

MINUTES
CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS
CITY HALL – COUNCIL CHAMBER
AUGUST 8, 2017

CALL MEETING TO ORDER

Chair Seelye called the meeting to order at 7:30p.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, Rich, Stevens and Seelye

Members Absent: Masood and Vergun

Others Present: Attorney Morita and Zoning Division Representative McGuire

SITE VISIT AUGUST 6, 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 Barringer, support by Stevens, to approve the agenda as published.

MOTION CARRIED 5-0.

NEW BUSINESS:

- A. ZBA CASE: 8-17-5616
LOCATION: 30715 W. Ten Mile
PARCEL I.D.: 23-26-127-014
REQUEST: In order to erect a 12 foot x 16 foot shed in a B-2 Zoning District 44 feet from the rear property line, a variance of 31 feet is proposed. The minimum rear yard setback for structures abutting a residential district is 75 feet.
CODE SECTION: **34-3.1.24.E.**
APPLICANT: Tuff Shed, Inc.
OWNER: Chiarina, L.L.C.

Zoning Representative McGuire explained that Café Cortina wants to construct a 12 x 16 foot shed in a B-2 Zoning District, 44 feet from the rear property line and because it is in the B-2 District the minimum rear yard setback for properties abutting a residential neighborhood is 75 feet, therefore, the variance request is for 31 feet. She stated that this is the only B-2 zoned property in a large geographic area; to the west is a group of B-3 properties, to the south is RA-3 residential, to the immediate east is OS-1, there are other office properties to the northwest, south and south and west along Orchard Lake Road, and also to the north there are further residential properties but tonight's parcel is this one B-2 property.

She explained that this is especially interesting because the B-3 properties in this area, which all abut residential districts, have a setback from residential districts of 20 feet, as do OS-1 properties and it is only the Cortina property that is held to the 75 foot standard being the only B-2 zoning district in the area. She noted that this was discussed this with Ed Gardiner, who has significant institutional memory, and he believed the property was zoned B-2 to provide a buffer to the OS-1 to the east, and to protect the area from further B-3 uses, which included automotive uses and that the use of B-2 for this particular parcel was therefore use-based, and had nothing to do with setbacks.

Zoning Representative McGuire stated that when Cortina's building contractor came in for a building permit in order to construct a shed, they ran into this issue, therefore they are before the Board tonight. She added that at a setback of 44 feet from the rear property line, they are still 24 feet further set back than would be required of the properties to the east and west.

Utilizing overhead slides she presented an aerial view of the emergency vehicle drive and utility access from the east, noting that the proposed shed location does not impact that access, a sketch of the proposed shed and photos of the property.

George Bogaert, Tuff Shed, representing 30715 W. 10 Mile, Café Cortina, explained that they need the variance to construct a 12 foot by 16 foot by 14'1" storage shed which will be used to store restaurant equipment. He stated that if they follow the 75 foot requirement they will end up in the parking lot and they do not want to take away any parking spaces so they plan to place it in the level gravel area. He added that the shed will be screened and flowers will be placed around it to make it look attractive to the business.

Chair Seelye questioned if the existing shed will be removed. Mr. Bogaert responded yes, it will be removed.

Chair Seelye asked if the shed will have power. Sabaj Kujtim, Office Manager of Café Cortina, 30715 W. 10 Mile Rd, responded yes, the shed will have power.

Mr. Kujtim explained that they owned the property directly across the street at 30704 W. 10 Mile Rd and when they recently sold it they had to find space for all the items that were stored there, and currently these items are being stored in employee's garages until the shed is built. He stated that the shed will be for seasonal storage, chairs, tables and such, as their storage is very limited inside the building, all closets and storage spaces are full. He added that the shed will be visually appealing.

Member Stevens asked if food would be stored in the shed. Mr. Kujtim responded that there will be no food stored in the shed, only items they use for events such as weddings.

Zoning Representative McGuire asked if the height of the shed was 14 feet 1 inch. Mr. Bogaret responded that was correct, from the ground to the very top.

Member Barringer noted that there was a letter in the Board's packet from Mr. Harwood, CEO of Illuminating Concepts, stating that he is ok with the shed being built but he would like it further back than proposed because of the utility issues. Member Barringer noted this issue himself when he looked at the site and asked if this was brought to the applicant's attention. Mr. Kujtim responded that they cannot go further back because they are trying to obey the rules as much as possible and they cannot go closer because of parking space issues. He noted that visually Mr. Harwood will not see the shed from his lot

because of all the trees and added that the residential property behind Café Cortina is owned by the family.

Member Lindquist asked if the two trees adjacent to the proposed shed will remain. Mr. Kujtim responded yes, they are not in the way but they may need to be trimmed.

Member Lindquist asked if the Board were to grant a lesser relief than what has been requested, for instance, if they would grant 15 feet and the shed was to be located in the parking spaces, would the proponent proceed with the plan or would they scrap the idea of a shed entirely. Mr. Kujtim responded that they would have to scrap the idea because they already run out of parking spaces and valet occasionally has to park cars at the house behind the restaurant.

Member Rich asked if the parking is in compliance with the space requirements for the restaurant. Zoning Representative McGuire responded that she did not know, as she did not research that.

Chair Seelye opened the public portion of the meeting.

Rodney Smith, 30710 W. 10 Mile Rd, asked what B-2 zoning was and if it was light industrial. Zoning Representative McGuire responded no it was not light industrial and B-2 zoning is a community business district which allows retail businesses, service establishments, office buildings, medical offices, restaurants such as this, fast food restaurants, etc. it is a use for businesses.

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

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

Member Stevens asked if B-3 allowed restaurants. Zoning Representative McGuire responded yes.

MOTION by Stevens, support by Lindquist, in the matter of ZBA Case 8-17-5616, to GRANT the petitioner's request for a variance of 31 feet of the 75 foot minimum rear yard setback for structures abutting a residential district for a setback of 44 feet; because the petitioner did demonstrate that practical difficulties exist in this case, with the fact that there is a need for storage and that the storage will be used for equipment, chairs, plates and other materials of similar nature:

1. Compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property in the fact that the parking lot is already being utilized fully and to move the shed further to the north to be in compliance with setback would most likely require parking spaces to be removed.
2. That granting the variance requested would do substantial justice to the petitioner as well as to other property owners in the district and in the immediate area the required rear yard setback is significantly reduced due to the B-3 zoning to the west and the O-S1 zoning to the east.
3. That the petitioner's plight is due to the unique circumstances of the property in the sense that the zoning and the setback of that particular parcel and particular zoning is significantly increased from the uses directly adjacent to the west and the east.

Subject to the following conditions:

- Shed shall be located in the location shown on the plans and be constructed according to the plans provided by the proponent
- Existing shed shall be removed

MOTION CARRIED 5-0.

PUBLIC QUESTIONS AND COMMENTS

There were no public comments.

APPROVAL OF JULY 11, 2017 MINUTES

MOTION by Stevens, support by Barringer, to approve the Zoning Board of Appeals meeting minutes of July 11, 2017.

MOTION CARRIED 5-0.

ADJOURNMENT

MOTION by Stevens, support by Rich, to adjourn the meeting at 7:51pm.

MOTION CARRIED 5-0.

Respectfully submitted,

James Stevens, Secretary
Zoning Board of Appeals

/ceh