

**MINUTES
CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS
FARMINGTON HILLS CITY HALL – COUNCIL CHAMBER
31555 W. ELEVEN MILE ROAD
FARMINGTON HILLS, MI
July 12, 2022 – 7:30 PM**

CALL MEETING TO ORDER

Chair Lindquist called the meeting to order at 7:30 P.M.

Members Present: Collins (Alternate), King, Lindquist, Masood, O’Connell, Rich,

Members Absent: Irvin, Vergun

Others Present: City Attorney Morita, Zoning Supervisor Randt, Recording Secretary McGuire

Chair Lindquist made standard introductory remarks explaining the role of the ZBA and the formal procedures of the meeting.

Board Members held a site visit on July 10, and may also have visited the sites independently. No action was taken at the site visit.

APPROVAL OF AGENDA

OLD BUSINESS:

None

NEW BUSINESS:

- A. ZBA CASE: 7-22-5708
LOCATION: 35700 W. Thirteen Mile
PARCEL I.D.: 23-05-400-003
REQUEST: In an RA-1A Zoning District, in order to build a new 306-foot accessory structure (pool house) the following variances are requested: 1. A 317 square foot variance from the requirement that in no instance shall the combined floor area of all accessory uses and buildings exceed a total of 1,250 square feet. 2. A variance that non-conformities shall not be enlarged upon nor be used as grounds for adding other structures, the existing garage exceeds 1,250 square feet.
CODE SECTION: 34-5.1.2.D. and 34-7.3.A
APPLICANT/OWNER: Chris and Julie Doig

Using a PowerPoint presentation, Zoning Supervisor Randt reviewed the facts of the case. The approximately 4-acre property is located on 13 Mile between Drake and Halstead in an RA-1 zoning district. The applicants are proposing to build a pool house.

Zoning Supervisor Randt noted that the Zoning Department had requested the Planning Commission look at revising the ordinance regarding accessory structures.

Chris Doig and Julie Doig, 35700 W. Thirteen Mile Road, were present on behalf of this application. They made the following points:

- There was a 100-foot distance from the back of the proposed structure to the property line to the east, and 200 feet from the property line to the north. The structure would be 42 feet from the back corner of the house.
- The applicants had added a pool last year for their family use, including grandchildren. They had a large family and would like to offer a pool house for changing and restroom use.
- No neighbor was visible from the house except the neighbor right in front toward Thirteen Mile Road.
- The existing garage was 1251 square feet.

Chair Lindquist opened the public hearing. Seeing that no public indicated they wished to speak, Chair Lindquist closed the public hearing and brought the matter back to the Board for discussion and/or a motion.

Secretary O'Connell said there was an affidavit of mailing with no returns. A letter had been received from Karen G. Szoke, 29413 Woodfield Court, objecting to the variance request, "due to the noise and encroachment onto my property which is 300 feet from the requested building site."

In response to questions from the Board, the applicants gave the following information:

- The pool house would be open for seasonal use; it would not be open year-round.
- The pool house would have water and electricity. They were still deciding whether to include gas or use electricity for such things as a towel drying rack.
- There would not be any sleeping quarters or cooking facilities in the pool house, although there might be a refrigerator.
- In response to a comment that the structure might be even further from the rear property line than 200 feet, the applicants said they had used the measuring tool on the City's website, which might have given an imperfect result.

Board discussion:

- Member Masood was inclined to grant the variance based on the parcel size and the distance away from the neighbors.
- City Attorney Morita explained that when the matter was brought before the Planning Department, it was determined that the existing structure also exceeds the allowable square footage for accessory structures. Variance request #2 would, by the granting of a variance, bring the existing structure into compliance so that it would no longer be nonconforming. If the Board was inclined to grant the variance, the motion should specify that 11 square feet of the 317 square foot variance applied to the existing structure.

After discussion and amendment, the following motion was offered:

MOTION by Masood, support by King, in the matter of ZBA Case 7-22-5708, 35700 West Thirteen Mile, Parcel I.D. 23-05-400-033, that the request for 1) a 317 square foot variance from the requirement that in no instance shall the combined floor area of all accessory uses and buildings exceed a total of 1,250 square feet, and 2) a variance that non-conformities shall not be enlarged upon, thus bringing the property into conformity, be GRANTED, in order to build a new 306-foot accessory structure (pool house), because the petitioners did demonstrate practical difficulties exist in this case in that they set forth facts 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.
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.
4. The problem is not self-created.

With the following finding:

- The parcel is approximately 4 acres and the structure as advertised will be completely blocked from view based on the current foliage and the irregular shape of the parcel.

And with the following conditions:

1. The pool house be constructed based on the submitted colors and materials.
2. The pool house be located where it is indicated on the plans submitted to the Board.
3. There be no cooking or lodging in the pool house.
4. 11 feet of the 317-foot variance be applied to the existing 11-foot non-conformity of the existing garage.

Motion discussion:

Member King said that concerns regarding noise stated in the letter from Karen Szoke were mitigated by the distance Ms. Szoke's property was from the subject site, and by the fact that the pool house would not increase the noise from the existing swim pool area.

Roll call vote:

Collins	yes
King	yes
Lindquist	yes
Masood	yes
O'Connell	yes
Rich	yes

Motion carried 6-0.

B. ZBA CASE: 7-22-5709
LOCATION: 34664 Rhonswood
PARCEL I.D.: 23-33-301-021
REQUEST: In an RA-3 Zoning District, in order to build a 1,250 square foot addition to an existing non-conforming structure, the following variances are requested. 1. A 3.33-foot variance to the required 8-foot side yard setback requirement. 2. A variance from the requirement that no structure may be enlarged or altered in a way that increases its non-conformity.
CODE SECTION: 34-3.1.6E, 34-7.1.3.A
APPLICANT/OWNER: Kamina and Daniel Watterson

Using a PowerPoint presentation, Zoning Supervisor Randt reviewed the facts of the case. The property was located in an RA- 3 zone, on Rhonswood Drive between Drake and Gill.

Kamina Watterson 34664 Rhonswood, was present on behalf of this application. The applicant's builder, Nick Kohmescher, Envision Carpentry, was also present.

The applicant made the following points:

- They were proposing to enlarge the existing 1-bedroom house. The 60-foot wide lot was narrower than others in the neighborhood. The addition would match the existing structure's location on the east, and therefore would need a 3.33-foot side yard setback variance for the addition.
- The addition will enlarge the home from a 1-bedroom, 1-bath home to a 4-bedroom, 2-bath home.
- Neighbors in support of the variance were present this evening. They also had letters in support.

Chair Lindquist opened the public hearing.

Martin Houalla, 34624 Rhonswood, said he was the neighbor to the immediate east of this property. He supported the variance. The improvement would help the values in the entire neighborhood.

James Make, 34696 Rhonswood, the neighbor to the immediate west, also supported the variance request. The addition would improve the lot and the neighborhood.

Commission discussion:

- Zoning Supervisor Randt said the setback requirement might have changed since the home was built (1950s/1960s).
- City Attorney Morita said the house was legally non-conforming.
- In response to questions regarding the fact that the addition would not extend further into the setback than the existing house, City Attorney Morita explained that in this case it was an interpretation of the ordinance that required the setback variance. Technically granting the first variance request did not increase the nonconformity.
- Member Rich was uncomfortable with making a determination regarding what constituted enlarging a nonconformity that might have an impact on other cases.
- Chair Lindquist advised that a determination of whether the nonconformity was being increased had to be made in each case that might have similar issues.
- Member King said he would support the variance request, due to the tightness of the property.

After discussion and amendment, the following motion was offered:

MOTION by King, support by O'Connell, in the matter of ZBA Case 7-22-5709, 34664 Rhonswood, I.D. 23-33-301-021, that the request for 1) a 3.33-foot variance to the required 8-foot side yard setback requirement, and 2) a variance from the requirement that no structure may be enlarged or altered in a way that increases its non-conformity, in order to build a 1,250 square foot addition to an existing non-conforming structure in an RA Zoning District, be GRANTED, because in this case the applicant set forth facts 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 expansion of their residence, or would render conformance 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. Both neighbors to the immediate east and west are in support of the applicant's request for these variances.
3. That the petitioner's plight is due to the unique circumstances of the property.
4. The problem is not self-created.

With the following condition:

1. The house addition be constructed in the location as shown on the submitted materials, and with materials and dimensions as indicated.

Roll call vote:

Collins	yes
King	yes
Lindquist	yes
Masood	yes
O'Connell	yes
Rich	yes

Motion carried 6-0.

- C. ZBA CASE: 6-22-5710
LOCATION: 29509 Orchard Lake Road
PARCEL I.D.: 23-03-477-045
REQUEST: In a B-3 Zoning District, in order to construct a gas/station convenience store, the following variance is requested: A 5-foot variance to the required 10-foot west side yard setback requirement.
CODE SECTION: 34-3.1.25.E
APPLICANT/OWNER: Aly Bazzi, Member, Bazco Holdings, LLC

At the request of the applicant to adjourn this case to the October 11, 2022 meeting, the following motion was offered:

MOTION by Masood, support by Collins, in the matter of ZBA Case 6-22-5710, 29509 Orchard Lake Road, I.D. 23-03-477-045, that the case be adjourned to the October 11, 2022 ZBA meeting, at the request of the applicant.

Roll call vote:

Collins	yes
King	yes
Masood	yes
O'Connell	yes
Lindquist	yes
Rich	yes

Motion carried 6-0.

PUBLIC QUESTIONS AND COMMENTS:

None

APPROVAL OF MINUTES June 14, 2022

MOTION by King, support by Collins, to amend and approve the June 14, 2022 Zoning Board of Appeals meeting minutes as follows:

- Page 2, under Case C, 2nd paragraph, 1st line ff, change: The property was located between Orchard Lake and Middlebelt Farmington Roads ~~north of~~ *on the north side* of Twelve Mile Road.
- Page 2, 3rd bullet point from bottom, change: People can be dropped off ~~on the~~ *at other* sidewalk areas ~~closer~~ *next* to the building.
- Correct “Chair Masood” where that occurs to Vice Chair Masood.

Motion carried unanimously.

ADJOURNMENT

MOTION by Rich, support by O’Connell, to adjourn the meeting at 8:46 p.m.

Motion approved unanimously.

Respectfully submitted,
Michael O’Connell, Secretary

/cem