel responded that he would probably do so as his main goal is to house the vehicles.

Member Lindquist asked if any plumbing will be installed or if there are any intentions to use the proposed garage for residential purposes. Mr. Imel responded it will not have plumbing or any living space.

Member Lindquist asked if the applicant intends convert the existing garage to residential living space. Mr. Imel responded that they will continue to use the existing garage as garage space for their company vehicles.

Member Stevens inquired about the approximate height of the proposed structure and height of the existing home. Mr. Imel responded that the proposed garage will be within about a foot less than their current home and the peaks will be opposite. He noted that he picked this design to match the pitch of the roof of their existing home.

Member Rich asked if the square footage of the loft of the proposed garage was included in the variance request or just the footprint of the garage. Zoning Representative McGuire indicated that she believes it is included, noting that the Planning Department prepared the calculations and the way it is worded “the floor area of the proposed 2-story garage and breezeway is...” would imply that it is included.

Member Stevens commented that he added it up and the square footage of the loft is included in the request.

Chair Seelye opened the public portion of the meeting. There being no public comments, Chair Seelye closed the public portion of the meeting.

Secretary Stevens confirmed there was an affidavit of mailing on file with 2 returned mailers.

Attorney Morita informed the Board that there is a difference in the variances that are present tonight; the current case only requires a simple majority to pass but the second case is for a use variance and will require five affirmative votes.

Member Masood commented that he is not comfortable with the number of sheds, therefore, he is inclined to support the variance if all sheds are removed and also if the second level of the proposed garage is removed.

Member Rich indicated that he is concerned with the amount of space as an accessory structure as it seems to exceed the size of the house, however, with respect to the loft, he would rather see a loft than the same square footage added to a footprint because the footprint is what is visible from the outside and he has concerns with the overall shifting of the focus of the property from the residential piece to the accessory piece.

Member Stevens asked if the applicant would be willing to remove all the sheds on the property. Mr. Imel responded that he would prefer not to remove the larger shed in the back of the property because it stores a

large compact tractor and the accessories which would not fit in the proposed garage. He noted that it has a frontend loader and a blade on the back which has to be taken off in order to fit in the shed. He explained that his father gave it to him when he passed away and he only uses it when there is a large snow.

Chair Seelye commented that 6-7 months out of the year the house cannot be seen from the road because it is so heavily wooded and because the driveway is not a straight line.

Mr. Imel explained that they put an addition on the home shortly after moving in and because they did not want to branch out into the yard and take trees out, they went up which is the same reason why he went up with the proposed garage. He stated that he does not want to impose any more space on the land and the location where they are proposing the garage is a flat area which does not have any trees.

**MOTION** by Rich, support by Stevens, in the matter of ZBA Case 1-15-5551, to GRANT the petitioner's request for a 1,494 sq. ft. variance to the limit of 1,250 sq. ft. allowed for total accessory uses and buildings 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.
2. That granting the variance requested would do substantial justice to the petitioner as well as to other properties in the district given the extensive space, size and heavily wooded nature of the properties, therefore, causing no infringement upon any of the neighbors.
3. That the petitioner's plight is due to the unique circumstances of the property as the property is heavily wooded and over 2 acres in size.
4. That the problem is not self-created, as the purpose of coming before the Zoning Board of Appeals is to request a variance from the ordinance as written.

**SUBJECT** to the following conditions:

- That all sheds, except for the 140 sq. ft. shed, shall be removed
- The existing and proposed garages shall not be used for residential living quarters
- The existing and proposed garages shall only be used for personal use and not for repairing 3<sup>rd</sup> party vehicles or for public display purposes
- The aesthetics of the proposed structure shall be consistent with the existing home
- That no wooded areas are to be removed in order to construct the proposed structure
- The total number of vehicles on the property shall be limited to nine (9)

**MOTION CARRIED 5-2 (Lindquist and Masood opposed)**

B. ZBA CASE: 1-15-5552  
LOCATION: 31989 W. Twelve Mile  
PARCEL I.D.: 23-15-201-009  
REQUEST: A use variance to permit the building of an office building or permit an office use in the existing or amended structure.  
CODE SECTION: 34.3-1.11 RC-2 B. 34-3.1.19 OS-1 B. 34.7.14 Board of Appeals C.D

APPLICANT: Jonathan Brateman  
OWNER: Doyle and Helen Nye

Zoning Representative McGuire discussed the location of the property and presented a location map, aerial map, and photos of the home, garage and driveway area. She noted that the property is a single-family residence in the middle of an RC-2 district; on one side is Echo Valley Condominiums, the other side is Farmington Square Condominiums and across the street is an RA-2 district and also OS-2 and OS-1 districts. She explained that the applicant is asking to open up the use of this property to allow for a small office use and not be limited to what is allowed in an RC-2 district. In the packet provided to the Board, there is a history of discussion regarding this property including a presentation before the Planning Commission. She added that a use variance has its own special qualifications and they do not come before the Board very often.

Member Barringer questioned if the Board were to grant the variance, would the Planning Commission still have to meet again to determine the parameters of what would be allowed.

Zoning Representative McGuire indicated that in a letter from Mark Stec of the Planning Department, he made recommendations for the Board to consider based on an affirmative decision for this case and the case would only go back to the Planning Commission if the situation existed as described in item #4 of that letter. She added that the Board needs to discuss whether they would like to consider a use variance at all and if so, with what limits.

Attorney Morita informed the Board that they needed 5 affirmative votes to pass and, as with non-use variances, the Board is free to include appropriate conditions on the approval, including the building of a new structure or not including the building of a new structure or that the structure must retain the same footprint. She added that anything regarding health, safety and consideration of neighbors is all free for the Board to discuss and consider in this case.

Jonathan Brateman, applicant, 40015 Grand River Avenue, explained that the homeowner, Mr. Nye, built the home in 1955 and the home has had 2 amendments since. He presented three aerial photos depicting how 12 Mile Road between Orchard Lake Road and Farmington Road has changed over the years; in 1963 there was not much out there, mostly orchards, I-696 was dug but not completed, Oakland Community College was not there and overall there was very little development, in 1990 almost every parcel had been taken and the character of the area had changed dramatically from when the Nye's built their home, and in 2010 there were commercial areas now surrounding the home.

Mr. Brateman discussed the aerial map of the property itself which shows that it is impossible to put many of the uses allowed RC-2 on the property as it is only a half acre; it is too small for a church, university building or campus, a daycare center or a 2-unit duplex.

Mr. Brateman explained that the Nye's have reached a point in their life where they need to move out of the house and possibly into assisted living, so they have to sell the property. He stated that the property had been on the market for a long period of time and not many people want to live on a major road with over 30,000 cars traveling on it a day making it difficult to back in and out of the driveway or be in an area where they are the only single-family home. He stated that they had open houses, sent out mailings to residential brokers, sent out flyers, lowered the price and even tried to co-market with another broker but that broker declined indicating that the property does not make sense as a home site due to its surroundings.

Mr. Brateman commented that Laurie Frankel of the Frankel Organization, a developer of homes, is interested in the property for use as her office and she has signed a purchase agreement with the condition that the property can be used as an office, therefore, they are looking for relief from the Board because of hardship, as this property does not make sense as a single-family home site due to the traffic, the neighborhood and the congestion of the area. He added that since the property is surrounded by commercial sites they are not acting in contradiction to what is in the neighborhood.

Chair Seelye questioned if the lot has always been the same size or if it was larger when originally purchased. Helen Nye, property owner, 31989 W. 12 Mile Road, responded that the lot had always been the same size.

Member Vergun questioned the application where it states that due to the size of the property it cannot be sold for multi-family, school, daycare, etc. and what was the reasoning for that claim as it seems like many of those uses are on lots that were once single-family homes.

Mr. Brateman indicated that those sites are larger than a half acre, for example, his synagogue was once a house but the house has been torn down and the lot was large enough for such a use. He explained that a congregational mass, parking and functional building cannot fit on this site. He recently sold property to a national daycare site and they require 1.5 acres in order to build and though there may be daycares out there that are on smaller lots, the standards today in order to be economically viable require a lot larger than a half acre. He noted that the setback, parking, turnaround availability for a fire truck and space for a play area on this lot makes it impossible for a daycare.

Mr. Brateman explained that he even went to Detroit Edison and asked if they would be interested in installing a DTE structure on this property but they did not have any need for this site. He added that in the RC-2 district if the condominiums in the area wanted to use the house as a property management building it would be allowed but he went to both neighboring sites and neither one had interest in the property.

Member Rich asked if there has been any consideration marketing this property as a group home.

Mr. Brateman responded that he talked to a board member of a group home organization and they informed him that they look for the home to be donated, and the Nye's are not in a financial situation to donate their home.

Mr. Brateman commented that they have a solution for the property and that the Frankel Organization is a wonderful company that will only improve the site and since they would only get 5-10 people to their office on their busiest day it will not impact the neighborhood in any negative way.

Member Lindquist asked when the home was first listed. Mr. Brateman responded that they listed on May 15, 2014.

Member Lindquist questioned if the condominium complexes offered to the buy the property at the time they were built. Mrs. Nye responded that they did not they just built them around their home.

Member Lindquist asked if they have received any offers on the home. Mrs. Nye responded they had one offer and it was so low it was ludicrous; it was substantially lower than the reduced asking price of \$169,000.

Chair Seelye inquired about the City tax value for this property. Note: This question is answered below.

Member Masood questioned if the proponent could ask for the property to be rezoned rather than ask for a use variance.

Attorney Morita explained that a rezoning would require an ordinance amendment and in terms of what the City is looking at and why the Planning Commission suggested that the proponent come before the Board is because a use variance is more appropriate than a zoning ordinance amendment. She noted that the process for a use variance is different than a non-use variance; for every use variance case the proponent has to come in and have a pre-meeting with staff to go through and look at the application and why they need the use variance and most people that meet with staff the Board never hears from because after meeting they realize that a use variance is not likely based on the conditions of their particular property. She stated that both Mrs. Nye and Mr. Brateman met with staff and Mr. Stec's letter, which was provided in the packet, addresses some of the issues in this case. She added that one thing that a use variance will do as opposed to a rezoning, which could rezone the property to an OS-1 or OS-2, whatever use the property is put to it will still have to conform to the setback requirements and dimensional requirements of a residential use and the property owner would have to go back to the Planning Commission if they want any dimensional changes beyond what the ordinance allows, which then provides more protection to the neighbors than if it were a rezoning.

Member Lindquist commented, for clarification, that the Board is not considering a use variance to permit the building or a use variance to permit an office use in the existing or amended structure, it is in fact for both and granting the variance would allow for either.

Attorney Morita stated that was correct and the Board may consider putting conditions on the use variance, such as the office use is limited to the existing structure or a structure of the same footprint.

Member Stevens asked if there was any other mechanism within the City that would provide the applicant with the ability to seek a different use but be tied to a physical site plan, assuming that they wanted to amend the structure or build a new structure.

Attorney Morita stated that there are methods to do that but before that can happen, it has to be a permitted use to begin with, which is why the applicant is here.

Zoning Representative McGuire commented that the Board could separate it out and grant a use variance for the structure that exists and if someone wanted to come in and do something different they would have to come before the Board under a new application.

Member Masood asked the proponent if the plan was to use the existing home as an office or build an office on the property. Mr. Brateman responded that he was just the broker not the end user and from his perspective, with a high quality perspective buyer he would want to give them as much flexibility as possible to be able to modify the existing structure or to tear down and put up a new building.

Member Lindquist asked if the perspective buyer would come up to speak.

Laurie Frankel, The Frankel Organization, 3200 Legacy Court, explained that their offices have always been in houses, when they build large neighborhoods they put their office in the back, build the neighborhood and turn the office back into a house and move on to the next one, however, they do not want to be locked into that so they would like to use this existing structure with the possibility of adding something on to the back. She stated that their office use is very unique, they have very few people visit and they like the office looking like a house, however, not everyone likes a site such as this so they would

like to have the ability, down the road, to sell it to someone who could actually be able to do what they want with the site.

Member Lindquist questioned if, with a use variance, the buyer could go in and occupy the existing residential home and use it as an office and expand the office and as long as they meet the residential zone requirements, or would they have to get permission from the Planning Commission.

Attorney Morita responded that the plans would go through the Planning Department and if the associated use is intend as office and they are building a stack of offices on the back, it would be flagged to go before the Planning Commission.

Member Lindquist commented, for clarification, that once the use variance is granted and the buyer occupies the property using it as an office and decides to expand, at that point they would not be building on a residential they would be building onto an office, therefore, they would have to go before the Planning Commission.

Attorney Morita confirmed that was correct and it also depends on the parameters of the use variance the Board grants, if the Board were to limit the use variance to the footprint of the existing building then before the applicant could even go to Planning Commission to expand, they would have to come back to the Board to get the use variance expanded.

Member Lindquist asked if some modifications would be required in order for this site to be an adequate office for Ms. Frankel's use. Ms. Frankel responded that was correct and she would not buy the property unless they could extend on the back of the home.

Mr. Brateman noted that this house is a nonconforming structure so there is not 20 feet on the west side as required by ordinance and also the garage is not at 20 feet, therefore, they would appreciate flexibility when adding onto the house so they could work within the existing setbacks of the existing structure.

Member Rich questioned, since this is a nonconforming structure and regardless whether the Board grants the use variance, if there is intent to expand the footprint in order modify the structure would the case have to be advertised at that time to request a non-use variance since they would be expanding a nonconforming structure.

Attorney Morita informed the Board that was correct and the applicant has not requested a non-use variance which would permit them to expand any nonconformity that is currently on the property and that request cannot be considered by the Board tonight because it was not advertised. She added that the Board cannot grant a variance beyond that of which has been advertised.

Chair Seelye opened the public portion of the meeting.

Deborah Vandever, 32013 W. 12 Mile Road, Farmington Square Condominiums, explained that this home is surrounded by many residential areas and they have the same issues as this home does with traffic and noise. She asked if a real estate appraisal has been done on the home to find the true value, how many people actually went to see the home and what the offer value was on the home. She stated that she has seen homes sit on the market for 2 years and in all cases the home was priced too high and they had to gradually come down to the price of what people are willing to pay. She noted that they have had the house on the market with a commercial agent not a residential agent and of course a commercial agent will try to steer them towards commercial use. She questioned what will happen to the building once the current buyer is done with it. She stated that if a resident moves in to the home it will be occupied and not

be an eye sore to Farmington Hills. She added that she was a realtor for 13 years and is recently back into it, not as a realtor but as an assistant, so she has seen the market and everything tells her the house is priced to high.

Adeline Levine, 32131 W. 12 Mile Road, Erinn Estates Condominiums, explained that this home is surrounded by residential areas with a tremendous amount of people and her biggest concern is with what will happen to this house if this perspective purchaser buys it and then decides not to use the existing building and wants to build something more, or if they want to knock it down, to her that is the most important thing the Board has to find out. She stated that if they keep the existing structure that is one thing but she would like to know what the buyer plans to do.

There being no further public comments, Chair Seelye closed the public portion of the meeting.

Referring to the earlier question from Chair Seelye, Attorney Morita informed the Board that she was able to retrieve the actual 2014 Assessed Value of the property which is \$63,830 which translates to roughly \$127,000 true cash value.

Mr. Brateman explained that they have a great perspective buyer for this property that will only improve the value and it is better have somebody that is going to come and make the property better rather than to have somebody give the lowest offer they can get the house for an not put anything into it and have the house continue to go down in value. He stated that he believes that the use will be something that will enhance the neighborhood and having an organization that will fix up the house is better because when a house is improved in value the tax values go up.

Secretary Stevens confirmed there was an affidavit of mailing on file with 14 returned mailers.

Member Lindquist commented that he reviewed the map and confirms that this site is surrounded by residential area, which includes the converted house being used as a construction or landscaping company to the west on the other side of the Farmington Square Condominiums and while he understands the desire for the Nye's to generate better value from their residential property, it is a residential property and it does have value as a residential property despite the fact that they have not received offers they would prefer to take. He stated that he does not think that the Frankel Organization's type of use would be offensive to the surrounding neighbors or that use of a residential space as an office would affect any residential neighbor, however, there are reasons that the City does not allow that sort of office use in a residential zone. He added that he would not necessarily be opposed to allowing office use of the existing structure, in the existing footprint and the Nye's having that right and ability to pass that use on, while it may not be suitable for the Frankel Organization, it may be suitable for other types of limited office use.

Member Vergun commented that he is concerned that not every avenue has been exhausted in terms of marketing the property and it does not seem to have been discounted much from the original asking price and if this was 3-6 months from now he would feel better about granting the use, and for those reasons he is against the request.

Member Stevens commented that he appreciates that there are residences to the east and west of this single-family home but they are all attached multi-family and most people that want a single-family residence want a yard and want other single-family residences nearby, however, the problem he has with the request is that it is very open ended and when reading the ordinance for office use, there could be a number of uses that, in his opinion, are not conducive to the residential area around this home. He stated that he is inclined to allow some limited office use that fits within the character of the area; however, he is

not willing to open it up to a straight office use and would like to see some parameters be put in place and to some of the concerns of the neighbors address.

Chair Seelye asked if there is a way to approve this request but restrict what can happen with the property. Attorney Morita responded that the Board can put restrictions on it, such as that it must keep the same footprint, there cannot be any banks, fast foods, high volume users or any commercial use, etc.

Member Rich commented that the Planning Commission was looking at certain language, specially stating that the office use is only for the following type uses; insurance, real estate brokerage, management office, attorney's office, accounting office and business consulting, and those types of uses would be able to operate within the existing footprint, if not within the actual structure. He stated that while there is significant other office use nearby, it is all on the other side of 12 Mile Road and he does not believe that the type of uses identified would be out of character with the area. There are four factors in determining unnecessary hardship and although he feels that there are unique circumstances with the property, the use would not alter the character of the area and the problem is not self-created, he has an issue with the question of whether this property cannot be used for the purposes permitted in the zoning district. He acknowledges that a residence may not be the highest and best use and the offer to buy the home may be less than what the petitioner wants to recover from the property, however, the property can be used as a residence and would just require a certain type of buyer. He indicated that he is leaning to deny the request given the fact that even if the Board was to grant the variance most office buyers would want to do something else with the property, even the perspective buyer here today said she would not buy the property if it could not be expanded upon.

Member Barringer stated that he is concerned with changing the footprint in that area not just because of the concerns of the residents who spoke in opposition but because the change in footprint opens up a can of worms in what is already one of the few cohesive residential districts left in that area. He added that he has no problem with limited office uses but would want a condition stating that the footprint cannot be changed.

**MOTION** by Rich, support by Vergun, in the matter of ZBA Case 1-15-5552, to DENY the petitioner's request for a use variance to permit an office use in the existing structure because the petitioner did not demonstrate one of the elements of unnecessary hardship, specifically:

- The petitioner's property cannot be used for the permitted purpose in this zoning district; incorporating his comments during discussion.

Member Lindquist asked if the Board might alternatively consider granting limited relief to permit an office use in the existing structure without the ability to amend, and while that does not grant the specific relief requested or anticipated by the proponent and prospective buyer, it would allow for an inoffensive alteration of the use of the existing house and garage in a way that would not affect the neighboring residences in any substantial way. He added that for these reasons he will be voting against the motion.

Member Stevens commented that he is along similar lines as Member Lindquist and he would not be opposed to some alteration as long as it was in character with a typical residential lot. He noted that he too will be voting against the motion.

Chair Seelye stated that he would have no problem supporting limited use in the existing building and noted that if they wanted to amend the building or structure they would have to apply and come back before the Board.

**MOTION FAILED 2-5 (Barringer, Masood, Lindquist, Seelye and Stevens opposed)**

Member Masood asked the applicant what his thoughts were on having a use within the existing structure only. Mr. Brateman responded that if this is the only thing he can get, then he will take it.

Member Vergun stated that he is not 100% against ideas for uses within the exact footprint of the existing home.

**MOTION** by Lindquist, support by Masood, in the matter of ZBA Case 1-15-5552, to GRANT the petitioner's request for a use variance to permit an office use in the **existing structure** because the petitioner did demonstrate unnecessary hardship exists in this case in that he set forth facts which show that:

1. Petitioner's property cannot be used for the permitted purpose in this zoning district, as this property is not effectively marketable as a residence but is enhanced with the authorization to use the property as a combination of a residence and office, or as an office use in the existing structure.
2. Petitioner's plight is due to the unique circumstances particular to this property and the general neighborhood conditions, being that the existing condominiums and apartment complexes that surround this property are built in such a way that they have effectively limited the prospects for use of this property as a residence.
3. The petitioner's suggested use as an office within the existing structure would not alter the essential character of the area.
4. That the problem is not self-created due to reasons stated above.

**SUBJECT** to the following conditions:

- The potential office uses that would be allowed in the existing structure shall be limited to the following: insurance office, real estate brokerage or management office, attorney's office, accounting office, business consulting, executive, administrative, professional, writing, clerical, stenographic, drafting and sales of a non-commercial nature and excluding showrooms
- The building shall be limited to a single office use
- The exterior signage shall conform to what is permitted in an RC-2 district

**MOTION CARRIED 5-2 (Rich and Vergun opposed)**

**APPROVAL OF DECEMBER 9, 2014 MINUTES**

**MOTION** by Rich, support by Barringer, to approve the December 9, 2014 Zoning Board of Appeals minutes with two minor spelling corrections.

**MOTION CARRIED 7-0**

**PUBLIC QUESTIONS AND COMMENTS**

There were no public comments.

**ADJOURNMENT**

**MOTION** by Rich, support by Lindquist, to adjourn the meeting at 9:38p.m.

**MOTION CARRIED 7-0**

Respectfully submitted,

James Stevens, Secretary  
Zoning Board of Appeals

/ceh