

**MINUTES  
CITY OF FARMINGTON HILLS  
ZONING BOARD OF APPEALS  
CITY HALL – COUNCIL CHAMBER  
NOVEMBER 11, 2014**

**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: Lindquist, Masood, Rich, Seelye, Stevens, Vergun, White

Members Absent: Barringer, Paramesh

Others Present: Attorney Morita, Zoning Division Supervisor Randt

**SITE VISIT NOVEMBER 9, 2014**

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 White, to approve the agenda as published.

**MOTION CARRIED, 7- 0**

**OLD BUSINESS:**

A. ZBA CASE: 10-14-5541  
LOCATION: 29902 Barwell  
PARCEL I.D.: 23-14-477-017  
REQUEST: In order to retain a privacy fence in the exterior side yard in an RA-2 Zoning District, the following is requested: (1) A 3 foot height variance from the requirement that fences not exceed 3 feet in the exterior side yard.  
CODE SECTION: 34-5.12  
APPLICANT/OWNER: Daniel and Daniela Costea

Zoning Supervisor Randt discussed the location of the property and presented an overhead view of the property and photos of the fencing, stating that the current fence varies in materials as well as in height due to the placement of the fence.

Daniela Costea, applicant, 29902 Barwell, explained that they have lived in the home for over 12 years and they decided this year to install a fence because of the events that have taken place in the last 2-3

years. She stated that her husband travels for work leaving her alone with the kids and she has seen people trespassing in her backyard in the middle of the night. They have found empty alcohol bottles and condoms in their yard and have had to call the police on a few occasions.

Mrs. Costea explained that the two main reasons they want a 6 foot fence is for safety and for privacy; being on a corner lot next to a main road with a heavy traffic sidewalk provides easy access for people to come into their yard and she does not feel it is safe for her children. She stated that if they had the 6 foot fence along 11 Mile Road people would think twice about entering their yard. She added that the fence shown in the pictures provided to the Board is not finished, the finished fence will be inspected and up to code.

Chair Seelye questioned if on the 11 Mile Road side there was a new 6 foot fence, shrubs and also a wire fence. Mrs. Costea responded stating yes.

Chair Seelye commented that there will then be 3 barricades; the new fence, the shrubs and the wire fence.

Mrs. Costea stated that the wire fence and the shrubs are not barricades only the 6 foot fence would actually be a barricade.

Mrs. Costea submitted a photo to the Board showing the shrubs along 11 Mile Road and stated that they thought the neighbors would not want to see the fence so they intend to keep the shrubs.

Member Rich inquired about a memo provided to the Board indicating that there are other issues regarding visibility and placement of the fence and asked if those issues have been resolved leaving the height as the only outstanding issue. Zoning Supervisor Randt responded stating that those issues are still outstanding.

Member Rich commented that currently there is not much of a fence along the back property line other than part of the wire fence and asked if the applicant planned on putting a 6 foot fence up there as well. Mrs. Costea responded stating that the back of the property has some wire fencing and they would like to have it finished but she feels that the 11 Mile Road side needs the fence more. She added that she does not feel that the back of the property needs a 6 foot high fence.

Member Rich commented that the shrubs, as they exist currently, plus the wire fence should be enough to deter people from entering the backyard, as they would have to crawl thru the shrubs and climb over the wire fence to get into the yard.

Mrs. Costea stated that people have gone through the shrubs and over the wire fence to get into her yard.

Member Rich questioned if people have entered the back yard with the large dogs there. Mrs. Costea responded stating no but the dogs are not out during the night. She added that with the 6 foot fence they are not as vulnerable and people will not attempt to jump a fence that high.

Member Masood asked when the applicant installed the 6 foot fence and what existed there prior. Mrs. Costea responded stating that they started installing the 6 foot fence in September of this year and there was only the wire fence prior to that.

Member Lindquist asked where the applicant could install a 6 foot fence on the property along the 11 Mile Road line and be in compliance with the ordinance. Zoning Supervisor Randt responded stating that in

order for a 6 foot fence to be on the property and be conforming, the fence would have to be located 30 feet from the lot line going in towards the property because it is an exterior side yard.

Member Lindquist commented that the applicant does have the ability to put up a 6 foot fence just not all the way up against the 11 Mile Road property line as proposed and asked if the applicant could explain why they have not proposed to have it located from the corner of the house straight along 11 Mile to the back property line. Mrs. Costea responded stating that the front yard is 90 feet and placing the fence 30 feet from the property line will cut 1/3 of their property off and they feel that this is their property and they do not want to give away 1/3 of the backyard. She added that they work hard to pay the mortgage and taxes and they feel that once the fence is there they will not be able to enjoy that part of the yard.

Member Lindquist questioned if one of the reasons the applicant wants the fence in the location proposed is because it will enclose the backyard area and allow them to enjoy it from the backdoor and not have to go out the front door to get access to the yard. Mrs. Costea stated that was correct.

Member Lindquist asked if the applicant would be willing to remove the 3 foot wire fence if the Board were to grant the relief requested and allow the 6 foot fence as proposed. Mrs. Costea responded stating that they would be willing to remove the 3 foot wire fence if a variance was granted.

Member White questioned if the applicant has explored having cameras installed on the property or any other devices to deter unwanted traffic. Mrs. Costea responded stating that someone came into their yard and cut the phone line so even if they had a security system it would not have worked with a cut phone line. She added that the police came out for this incident and noticed that the phone box was open and there were modules missing.

Member Stevens inquired as to where the creek is located in relation to the southeast property corner and if it was on the applicant's property. Mrs. Costea responded stating that it runs along the eastside at the property line.

Member Stevens questioned if the applicant was proposing that the fence would extend to the southeast property corner. Mrs. Costea responded stating that the fence would run all the way to the end of the property to the southeast corner.

Anna Marie Kish, 29916 Barwell, explained that she lives next door to the applicant and she is opposed to the 6 foot fence. She stated that she moved into the subdivision knowing that they had rules and regulations to follow and for someone to come in and not pull a permit or get an ok from the subdivision is wrong and she objects to it, she feels that when walking by the fence it is not a nice thing to see. She added that the applicant has 2 large dogs that are out most of the time barking and the dogs should be enough protection and the people that cut her grass have a hard time cutting the grass near the fence that separates the her property from theirs because of the dogs. She stated that she does not know if they pulled a permit to put up the wire fence between their properties and questioned if the fence is on her property and who she should contact at the City to get a survey.

Attorney Morita stated that the City would not handle that and Mrs. Kish would have to contact a surveyor in order to find out where her property line is located.

Mrs. Kish asked if they had to have a survey done in order to put up the fences. Attorney Morita responded stating a survey is not required, however, if a survey is not done then the applicant is putting the fence up at their own risk.

Karen Whittemore, 30209 Barwell, explained that she does all the landscaping for the subdivision gardens so she is in the corner of the applicant's yard often. She read a portion of the subdivision bylaws regarding fences and stated that if a person buys into the subdivision they must adhere to the bylaws. She stated that she does not think the applicant submitted anything to the subdivision board because she is on the board and has not seen a request for the fence.

Chair Seelye informed Mrs. Whittemore that the issue of the applicant not submitting anything to the subdivision board would need to be addressed by the subdivision board not the Zoning Board.

Mrs. Whittemore stated that she has interviewed East Middle School children who walk by the house and they are scared of the dogs since they bark continuously and she feels that the dogs should be enough protection when Mrs. Costea's children are outside.

Member Lindquist asked if Mrs. Whittemore was acting in her official capacity representing the subdivision board and asked her to clarify if the subdivision board is opposed to the fence. Mrs. Whittemore responded stating that she is not representing the subdivision board and that she is a member but has not yet taken position or been to a meeting.

Member Rich questioned if the fence would help the students coming from East Middle School who are afraid of the dogs because then they would not even see the dogs. Mrs. Whittemore responded stating that it was possible.

Mrs. Whittemore commented that the current fence is made up of three different materials and colors and she feels it is not within character of the subdivision and not up to the codes or standards of the subdivision.

Mrs. Costea explained that when they installed the fence on the north side of the property they had a survey done and out of respect for her neighbor they had it installed a couple of feet onto their own property, so when the neighbor's landscaping company cuts the grass they are actually coming onto her property but they do not make any issue over that. She added that the students walking by agitate the dogs by barking at them and she feels that having the fence would be protection for the students as well.

Member White questioned the breed of the two dogs. Mrs. Costea responded stating one was a German Sheppard and the other is a yellow lab which they inherited from her mother and they have had them for three years. She stated that they are outside during the day and in the house at night.

Member White asked if there was a flood or motion light on the south corner of the house. Mrs. Costea responded stating they have a light on the upper corner of the house but not on the fence.

Chair Seelye questioned when the wire fence was installed. Mrs. Costea stated it was installed last year.

Member Lindquist asked if they were to grant the variance what materials would be used to construct the fence and if the applicant intends to put up a 6 foot fence along the back or the north side of the property as well. Mrs. Costea responded stating that the neighbor behind her approves of the way the fence is now and they do not intend to replace the rear or north side fence. She stated that they started with plastic panel fencing but because of the slopes on the property they had problems with installation so they switched to wood fencing and if they get the variance for a 6 foot fence then it will all be either wood or plastic, it does not matter to them.

Member Lindquist stated that the material of the fence does matter to the Board and in order to make a decision they need to know what the fence will look like, where it will be placed and if it will be constructed by professionals. Mrs. Costea responded stating that the fence will be wood and it will be professionally installed.

Member White asked if the wood fence will be the same stock, make, model and color as what is depicted in the photos provided. Mrs. Costea responded stating it would be the same.

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

Secretary Vergun confirmed there was an affidavit of mailing on file with one returned mailer.

Member Rich commented that he understands the issue of providing safety by putting up a 6 foot fence along 11 Mile Road however, as discussed, the applicant does not plan on doing anything with respect to the east or north property lines so if someone wanted to come into their yard, they would be able to do so from either of those directions and if there was a 6 foot fence it could potentially shield those people from the view of others driving or walking on 11 Mile Road, therefore, resulting in less safety because it would not keep people out from the other entrances to the yard, but would hide them from the area that has the most traffic.

Member Rich explained that originally when looking at the property line along 11 Mile Road it appeared that the shrubby was pretty dense and it seems unreasonable for someone attempting to enter the yard to struggle through the shrubbery instead of going around to the back and walking right in.

Member White commented that he understands the issue of safety and privacy, however, he would feel more comfortable discussing the topic of granting a variance if he had a complete composite with regard to the fence.

Member Lindquist commented that he is not inclined to grant the variance because there is an opportunity to place a 6 foot high fence within the yard and there does not seem to be any physical restrictions for a properly installed 6 foot high fence to be placed along the closest line of the structure to 11 Mile Road.

**MOTION** by Lindquist, support by Vergun, in the matter of ZBA Case 10-14-5541, to DENY the petitioner's request for a non-use 3 foot height variance from the requirement that fences not exceed 3 feet in the exterior side yard because the petitioner did not demonstrate practical difficulties exist in this case in setting forth facts which do not show that:

1. Compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome.

Further acknowledging that:

- Granting the variance requested would do substantial justice to the petitioner, however, it would be an unfavorable imposition on neighboring properties regardless of their reasoning for consenting to or indicating that they would approve of the fence in that location.
- That the petitioner's plight is not due to the unique circumstances of the property, as this is an issue with most corner lots.

- The problem is not self-created; the petitioner certainly could retain all of the shrubs and the 3 foot fence along the line of the proposed 6 foot fence and there is no reason why the third barrier cannot be in the proper location without requiring a variance.

**MOTION CARRIED, 6-1 (Stevens opposed)**

**NEW BUSINESS:**

B. ZBA CASE: 11-14-5545  
LOCATION: 30825 Orchard Lake Road  
PARCEL I.D.: 23-03-226-026  
REQUEST: In order to accommodate reconstruction of a new intersection in accordance with the plan submitted, the following variance is requested: A variance from the requirement that a 10 foot greenbelt be installed.  
CODE SECTION: 34-3.5.2.J.; 34-3.1.24.E.  
APPLICANT: Road Commission for Oakland County  
OWNER: Ramco/Lion Venture

Member Stevens recused himself due to a conflict of interest in this case.

Zoning Supervisor Randt discussed the location of the property and presented an overhead view of the property, a sketch of the proposed intersection and a sketch of the area that the applicant is proposing to acquire in order to complete the new roundabout at 14 Mile Road and Orchard Lake Road.

Rick Patterson, attorney retained by the Road Commission for Oakland County, 2701 Cambridge Court, Suite 223, explained that, on the sketch provided to the Board, the grey shaded area is the highway easement that is being taken for the installation of the roundabout at 14 Mile Road and Orchard Lake Road and the grey lines indicate the edge of the roadway and the sidewalk that will be installed closer to the existing parking lot. He stated that as a result of the highway easement, the existing 10 foot setback that exists will be reduced in varying degrees. He added that the proposed roadway will not be next to the parking lot, there will be some green space and a walkway between the edge of the road and the parking lot so it will not fundamentally change the nature of the area from what exists today, it will just be shrunk slightly due to the construction of a different type of intersection.

Mr. Patterson explained that the condemnation statutes in Michigan permit a condemning agency to seek the variance on behalf of the property owner and this is a measure that is utilized to reduce the costs associated with the taking for condemnation purposes. He stated that this is not something that the property owner had any control over, it is not a situation the property owner created, it is unique in the sense that this is the parcel that is located where the road improvement will be and it will not have an effect on neighboring properties or other properties in the area, as this is the only parcel on that quadrant of the intersection that will be impacted. He noted that if the variance were to be denied 12 parking spaces would have to be removed, 9 located along Orchard Lake Road and 3 located along 14 Mile Road, in order to create a 10 foot barrier between the edge of the highway easement and the parking area, and the removal of these parking spaces would come at a great expense to the road improvement project.

Member Rich commented that there are four grey lines on the sketch heading from west to east and asked if the proponent could describe what each line indicated and if the terms highway easement and permanent right-of-way are being used interchangeably.

Mr. Patterson responded stating that the terms are being used interchangeably, the right-of-way and highway easement are the same area. He explained that the easiest way to describe the lines would be to start on the edge of the grey area closest to the parking lot; the first grey line is the edge of the sidewalk, the second grey line is the other edge of the sidewalk and between those lines will be a paved surface, moving further away from the grey shaded area there is a double line which is the edge of the roadway.

Member Lindquist asked if the edge of road will be curbed. Mr. Patterson responded stating that the double line is a curbed road and pointed out that on the 14 Mile Road leg of the sketch there will be a dedicated turn lane from 14 Mile Road onto Orchard Lake Road and both edges of the turn lane will be curbed.

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

Secretary Vergun confirmed there was an affidavit of mailing on file with 45 returned mailers.

Member Rich commented that he has concerns with where the sidewalk is shown on the sketch, as it appears that the sidewalk is at the edge of the roadway at both the farthest west point on 14 Mile Road and the farthest south point on Orchard Lake Road and at those two edges there it appears that there is no greenbelt and the sidewalk would be running with no distance from the roadway.

Mr. Patterson submitted a larger aerial sketch to the Board which presented a clearer depiction of where the sidewalk would be located.

Member Rich questioned how far the sidewalk will be located from the roadway at the closest point. Mr. Patterson responded stating he did not have a scale available, however, on the sketch there is a row of trees that are proposed between the roadway and the sidewalk so there is approximately over 12 feet between the road and sidewalk.

Member Rich asked what the typical width is for a lane of traffic. Mr. Patterson responded stating that he is not an engineer but would approximate a lane of traffic to be 16 feet.

Member Rich commented that the proposed distance between the sidewalk and the road would be less than a lane of traffic.

Mr. Patterson explained that the sidewalk was designed by the engineers who designed the roundabout and he was not involved in that aspect, however, on the top of the first sketch inside of the highway easement area there is a measurement of 14.7 feet between the parking lot and the top edge of the highway easement and that distance appears to be smaller than the distance between the double line and the sidewalk edge, therefore, the area between the sidewalk and road would be in excess of 15 feet or more.

Member Rich asked if the Farmington Hills Traffic Engineers have looked at this proposed intersection in terms of safety. Zoning Representative Randt responded stating that the Traffic Engineers have been working with the applicant at length; therefore, any safety issues will be addressed.

Member Rich questioned if the Board were to grant the variance would the Traffic Engineers have the authority to prevent it on different grounds. Attorney Morita responded stating that they could but only to a certain extent, as this is a County road and while they are working in conjunction with the RCOC it is still under County control.

Member Lindquist commented that in the first sketch as the sidewalk moves south from the corner and past were there appears to be a crosswalk area, it strays away from the grey edge and appears to go around a darker tree image, he questioned if the effort was to retain that tree. Mr. Patterson responded stating he believes that the tree circle is darker only because it is in the shaded grey area and the deviation of the sidewalk in that area is to line it up with the existing sidewalk along Orchard Lake Road, therefore, it will be no closer to the road than the existing sidewalk as it goes south along Orchard Lake Road.

Attorney Morita informed the Board that Mr. Patterson had met with the City ahead of tonight's meeting and City staff has been fully advised of these plans and the concerns City staff had with the plans are included in the Boards packet. She stated that if the Board is considering granting the variance requested, her office would suggest that the Board condition the variance on the actual proposed improvements being built and that they are to be built according to the plans that have been submitted. She noted that one of the items staff struggled with when writing up this case for the Board's review was the differentiating amounts of greenbelt, as in some places it is 2 feet and other places it is 3 feet, therefore, staff suggests that the Board grant the variance in accordance with the drawings submitted so that the various distances at each point on the drawing will not have to be listed.

**MOTION** by Masood, support by White, in the matter of ZBA Case 11-14-5545, to GRANT the petitioner's request for a non-use variance from the requirement that a 10 foot greenbelt be installed because the petitioner did show practical difficulties exist in this case which show that:

1. Compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose; namely the loss of 12 parking spaces.
2. That granting the variance requested would do substantial justice to the petitioner as well as to other property owners; namely the creation of the roundabout.
3. That the petitioner's plight is due to the unique circumstances of the property, as this is a busy intersection and there is a strip mall to the southwest.
4. That the problem is not self-created.

**SUBJECT** to the following conditions: 1) that the area be setup/built in accordance with the plans submitted to and reviewed by the Board, and 2) that the variance be granted to the extent that the intersection is actually built.

**MOTION CARRIED, 6-0 (Stevens recused)**

C. ZBA CASE: 11-14-5546  
LOCATION: 39300 West Ten Mile  
PARCEL I.D.: 23-19-351-020 (formerly: 23-19-351-016 & -018)  
REQUEST: In order to construct a 65 foot tall wind turbine, the following variance is requested (1) A 25 foot height variance from the requirement that accessory structures in a B-3 Zoning district may not exceed 40 feet in height.  
CODE SECTION: 34-3.1.25. E  
APPLICANT: John Bloom for Bloom General Contracting  
OWNER: Tom Holzer Ford

Member Masood recused himself due to a conflict of interest in this case.

Zoning Supervisor Randt discussed the location of the property and presented an overhead view of the property, photo of the location of the proposed wind turbine and a sketch of the proposed wind turbine.

Thomas “Buzzy” Holzer, applicant, 39300 W. Ten Mile, explained that Ford Motor Company and Wind Energy have partnered together to deliver an innovated new source of clean energy to dealerships and Ford Motor Company has chosen Tom Holzer to be the first because of their exceptional commitment to clean energy. He stated that only three other dealerships in the county have been chosen, two in California and the other in Stanton Island, so it is a very unique opportunity putting one in Farmington Hills.

Mr. Holzer stated that they are asking for a variance of 25 feet so they can get the most kilowatts and produce the cleanest energy as possible for the dealership. He added that having this wind turbine in the City is a good statement for Farmington Hills as it will be great national exposure.

Chair Seelye asked how much energy the turbine will generate. Mr. Holzer responded stating that the turbine will generate over 20,000 kilowatts of electricity which is enough to power two average size homes for a year or charge a Ford Focus Electric 870 times, a Fusion Energi 2,600 times, or a C-MAX Energi 2,600 times.

Member Lindquist questioned where exactly the turbine will be located on the property and if it will have visibility from any of the major roadways surrounding the dealership. Mr. Holzer responded stating that it will be located in the middle of the lot facing I-275.

Member Lindquist commented that with the proposed location of the turbine, the visibility from Haggerty Road will be blocked by the building and in that area the ground is lower by 10 feet from that of the main parking lot, therefore, the turbine will sit further down from the main parking lot and will be 65 feet high next to the freeway.

Member Rich questioned the height of the building/dealership. Mr. Holzer responded stating the building itself is three stories high, approximately 40 feet in height.

Member Vergun asked if the base of the tower will fit in the space that is currently occupied by the brick structure and if the diameter of the base will be of similar size to the diameter of one of the vehicles shown in the photo. Mr. Holzer responded stating that the base will fit in that area and it is basically a thick pole that will be bolted onto footings.

Member Rich questioned the Ford logo that is pictured on the rendering presented by the applicant. Zoning Supervisor Randt responded stating that the Ford logo will not be part of the turbine design.

Attorney Morita informed the Board that signage has not been requested, therefore, if the Board grants the variance they should condition it on the turbine to be built with no signage without prior approval.

Member Lindquist asked what sort of effect the sail will have when in motion and if there would be a flickering effect since it is blue and white. Mr. Holzer responded stating that there is no flickering effect since it spins slowly at only 40 RPM's.

Chair Seelye questioned the amount of noise the wind turbine would generate. Rob Green, Director of Wind and Solar research, Wind Energy Corporation, explained that as far as noise is concerned there is

almost none, there is a wind turbine at a dealership in Texas and he has stood underneath it while it was turning and he could not hear it. He stated that there is a similar type of wind turbine that is rated at 38 decibels, which is just above a loud whisper, and this particular wind turbine falls in the same class.

Zoning Supervisor Randt asked if it will be quieter than the turbines with the large blades. Mr. Green responded stating yes, this type of turbine is a drag based device and the noise from the other turbines is because they are lift base devices.

Member White questioned, if there was a strong storm, at what speed of wind would cause concern from a safety standpoint with the wind turbine tilting or falling. Mr. Green responded stating that this turbine was engineered for anywhere in the country and right now the sail would stop spinning at 40 MPH and it is designed for survivability at 120 MPH.

Chair Seelye asked if there are any of these types of sails located in southeastern Michigan. Mr. Green responded stating there are not.

Member Lindquist questioned if the install included a solar component. Mr. Green responded stating that it is a complete system that combines wind and solar and the installation would include 7 kilowatts of solar panels. He explained that the sail would be installed in the proposed location and wiring would be ran underneath the parking lot back to the electrical closet near the building and the solar panels would be installed most likely on the roof top of the dealership.

Member Stevens questioned, in terms of a pole essentially of a certain height, if there is any setback requirement for fall zones and if there is, has that been reviewed in this case. Zoning Representative Randt responded stating that looking at the fall line, as they do for flag poles, even the turbine with the height that is it, it is still is not a concern as it is approximately 75 feet away from the property line at I-275.

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 3 returned mailers.

**MOTION** by Rich, support by Lindquist, in the matter of ZBA Case 11-14-5546, to GRANT the petitioner's request for a 25 foot height variance from the requirement that accessory structures in a B-3 Zoning district may not exceed 40 feet in height because the petitioner did demonstrate practical difficulties exist in this case, specifically:

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 property owners and there cannot be a lesser relaxation because the height has been determined to be what is necessary in order for the turbine to operate properly and saving energy is good for everybody.
3. That the petitioner's plight is due to the unique circumstances of the property, as wind farms cannot be located in the middle of Farmington Hills, however, in this particular business area the wind turbine will be shielded from a number of streets and it will border I-275, therefore, not creating any issues.

4. That the problem is not self-created.

SUBJECT to the condition that no signage be included as part of the design of the wind turbine sail.

**MOTION CARRIED, 6-0 (Masood recused)**

- D. ZBA CASE: 11-14-5547  
LOCATION: 28197 Alycekay  
PARCEL I.D.: 23-11-376-033 (formerly 23-11-376-009 and -024)  
REQUEST: In order to build an accessory structure “pole barn” (including a 6x60 lean-to on the south side) 15.5 in height, 2,760 square feet in area including an existing 576 square foot garage, the following variances are requested (1) A 1.5 foot variance to the 14 foot height requirement (2) A 2,302.5 square foot variance to the limit of 1,033.5 square feet allowed for total accessory uses/buildings.  
CODE SECTION: 34-5.1.2.C & 34-5.1.2.D  
APPLICANT/OWNER: Carol and Chuck Greer

Zoning Supervisor Randt discussed the location of the property and presented an overhead view of the property and a sketch showing the existing house and location of the proposed building. He noted that the property was close to 8 acres of land.

Carol Greer, applicant, 28197 Alycekay, explained that she is proposing an outbuilding in order to store some antique cars and to clean up her property. She stated that she has a unique property in Farmington Hills as it is close to 8 acres and because of the size of the property, it takes a fair amount of equipment to keep up it up in a way that she prefers.

Chari Seelye questioned the need for the 1.5 foot height variance. Mrs. Greer responded stating that she spent a year doing research on outbuildings and met with various builders and has settled on a builder and this is the height that he proposed.

Chair Seelye questioned if the proposed building were to be built, will the tent garages on the property will be removed. Mrs. Greer responded stating they would be removed.

Member Vergun questioned if there would be any extra pavement going down on the property. Mrs. Greer responded stating there would not be any pavement put down for the outbuilding and anything going in or out of the building will be driven over the grass.

Member White questioned what is currently being used in regards to lawn equipment. Mrs. Greer responded stating that she has a zero turn mower and a John Deer tractor and the two outbuildings on the property are for storage of those. She stated that she has spent thousands of dollars on portable outbuildings and they do not last a season. She added that she is proposing to make her property better by building a structure that is designed for the purpose of storing this type of equipment.

Member White asked how many vintage cars were to be stored in the outbuilding and if the proposed space was large enough for the vehicles and the lawn equipment. Mrs. Greer responded stating she has three vintage vehicles and the proposed building will have enough space for those as well as the lawn equipment.

Member Lindquist questioned the location chosen for the proposed building, stating that it appears that the applicant owns three out of the four 2x2 lots and one lot extends to a platted roadway which is not currently a road and the placement of the building actually straddles the line between the two lots. Mrs. Greer responded stating that the two lots have been combined.

Attorney Morita stated that the lots can be combined for assessing purposes which is why it is under one zoning lot, however, they still may be two separate platted lots.

Member Lindquist commented that he is concerned that the applicant could later spilt the lots again. Attorney Morita responded stating that the applicant could, however, if there is a building built over the lot line and no road access, as it is right now, she would have difficulty doing so.

Member Lindquist asked what the reason was for the proposed building to be built over the lot line. Mrs. Greer responded stating that she is actually putting the building as far back from the road as possible so it is not visible to other properties and once the building is put there she can no longer split the property and she has no desire to do so.

Member Lindquist questioned what the setback requirement would be if the roadway at the rear of the property were to open creating a street facing lot. Zoning Representative Randt stated that the lot is zoned RA-1 so the setback would be 40 feet.

Member Lindquist explained that the relief requested is not relief from the setback from the unnamed street at the rear of the property and questioned if the Board were to grant the relief requested for height, would the applicant be willing to make sure that the building is placed 40 feet from the rear lot line which would make it conforming in the unlikely event that the roadway were opened. Mrs. Greer responded stating she would place the building at 40 feet from the rear lot line.

Member Stevens questioned if the height variance of 1.5 feet was for the equipment that will be stored in the building. Mrs. Greer responded stating that when she met with the builder he came up with the 40 x 60 design as well as the height of the building.

Member Lindquist questioned if the requested height variance is to allow for the appropriate height for a building with this footprint. Mrs. Greer stated that was correct.

Member Rich questioned if there was a picture of the proposed building.

Mrs. Greer submitted a photo of the proposed building to the Board for review.

Member Masood asked the applicant to describe the structure. Mrs. Greer described the building as having two doors on the front (eastside), two windows on either side and nothing on the back.

Member White asked if it will be heated or have a wood burning stove. Mr. Greer responded stating that she does plan to heat the building at some point but has not decided on when and there will be no wood burning stove.

Member Lindquist asked if electricity or plumbing will be installed. Mrs. Greer stated the building will only have electricity, no plumbing.

Member Lindquist inquired if it will ever be used for residential purposes or occupation. Mrs. Greer responded stating that it will only be used for storage.

Member Lindquist commented that he was surprised with the number of vehicles that were on the property, including the tractor, RV, 3-4 cars under covers, a boat and other pieces of equipment as well as two temporary barns.

Mrs. Greer explained that they have two tractors, three antique cars, three personal cars, a RV and a boat on the property.

Member Lindquist questioned how many of those vehicles will fit in the proposed building. Mrs. Greer responded stating that she hopes to get most of what she has inside, however, the RV will not fit.

Member Lindquist commented that the house has a garage.

Mrs. Greer stated that there is a 2 car garage underneath the house and she is interested in converting that into living space.

Member Stevens questioned if there is anything proposed to be left onsite. Mrs. Greer responded stating that the RV will not fit and the boat may not either but everything else should.

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 0 returned mailers.

Member Rich commented that there are a variety of outbuildings in the neighborhood and asked if those are all grandfathered in or if they have variances. Zoning Supervisor Randt responded stating that there was a variance granted in 1996 for a similar type of structure next door and others have been grandfathered in.

Attorney Morita informed the Board that some of the conditions that were placed on the other outbuildings have been; all other existing sheds be removed, any cars or tractors be stored inside the outbuilding, no noise after a certain time of night, therefore, not disturbing the neighbors and specifically stating that the structure shall not be used for residential purposes. She added that one of the concerns the City has with these types of structures has been that they could be converted to another use or that a business may be operated out of them, so another consideration the Board may want to specifically state would be that it will not be used as a home business or any other type of activity that would draw people to the property.

Member White asked if animals would fall under what was described by Attorney Morita. Attorney Morita responded stating that the Board can make a condition that the building not be used for kenneling purposes or for farm animal usage.

**MOTION** by Rich, support by Stevens, in the matter of ZBA Case 11-14-5547, to GRANT the petitioner's request for the following variances: 1) a 1.5 foot variance to the 14 foot height requirement and 2) a 2,302.5 square foot variance to the limit of 1,033.5 square feet allowed for total accessory uses/buildings because the petitioner did demonstrate practical difficulties exists in this case, specifically:

1. Compliance with the strict letter of the ordinance would be unnecessarily burdensome.

2. That granting the variance requested would do substantial justice to the petitioner as well as to other property owners in the district; as discussed, the district is very unique and many of the other property owners have similar structures.
3. That the petitioner's plight is due to the unique circumstances of the property; as the applicant has indicated, maintaining a property of this size does require more equipment than might otherwise be required, therefore, this type of structure would be appropriate for storage.
4. That the problem is not self-created because of the size of the existing property.

**SUBJECT** to the following conditions:

- The allowable total accessory structure space shall not be increased if there becomes additional residential use of the property (i.e. if existing garage is converted to living space)
- All other storage structures on the property are to be removed
- All vehicles, lawn equipment and any other equipment must be stored inside the new structure; excluding one recreational vehicle (RV) and one boat which may be stored on the property and personal vehicles that are used for everyday use which may be parked and kept in the driveway
- No undue noise before 9:00a.m. or after 9:00p.m.
- The structure shall not be used for residential living purposes
- No plumbing shall be installed
- The structure shall not have any business use or other activity that would draw an inordinate amount of people to the premises
- No animals other than typically domesticated family pets
- The structure be built 40 feet from the rear property line
- There will be no ingress or egress over the rear property line, whether or not the road is platted or ever used
- The aesthetics of the structure are to be consistent with the existing structures on the property and in the neighborhood
- The applicant shall not take affirmative action resulting in the removal of the existing trees that screen the property

**MOTION CARRIED, 7-0**

**APPROVAL OF OCTOBER 14, 2014 MINUTES**

**MOTION** by Rich, support by White, to approve the October 14, 2014 Zoning Board of Appeals as submitted.

**MOTION CARRIED, 7-0**

**PUBLIC QUESTIONS AND COMMENTS:**

There were no public comments.

**ADJOURNMENT**

**MOTION** by Vergun, support by Masood, to adjourn the meeting at 9:37p.m.

**MOTION CARRIED, 7-0**

Respectfully submitted,

James Stevens, Secretary  
Zoning Board of Appeals

/ceh