

BOARD OF ZONING APPEALS MINUTES

A regular meeting of the Farmington Board of Zoning Appeals was held on Wednesday, September 4, 2019 in Council Chambers, 23600 Liberty, Farmington, Michigan. Notice of the meeting was posted in compliance with Public Act 1976.

Chairperson Bertin called the meeting to order at 7:04 p.m.

ROLL CALL:

PRESENT: Bertin, Crutcher, Gensheimer, Pitluk, Schiffman

ABSENT: Aren

A quorum of Commissioners was present.

CITY OFFICIALS PRESENT: Director Christiansen, Recording Secretary Murphy

APPROVAL OF AGENDA

MOTION by Schiffman, supported by Crutcher, to approve the agenda as presented.

Motion carried, all ayes.

MINUTES OF PREVIOUS MEETING OF AUGUST 7, 2019

MOTION by Schiffman, supported by Crutcher, to approve the minutes of August 7, 2019.

Motion carried, all ayes.

MINUTES OF PREVIOUS PLANNING COMMISSION MEETING OF JULY 8, 2019

The minutes of the previous Planning Commission meeting of July 8, 2019, were received and filed.

ELECTION OF OFFICERS

A. Chairperson

B. Vice Chairperson

C. Secretary

Chairperson Bertin stated this Agenda Item was postponed once because a full Board was present and asked the Commissioners if they wished to address this issue now or postpone it until the full Board is present.

Director Christiansen stated he doesn't get a chance to work with the Zoning Board as often as he did in the past, but that Mr. Bowdell, Building Official and Code Enforcement Officer who is the Administrator of the Zoning Board on behalf of the

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Economic Development Department for the City, is out of town so he is here in his stead and he appreciates the opportunity to be here this evening with you.

He stated regarding the election, it's certainly up to the Board, but just a couple quick housekeeping things that might help you make your decision. We did have a resignation from the Zoning Board, it hasn't been officially accepted yet by the City Council, but he anticipates it will be and then they'll look to move forward from there.

Todd Craft, who is the DDA Chair, who is meeting with the DDA right now next door, he just can't do both jobs. He's got so much going on right now and he really appreciates the opportunities that he's had, he's expressed that to me, we've had conversation about it. But considering all that he's involved in in his capacity as DDA President, Chairperson, he's not able to be here like he'd like to be here.

So, with that, he has resigned from the Zoning Board, which will then allow someone to be put in his seat. He is a full-time ZBA member. Also, this evening as you know, Karla Aren is not here this evening, so we have the pleasure of both of our alternates here, which is why we have alternates, so we have a full Board this evening.

Mr. Chair, in light of that, you can certainly do what the Board chooses to do. You could table this item to another meeting, if that's what you so choose to do. You could go ahead and act if you want to, that's up to you, there's several things. You have a current Chairperson and you have a current Vice Chairperson, and you have a current Secretary, if I'm correct.

Chairman Bertin, you are the Chairperson, obviously, I believe that Karla Aren is the Vice-Chairperson and I believe that Mr. Schiffman, you are the Secretary. Again, that's the current slate of officers that serve. You can choose what you want to do along those lines; again, it's up to you. You have a quorum. You certainly can move forward with the item or whatever your pleasure may be.

Chairperson Bertin asked if one of the alternates would become one of the permanent members and Christiansen responded that is up to the City Council. Certainly, if there's interest along those lines expressed by our alternates, that would be certainly something that would be appropriate to request if there's an interest there and that will be moved forward to Council.

Chairperson Bertin then asked if the alternate now does have a vote and Christiansen replied yes, alternates sit as a full-seated member when regular members are not here.

MOTION by Schiffman, supported by Crutcher, to postpone the Election of Officers Agenda Item until a full Board is present.

Motion carried, all ayes.

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APPEAL OF: **Michael Mehall, Applicant/Owner**
23603 Liberty Street
Farmington, MI 48335

- 1. Request for a variance to Sec. 35-93, Lot and Yard Requirements of Article 6, 0 Office and OS Office Service Districts, in order to construct a 24'10" x 8' (along State Street) and 36'4" x 6'2" (along Liberty Street) covered porch. This is a single-family residential home located within the OS, Office Service District, which is a permitted use; however, the current setback along Liberty Street is legal nonconforming at 15' (25' is the minimum front yard setback). The proposed covered porch along Liberty Street would change the setback to 8'10". The request is an 18'10" variance (25' – 16'2" = 18'10") for the setback along Liberty Street.**

Chairperson Bertin introduced this item and turned it over to staff.

Christiansen stated all of you should have received a staff packet for tonight's meeting, with all materials, agenda, minutes, and then the variance request that is before you here this evening. He stated a Notice of Public Hearing was sent as required for tonight's meeting, indicating that the appeal has been requested, these are the property owners listed here that received that Notice; the application submitted by Mr. Mehall, the application included as well his variance request and the covered porch addition and that's described in his application. We also then went through the criteria for the dimensional variance, the setback variance as requested. Attached are also plans and you'll see here this is a pretty good plan showing at least highlighted the area to be added, and that's the covered porch addition. If you look to the bottom of this drawing, that would be the Front street, if you look to the side of the drawing, that is Liberty Street. And you'll see the addition that's proposed, and it's a wrap around covered porch to the existing single-family home. Currently the entrance to the house is along Liberty Street, and you can see that here, the porch. The covered porch then will be on either side of that and wrap around to the front of the house.

The existing home, and this is a plot plan, the existing home and the addition, elevations, this is the front view, if you'd like I can flip these around, it might be a little more helpful but what I wanted to do is get to the rendering and I would certainly let the Petitioner go through this. And this is the single existing family home. And what is shown here is the existing home, and then what is imposed here is the graphic on the photo showing the covered porch addition wrapping around the house. Both on the front street, on State Street, and Liberty Street as well. This is the State Street view, and this is the Liberty Street view. Again, what is not changing is the existing character of the existing single-family residence, we'll consider this Cape Cod, bungalow. So, there is living space up above. The existing home then in the location that it's in, the porch is an addition to it. These are a few examples showing the variety of homes in this neighborhood. It's very diverse, time period, construction, architecture, style, unique characteristics. I think what the Petitioner was attempting to show you here are porches and the various porches that exist for all these various homes. And what's unique and very pleasurable I think here in the City, at least from our perspective here in the City Economic Community Development and what we do daily, is the variety of homes

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and styles and characteristics. And in this case typically what we experience is when there are additions proposed to homes, one of the things that's certainly important to be taken into consideration is that it blends in, that it's in character. And if we go back and we see this style and it's not dissimilar to what you see here in these styles. Again, I'll let the Petitioner speak to that and this is just some additional information, this is a survey from 1940. How about that. I think we had colored film back then, but this is a black and white version. So, this is unique, and the magical history tour is always phenomenal when we see it, the old history of the City. But this is a survey of the downtown area here and along Liberty and State Street and what they looked like back in the 1940's which is pre-war years, so that's pretty amazing. In any event, what's great and about showing this is that these structures, these homes, this construction has stood the test of time. And one of the goals that we have here in our long-range planning and in our Master Planning and everything that we do is maintainability and sustainability, now and into the future. And so the investment and the enhancement when it is done, with architecture and then in consideration of the existing built environment and character, and then blending everything together for that maintainability, sustainability, this is what we see here as another opportunity being presented. This is again the survey, so where the house is at, is where the house is at and I think what they're trying to show you with this is the opportunity for alternatives are somewhat limited because there is the existing construction, the survey, and these were letters provided by the Applicant supporting their request.

If you want, Mr. Chair, I wanted to show you and show everybody here, the Zoning map so you can see what the City has in terms of the OS District so you can see where it's at. This is the City Zoning Map. This map says it's current in what you see and what you see in the orange is Office, and then in the little bit lighter orange, tangerine, is Office Service. And if you look at the CBD, or the Central Business District which is kin of the purplish-blue shade which is Farmington and Grand River, if you look then off to the west a little bit, you'll see the subject property. We can all see where that is at. And why I'm doing this is for you to see what the City has done over time is provided that transition zone, that transition district, which buffers between the Central Business District and the residential homes to the north and to the west in this case. And that's the district that the subject property is located in. I wanted to make sure you could see that.

Chairperson Bertin called the Petitioner to the podium.

Michael Mehall, 23603 Liberty Street, came to the podium. He said basically just to give some additional history is that the house was originally designed to face State. When they looked at the property, they noticed that the width of the property is not conforming to the consistency that was down State Street, so a 48' width. When they were ready to dig the foundation, they decided to rotate the foundation and face it to Liberty. That's why I have a 6' back and 9' in front. So, that in itself is kind of a painful experience when you have children and you're trying to find secure places for them to play because you now have lots on either side. And that's one of the concerns that we have, too, having raised boys prior to our grandchildren we had some experiences on Liberty that we went okay, to not play so close Liberty. What we're trying to do now is we now have ten grandchildren and on a regular basis we watch at least four, or maybe three, one of which is two, and then we have

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another one coming in October, so that will be our eleventh grandchild. So, our concern is security of our grandchildren and having a place for them to play. A porch, a covered porch and especially a porch that would wrap around like it is, would not infringe on the front part of the Liberty side, because it would be consistent with the present dimension of the porch. It would only go across the front and then the main part of the porch would be the area facing State, which obviously has enough variance to it. This would allow us to be able to watch our grandchildren more efficiently, not only that they could play on the porch, an enclosed porch, but also a covered porch but also we could monitor what is happening on the State side, which sometimes because of the configuration of the house, that's a living room, it's difficult to see what's happening over there. And with the 8 and 7 and 6 and 2-year-old it's important to monitor what is going on on a regular basis. So that's one of our main concerns, is safety.

The other is that the existing porch is in a state of disrepair. It was originally put in probably about 15 years ago, it's a brick porch, and the brick is starting the disintegrate and the mortar, especially after I had somebody come in a few years ago and redo the steps, those steps are now – the mortar has turned into sand and so I temporarily glued them in just to wait for the opportunity to replace the porch.

In addition, we are going to be lowering the porch about six inches to enable a step into the house. That will also allow the step to be a little bit farther from the sidewalk, so you'll have more of an entrance and hit sidewalk level before you start the steps going into the porch area.

The other thing is that the existing, now I know we're not supposed to talk about cosmetic things, but I think as we saw the pictures, the existing porch when I put it in was the most beautiful thing that I ever put in. But as I look at it now, looking at what the possibilities are, it is pretty much an eyesore, it doesn't fit the characteristics of the City, it doesn't fit the individual quality of the house. But putting a porch on like I propose and then you see the pictures as I explored the neighborhoods and said, wow, there's a lot of houses in Farmington that have porches, I just designed it so that it was consistent to that look. Especially facing right across from the Library, I think it's important to us to have a house that looks like it conforms to the City. It would have that kind of country, kind of '40s look, and it's important to us to maintain that visual connection to the City and it would blend, and it would also be something appealing to people coming out of the Library so they could truly see what the houses in Farmington look like.

It's important for us, and I think some other historical thing, is that when we decided we had to replace the porch we obviously looked at the cost and the tear-down and rebuild and what the options were. And none of the options really appealed to us until we were walking around the block last summer on Cass and noticed a house on Cass that had a porch and I don't know what the address is but is probably the most impressive house, or one of the most impressive houses on Cass now. They basically did the same thing. So, the precedent is there. They took the existing porch, extended it across, and then did a little bit of a wrap around. Again, the same issues. They had young children and they are looking for a safe way to control the environment.

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And so, seeing that, and having a wife that goes “that is what I want”, we quickly change plans and then did a proposal that you see now.

The porch would have a cement top to minimize the number of repairs that would have to be done at a later time, it would be a wood porch, but it would be a secure porch that would have longevity to it.

Also, we’re looking at the possibility as we get older, the way that it exits to the driveway, we could easily put a ramp in there. Not that we want to do that right away, but as we get older and there might be a need for wheelchair entrance, that would be a valid transitional area.

Bertin stated it looks as though they’re going to use concrete for the entire new porch and put a footing in and Mehall replied yes.

Bertin then asked about the steps and asked if basement storage would be maintained under that area and Mehall replied yes.

Bertin then stated there is usable space that currently exists, and that the Petitioner is just asking to expand it width-wise and Mehall replied yes.

Director Christiansen stated that is a good point and he was going to add on to Mr. Mehall’s comment is that the existing porch is already at that setback, so there is just additional construction in the area that is already at that point. The other thing is back to the Notice, for clarification, the existing home which you can see on the plot plan, the house is at 15. The addition at 6’2” and up to the setback to Liberty Street, so the variance request is not 18’x10”, as shown in the Notice, actually it’s 16’2”. So, you’ve got a 25-foot required and a 16’2” variance requested for an 8’10”, but that includes the existing house. And again, the 6’2” additional, is really an area occupied by part of the construction of the house.

Mehall said and visually there are shrubs in there so you can almost see where the porch would go although the shrubs are out farther than what the porch would go. So, it’s not like we’re adding additional space, we’re must more effectively using it.

Crutcher then stated they’re not adding to the encroachment, just making it longer or wider and the Petitioner responded yes.

MOTION by Pitluk, supported by Schiffman, to move to approve the Request for Variance for Michael Mehall, 23603 Liberty Street, with no conditions.
Motion carried, all ayes.

PUBLIC COMMENT

None heard.

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Director Christiansen then thanked the Board for allowing him to be present at the meeting tonight and discussed training opportunities available for the Board if they would like to participate in them.

ADJOURNMENT

MOTION by Crutcher, seconded by Schiffman, to adjourn the meeting.
Motion carried, all ayes.

The meeting adjourned at 7:34 p.m.

Matt Schiffman, Secretary