

MINUTES
CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS
CITY HALL – COUNCIL CHAMBER
JANUARY 10, 2017

CALL MEETING TO ORDER

Chair Seelye called the meeting to order at 7:31p.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: Barnette, Barringer, Rich, Seelye, and Stevens

Members Absent: Lindquist, Masood and Vergun

Others Present: Attorney Morita and Zoning Division Supervisor Randt

SITE VISIT JANUARY 8, 2017

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

The Sunday site visit begins at 9:00a.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

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

MOTION CARRIED 5-0.

NEW BUSINESS:

A. ZBA CASE: 01-17-5607
LOCATION: 21730 Wheeler
PARCEL I.D.: 23-36-152-003
REQUEST: In order to divide an existing lot into two lots in an RA-4 Zoning District with a required lot area of 8,500 square feet and 60 foot lot width, the following variances are requested:
Proposed Parcel A. Variance of lot area requested is 3,242.5 square feet resulting in a parcel of 5,257.5 square feet: **Variance of lot width of 10 feet**, resulting in a 50 foot lot width.

Proposed Parcel B. Variance of lot area requested is 3,239.7 square feet resulting in a parcel of 5,260.3 square feet: **Variance of lot width of 10 feet** resulting in a 50 foot lot width.

CODE SECTION: 34-3.1.7.E
APPLICANT/OWNER: Daniel Stanton

Utilizing overhead slides, Zoning Supervisor Randt described the location of the property, showed an overhead view of the property and neighborhood, photos of existing homes in the area, a site plan of the proposed lot splits and sketches of the proposed dwellings. He noted that there was a home on this lot but it has recently been removed.

Daniel Stanton, applicant, 38593 Rhonswood, explained that he originally bought the property to renovate the home as he recently started a renovation business and had renovated another home in Farmington which was successful and went well with the City. As he started to investigate the home, he realized that there was too much damage to the home due to its age as it was built in 1928. Many of the homes in the area were built in the same time frame and reside on 50 foot lots. He stated that his intention was not to build new houses or split the lot but unfortunately he got into a situation where it was not possible to renovate. He stated that upon investigating the neighborhood, he found in the immediate area that there were at least 3 homes built within the last 15 years on 50 foot lots and at that time he figured that his only option to better to community, the school district and City with this property was to split the lot. He noted that at the Planning Commission meeting one of the members suggested that the RA-4 zoning area may be a good case study for possibly changing the zoning requirements due to the number of 50 foot lots in the area. He added that the proposed lots would meet all minimum setbacks, the proposed homes are cohesive with other homes in the area, they will be two-story homes and approximately 1,600 square feet, and would complement the area nicely and be a benefit to all.

Chair Seelye questioned if the Planning Commission denied this case. Zoning Division Supervisor Randt responded that the Planning Commission had a meeting and denied this case based upon it not meeting the minimum square footage and lot width and the applicant will have to go back to the Planning Commission for a compatibility study once they get an approval or denial from the Board. He stated that the Planning Commission will then look to see if the proposal is in character with the neighborhood but this Board must determine if this case meets the qualifications of a variance.

Attorney Morita noted that if someone came in with a larger parcel and wanted a preliminary lot split from the Planning Commission as long as it met the dimensional requirements the Planning Commission can approve it without having to go to the Zoning Board of Appeals, but in this case because the lots would not meet the dimensional requirements of the ordinance, the Planning Commission could not approve it without the variances first being in place.

Chair Seelye noted that there were about a dozen or more lots that have been split in this neighborhood according to the maps provided to the Board.

Member Stevens asked for an explanation of the compatibility study. Zoning Division Supervisor Randt responded that the Planning Consultant made his recommendation to the Planning Commission which indicated that this proposal is not out of character for the area; however the Planning Commission still has to make their determination which cannot be done until the variances are approved.

Mr. Stanton commented that he had a copy of the study which states that the proposed buildings would be in character, meet the setback requirements, conforms with other parcels and overall is a good plan for the area.

Chair Seelye asked if the Board was provided a copy of this study. Zoning Division Supervisor Randt responded that he had a copy and it reads *“it does not appear that the proposed division will result in an incompatible relationship with the surrounding parcels in terms of the way the yards align with one another and the orientations existing in the proposed development of the lot split appear to be harmonious with the surrounding area.”*

Member Rich commented that when looking at the larger aerial map, it appears that all of the area looks like it is zoned RA-4 with the exception of 1 lot and everything west of Middlebelt looks too small, and

within the immediate block where this property is located, there are 12 lots that do not meet the RA-4 requirements.

Member Rich asked if there was a change in the zoning of this entire area and when these properties were zoned RA-4. Zoning Division Supervisor Randt responded that this is the oldest section of the City and there are many non-conforming buildings on a number of parcels in the area, some of the properties did receive variances and some were split many years ago. He added that the RA-4 district is the smallest zoning district and caused many of the properties in this area to be non-conforming from the start.

Chair Seelye opened the public portion of the meeting.

Blake Necker, 22190 River Ridge Trail, commented that the proposal looks like a great plan that will improve the area and tax base and be great for the community. He stated that even though 3,000 square feet seems like big difference in lot size, from the curb it is only 10 feet and this is consistence with the area, it will be just new and nicer, making it a great improvement.

Chair Seelye closed the public portion of the meeting.

Member Stevens confirmed there was an affidavit of mailing on file with 4 returned mailers.

Member Barringer questioned if the Board were to approve the variances, will the case have to go back to the Planning Commission. Zoning Division Supervisor Randt responded that they will have to go back for the compatibility study.

Member Barringer asked what would happen if the compatibility study comes back unfavorable and the Board has approved variances that now run with the land. Attorney Morita responded that if the Board is considering granting the variances, they can condition them on property owner, building the homes as depicted, as well as a time limit in which the homes are to be built, and by doing so, even though the variances run with the land, they would run out of time.

Attorney Morita commented that this is not an unusual request and in the past when the Board has considered granting size variances to lots, what they have done is taken a look at what the surrounding lots look like and determine whether or not the lot size would be considered atypical based on the information that the Board has been provided by staff.

MOTION by Rich, support by Barnette, in the matter of ZBA Case 01-17-5607, to GRANT the petitioner's request for the following variances: Proposed Parcel A: a variance of lot area requested is 3,242.5 square feet resulting in a parcel of 5,257.5 square feet and a variance of lot width of 10 feet, resulting in a 50 foot lot width; Proposed Parcel B: a variance of lot area requested is 3,239.7 square feet resulting in a parcel of 5,260.3 square feet and a variance of lot width of 10 feet resulting in a 50 foot lot width; because the petitioner did demonstrate practical difficulties exist in this case, specifically:

1. Compliance with the strict letter of the ordinance renders conformity with the ordinance unnecessarily burdensome.
2. That granting the variance requested would do substantial justice to the petitioner as well as to other property owners in the district.
3. That the petitioner's plight is due to the unique circumstances of the property, specifically

the surrounding area, location and the neighborhood overall; and in terms of compatibility, it appears, based on the information provided, that the split parcels would be compatible and in conformity with the rest of the neighborhood.

4. That the problem is not self-created.

SUBJECT to the following conditions:

- Applicant must receive successful approval of the lot split by the City
- The structures to be built on the proposed lots must be in conformity with the representations presented by the applicant
- The buildings must be built within 48 months

MOTION CARRIED 5-0.

PUBLIC QUESTIONS AND COMMENTS

There were no public comments.

APPROVAL OF NOVEMBER 15, 2016 MINUTES

MOTION by Barringer, support by Barnette, to approve the Zoning Board of Appeals meeting minutes of November 15, 2016 as submitted.

MOTION CARRIED 5-0.

ADJOURNMENT

MOTION by Barnette, support by Stevens, to adjourn the meeting at 7:59p.m.

MOTION CARRIED 5-0.

Respectfully submitted,

James Stevens, Secretary
Zoning Board of Appeals

/ceh