

ZONING BOARD OF APPEALS MEETING

Wednesday, August 7, 2024 – 7:00 p.m. City Council Chambers 23600 Liberty Street Farmington, MI 48335

AGENDA

- 1. Roll Call
 - A. Define Participating Members
- 2. Minutes of Previous Meeting of June 12, 2024
- 3. Minutes of Previous Planning Commission Meetings are available for review on our website www.farmgov.com
- 4. Election of Officers
 - A. Chairperson
 - B. Vice Chairperson
 - C. Secretary
- 5. APPEAL OF:

Robert Kull

23917 Whittaker Dr Farmington, MI 48335

1. Owner requests permission for a 7.7' variance of required 50-foot backyard setback to allow 36.6-foot-long combination screened-in porch and 4-seasons room.

Sec 35-73 Lot and Yard Requirements
Residential Buildings

Minimum rear yard setback – 30' (R-1)

- 5. Public Comment
- 6 Adjournment

BOARD OF ZONING APPEALS MINUTES

A regular meeting of the Farmington Board of Zoning Appeals was held on Wednesday, June 12, 2024 in Council Chambers, 23600 Liberty, Farmington, Michigan. Notice of the meeting was posted in compliance with Public Act 1976.

Acting Chairperson Schiffman called the meeting to order at 7:02 p.m.

ROLL CALL

- PRESENT: Aren, Bertin (arrived 7:05 p.m.), Crutcher and Schiffman
- OTHERS PRESENT: Building Official Jeff Bowdell, City Attorney Beth Saarela, Recording Secretary Bonnie Murphy

Minutes of Previous Meeting of August 3, 2022

MOTION by Aren, supported by Crutcher to approve the minutes of August 3, 2022. Motion carried, all ayes.

<u>Minutes of Previous Planning Commission Meetings</u> were received and filed and available for review at www.farmgov.com

<u>Election of Officers</u> postponed until a full complement of Board are present.

APPEAL OF: Kenneth Swartz

33600 Shiawassee

Farmington, MI 48335

Introduction: Acting Chairperson Schiffman introduced this item and turned it over to staff. He then asked the Applicant if they wanted to proceed with their variance request as there were only three members of the Board present or did he want to wait for a full complement of the Board.

Kenneth Swartz stated he'd like to move forward with the variance request.

Schiffman stated that Mr. Swartz in seeking a variance for two sections of the ordinance pursuant to structures (fences), Chapter 13 in a required front yard open space area. Because this is a corner lot (Shiawassee & Hillcrest) it has two front yards with a required set back of 25 feet as shown in Zoning Ordinance Section 35-73.

Further discussion was held.

Motion:

MOTION by Crutcher, supported by Schiffman, to table the variance request of Kenneth Swartz, 33600 Shiawassee, Farmington, to allow the Applicant time to provide the required documents necessary for the Board to consider the variance requests. Motion carried, all ayes.

Public Comment:

The following residents spoke on the issue:

Lynn and Bob Markey, 33605 Hillcrest

Brad Widrick, 33613 Shiawassee

Adjournment:

MOTION by Schiffman, supported by Arens, to adjourn the meeting. Motion carried, all ayes.

The meeting was adjourned at 7:50 p.m.



CITY OF FARMINGTON

Zoning Board of Appeals

Structure. The Zoning Board of Appeals (ZBA) is an appointed five (5) member body regulated by State statute and City ordinance.

Powers. The basic function of the ZBA is to handle any appeals dealing with any City decision, ruling, or orders that deal with the City Zoning Ordinance. The Zoning Board of Appeals has a broad range of powers, as outlined in *Section 35-214 Powers*:

- A. **Appeals.** The ZBA hears and rules on any contested order, requirement, decision or determination made by the building official or any administrative official or body involving the City of Farmington Zoning Ordinance.
- B. **Map Interpretations.** The ZBA will hear and rule on any alleged uncertainty, contradiction, or conflict as to the intended exact physical location of a Zoning District Boundary according to a pre-determined set of standards (see *Section 35-214 B*).
- C. **Text Interpretations**. The ZBA has the power to interpret the regulations established in the City of Farmington Zoning Ordinance.
- D. **Non-Conforming Situations.** The ZBA has the power to rule upon proposed <u>changes</u> to non-conforming uses according to *ARTICLE 17 Non-conforming Uses, Lots, Buildings, Structures and Sites.*
- E. **Height Modifications.** The ZBA has the power to decide upon modification of structure height according to proposed design, setbacks, and potential impact on the character of the project area.
- F. **Variance.** The ZBA has the power to authorize a variance from the strict application of the current Zoning District Designation guidelines for the current Zoning Use, or a variance in the use if a hardship can be proven in each case.

Board Process. The Zoning Board of Appeals is classified as a quasi-judicial body and is required by law to follow previously accepted procedures and fairly evaluate the relevant facts in each specific appeals case. When reviewing a zoning variance, the ZBA must legally demonstrate either a practical difficulty (for property variances), or a hardship (for use variances) in order to approve the variance request.

Meetings. The City of Farmington Zoning Board of Appeals meets on the first Wednesday of each month at 7:00 p.m. Applications must be submitted to the Planning and Building Department located at 33720 W. Nine Mile Road at least twenty-three (23) days prior to the regularly scheduled Zoning Board of Appeals meeting in accordance with the following schedule: Note that if site plans or other associated documents are part of the application, a digital copy must be provided.

Application Submittal Date	Zoning Board of Appeals Meeting Date
December 11, 2023	January 3, 2024
January 15, 2024	February 7, 2024
February 12, 2024	March 6, 2024
March 11, 2024	April 3, 2024
April 8, 2024	May 1, 2024
May 13, 2024	June 5, 2024
June 10, 2024	July 3, 2024
July 15, 2024	August 7, 2024
August 12, 2024	September 4, 2024
September 9, 2024	October 2, 2024
October 14, 2024	November 6, 2024
November 11, 2024	December 4, 2024

Meeting Process. At a ZBA meeting, each case will be called by the Chair and introduced by the petitioner, at which time the Board members can question the petitioner and the City of Farmington staff in an attempt to determine the appropriate ruling. At the time of the meeting, the ZBA has already had the opportunity to review all of the petitioner's plans, photos, and other documentation turned in with the ZBA application. During this section of the meeting, any members of the public who wish to offer a concise comment on the case will be called on by the Chair and are to address the Board, not the petitioner.

Once all of the materials and testimony described above have been collected and heard, the ZBA then considers the matter and makes a ruling. Decisions of the ZBA are final unless the circumstances change meaning the next avenue to pursue would be an appeal through the court system.



CITY OF FARMINGTON

For office us	e only
Date Filed:	
Fee Paid:	

Board of Zoning Appeals Application

1.	Petitioner Name	Robert Kull	
2.	Location of Property		
	Address	23917 Whittaker Dr., Farmington MI 48335	
	Cross Streets	Grand River Dr. and Whittaker Dr.	
3.	ldentification		
	Applicant	Robert Kull	
	Address	23917 Whittaker Dr.	
	City/State/Zip	Farmington, MI 48335	
	Phone 248-808-4	031 Fax 248-476-3660	
	erty (e.g. fee simple, land option, etc.)		
	9 Property Owner	Droporty Owner Foo Simple	
	Property Owner Address City/State/Zip	Robert Kull and Laura Kull 23917 Whittaker Dr. Farmington, MI 48335	
	Phone <u>248-808-4</u>	.931 Fax <u>248-476-3660</u>	
	Preparer of Site Pla	an Peak Design & Drafting	
	Address	2234 Eagling Road	
	City/State/Zip	Riley, MI 48041	
	Phone _810-304-0	0998 Fax	
4.	Property Informati		
	Zoning District	R1-C Area 15,600	
	Width114.49	Depth136.26	
	Current Use Sing	gle Family Residence	

5. Appeal Request

Indicate grounds for appeal & complete additional section, if specified:

	Specific appeal request type (pick one)	Consult Zoning Ordinance Section	Complete Additional Application Section
	APPEALS from any order, requirement, decision or determination made by the Building Official, any administrative official or administrative body where it is alleged that there was an ERROR OR MISINTERPRETATION.	18.04 A.	Section 6.
	MAP INTERPRETATIONS	18.04.B.	Section 6.
	TEXT INTERPRETATIONS	18.04.C.	Section 6.
	NON-CONFORMING SITUATIONS	18.04.D. & Article 17	A STATE OF THE STA
	HEIGHT MODIFICATIONS	18.04 E.	
	VARIANCE from the strict application of the provisions of the Zoning Ordinance; specify type:	18.05 AD.	
		18.05 D.1.	Section 7.
	Use VarianceAccessory Reception Antenna Facilities	18.05 D.2. 18.05 D.3.	Section 8.
	Cellular Towers and Antenna	18.05 D.4.	
	O Fences	18.05 D.5.	
7.	scribe your appeal, in general: 7 foot variance of required 50 foot backyard setback to embination screened-in porch and 4-seasons room.	allow 36.6 foo	ot long
		,	

6. Section 6. Specific criteria for APPEALS and INTERPRETATIONS

The Board of Zoning Appeals is bound by the same rules, procedures, and standards of the Ordinance. The Board of Zoning Appeals should uphold the original decision unless the record clearly shows that the original decision body or official was one of the following:

- a. Arbitrary and capricious; or
- b. Filled to ensure consistency with ordinance standards; or
- c. Made an error, such as relying on false or inaccurate information, or
- d. Constituted an abuse of discretion; or
- e. Was based upon erroneous interpretation of the zoning ordinance or zoning law.

Describe how your appeal meets one of these criteria:				
				,

7. Section 7. Criteria for a DIMENSIONAL (Area) Variance

Please respond to the following statements. The application must meet all criteria in order to obtain a variance.

a. Practical Difficulties. How would the strict compliance with the area, setbacks, frontage, height, bulk, density, or other dimensional and non-use matters create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render the conformity unnecessarily burdensome? Note that the showing of mere inconvenience is insufficient to justify a variance.

The subject is the last lot on the northwest corner of the R1-C zoning district with a wide backyard and is uniquely positioned such that the backyard of the subject lot is shallower than all other R1-C lots by 15 feet. All other R1-C lots are 150' deep and the subject is 137.41', making the subject unique in the City of Farmington and making it practically difficult to comply with the large 50' R1-C setback. The subject is a ranch house and it would be a practical difficulty and cost prohibitive to add a another level to the house. It would also be unnecessarily burdensome to require another level for the addition of a screened in porch and four season room when there is ample space in the backyard that would not impact neighboring lots due to the unique positioning of this compared to the neighboring houses (See Attachment 1).

b. Substantial Justice

How would a variance do substantial justice to the applicant as well as to other property owners in the district?

Due to the unique positioning of the houses and lots, the variance requested will align the subject house on a north-south line consistent with both adjacent homes thus treating the subject similarly as those other homes, and thus fairly and equitably. (See Attachment 1). The subject is uniquely positioned such that its backyard faces the back of the neighboring lot side yards, and the average setback for the subject will remain within the required 50 foot setback. Only 2 other homes in R1-C are middle lots - they are 150' deep. Requiring an additional level for the four season room and screened in porch would increase costs dramatically to the applicant while also increasing the impact to the neighboring lots.

Would a lesser variance than the requested give substantial relief to the applicant and or be more consistent with justice to other properties? If not, please explain why?

No, the new setback would be consistent with west setbacks of both of the homes on the same block.

Further, since there will be no impact to the neighboring lots, requiring the applicant to have a four season room and screened-in porch narrower than 12 feet would only serve to lessen the property value of the home, while creating a less usable, unattractive and awkward space. (See Attachment 1.)

c. **Public Safety and Welfare**. Will the granting of the variance materially impair the intent and purpose of this ordinance or compromise the public safety and welfare?

No, the backyard setback prevents houses and structures from being too close together - since the subject backyard and addition will be facing the back of neighboring side yards, the addition remains as far from the neighboring structures as it would if it strictly complied with the ordinance.

(See Attachment 1.)

to al	division to the north and west was added after the subject home was built. A variance was granted
side	
	illow a home on the lot to the north. When those homes were built, they created the current west
with	alignment. Through lot combinations, this lot became the middle lot between two streets in R1-C
WILIT	less than 150 foot lot depth.
	Safety Hazard or Nuisance. Will the granting of variance or appeal increas hazard of fire or otherwise endanger public safety or create a public nuisance?
No,	since the subject backyard and addition will be facing the back of neighboring side yards, the
add	lition remains as far from the neighboring structures as it would if it strictly complied with the
ordi	inance. (See Attachment 1.)
gra	inting the variance relate harmoniously in a physical and economic sense wit
gra adja Yes whi	inting the variance relate harmoniously in a physical and economic sense wit acent land uses while not altering the essential character of the neighborhood? s, the new setback would be consistent with west setbacks of both of the homes on the same block ich are to the north and south of the subject and granting this request will only make the setbacks
gra adja Yes whi	anting the variance relate harmoniously in a physical and economic sense wit acent land uses while not altering the essential character of the neighborhood? s, the new setback would be consistent with west setbacks of both of the homes on the same block ich are to the north and south of the subject and granting this request will only make the setbacks are consistent. The four season room and screened-in porch will faces the side yard of the
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gra adja Yes whi mo neigh	s, the new setback would be consistent with west setbacks of both of the homes on the same block ich are to the north and south of the subject and granting this request will only make the setbacks are consistent. The four season room and screened-in porch will faces the side yard of the highboring lot to the west, toward the rear of that side yard, and this will have no impact on the
gra adja Yes whi mo neightor pro Mir neconeco	anting the variance relate harmoniously in a physical and economic sense with accent land uses while not altering the essential character of the neighborhood? In the new setback would be consistent with west setbacks of both of the homes on the same block in the north and south of the subject and granting this request will only make the setbacks one consistent. The four season room and screened-in porch will faces the side yard of the lighboring lot to the west, toward the rear of that side yard, and this will have no impact on the operties to the north or south. Inimum Variance Necessary. Is the variance requested the minimum amount cessary to permit reasonable use of the land? Explain, provide specific figures
gra adja Yes whi mo neight pro Mir necessary	anting the variance relate harmoniously in a physical and economic sense with acent land uses while not altering the essential character of the neighborhood? In the new setback would be consistent with west setbacks of both of the homes on the same block in the north and south of the subject and granting this request will only make the setbacks one consistent. The four season room and screened-in porch will faces the side yard of the highboring lot to the west, toward the rear of that side yard, and this will have no impact on the experties to the north or south. Inimum Variance Necessary. Is the variance requested the minimum amount cessary to permit reasonable use of the land? Explain, provide specific figures cessary.

8.	Section 8. Criteria for a USE Variance
	Please respond to the following criteria. The application must meet all of the statements

in order to obtain the use variance.

a.	Unreasonable Current Zoning Designation. Describe how the property cannot be reasonably used for any purpose permitted in the zoning district without the variance. There must be financial proof of inability to realize any return.
b.	Unique Circumstances. Describe the unique circumstances peculiar to the property that exist which are not generally applicable in the area or to other properties in the same zoning district. Please describe features that make impossible to earn a reasonable return without some adjustment.
C.	Not Self-Created. Have the special conditions and circumstances relating to the variance request resulted from the actions of the applicant or the applicant's predecessors or are they self-created?
d.	Capacity of Roads, Infrastructure and Public Services. Will the capacity and operations of public streets and other facilities be compromised?

necessary to permit reasonable use of the land? Explain, provide specific figures if		Э.	Character of Neighborhood. We character of the area? Explain.	Vill the	variance	, if grant	ed, alter	the	essential
necessary to permit reasonable use of the land? Explain, provide specific figures if	necessary to permit reasonable use of the land? Explain, provide specific figures if								
		f.	necessary to permit reasonable us						

арр	order to start the review process the applicant must submit a complete olication. The following checklist includes all documents required for the ning official to declare the application complete and begin the review process:
	A. Application, Fees and Copies. Complete the preceding application form, as directed, and sign and date the application in the blanks provided below. Deliver this form, the filing fee, 9 sets of drawings or prints, and one each of any letters, maps, photographs or supplementary information to the City of Farmington Building Department. The City will require 14 days to process the completed application.
	B. A completed Elevation Plan. For any applicant requesting a variance when a structure, fence, sign, remodeling, addition and/or any construction will be above grade, the following information must be included on plans drawn to a scale of at least ½" to 1" on a sheet or sheets that are at least 24" x 18":
	The elevations of all proposed new structures including all portions above grade level
	The elevations for the entire structure of any building to be added to or remodeled including all portions above grade level
	All doors, windows, roof lines, outdoor mechanical equipment, chimneys, porches, overhangs, signs, fences and other structural or permanent components of the building(s)
	of the complete legal description of the property and proof of property ownership ccompany this application.
1, <u>Po</u>	(applicant), do hereby swear that the above
7	1ts are true. 6/28/24 /////////////////////////////////
Signature	of Applicant Date Signature of Property Owner Date
City of Fa	(property owner), hereby give permission for armington officials, staff, and consultants to go on the project property for purposes of information provided on the submitted application.
Zoning	Board Appeal or Interpretation: ———————————————————————————————————
Approve	ed/Denied:
By/2nd:	:
Conditio	ons of Approval:

Section 9. Completing the BZA Application

9.

23917 Whittaker Variance Application ATTACHMENT A – KULL



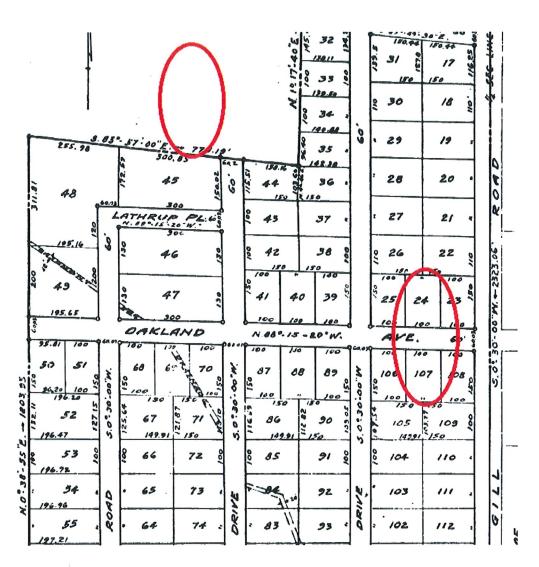


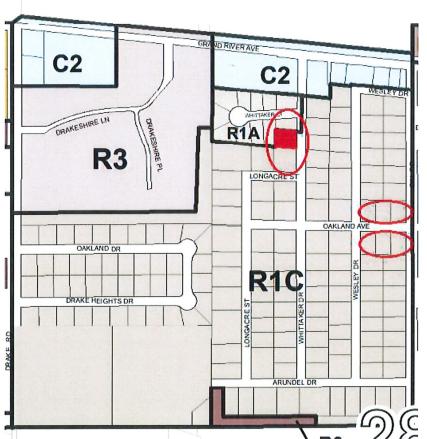


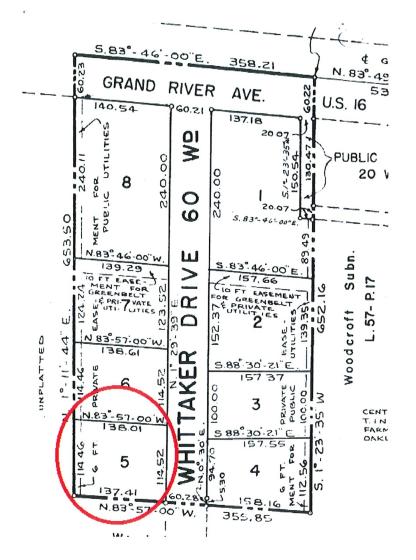


Setback	Length in		
in Feet	Feet		Total
54.2		28	1517.6
42.3		36.6	1548.18
73.4		14	1027.6
169.9		78.6	4093.38

Total: 169.9 Average: 52.07863







17416 Wyoming, Detroit Michigan 48221, UN: 4-1065 or UN: 440760

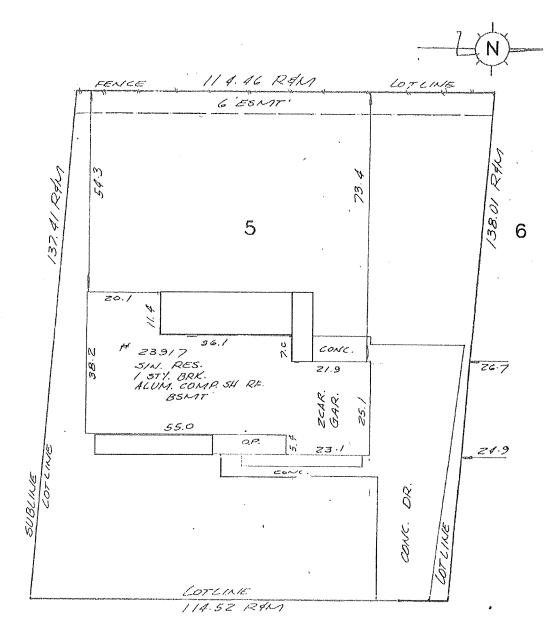
DETROIT 31. MICHIGAN

PURCHASER;

CHARLES D. MONROE

LEGAL DESCRIPTION:

Lot 5, of "VALLEYHILL SUBDIVISION" Rec'd. L. 100, P. 6 Plats, O.C.R. (City of Farmington)



WHITTAKER DR. 60' WD

SCALE

1: 20

We certify that we have surveyed the properly heroin described, first there is located entirely thereon as shown a building and improvements, photographs of which were taken and of which prints appear attached hereto; and that said building and improvements are within the property lines and that there are no existing encroachments upon the lands described, except as otherwise noted.

8-10-78

DATE

NOTE: This survey is for mortgoge purposes only, no property corners were set, and it is not to be used for the erection of fences or any type of construction.

MORRIS LEVINE & Associates, Onc.

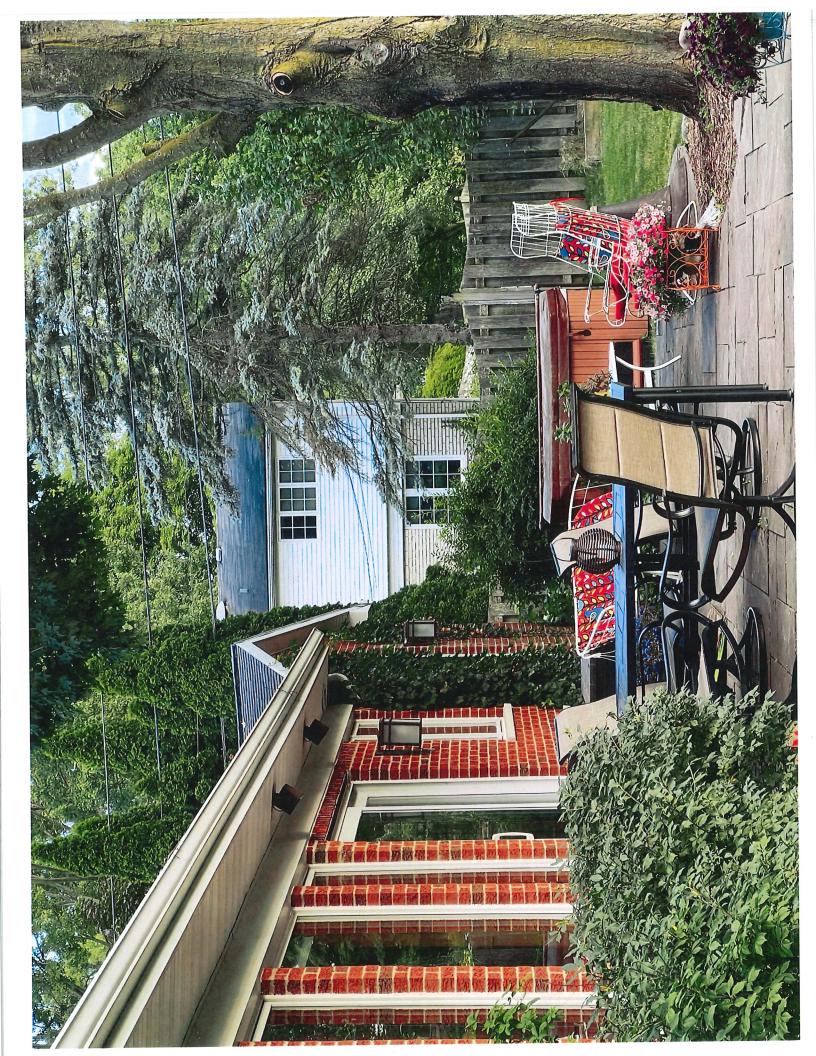
SURVEY NO.

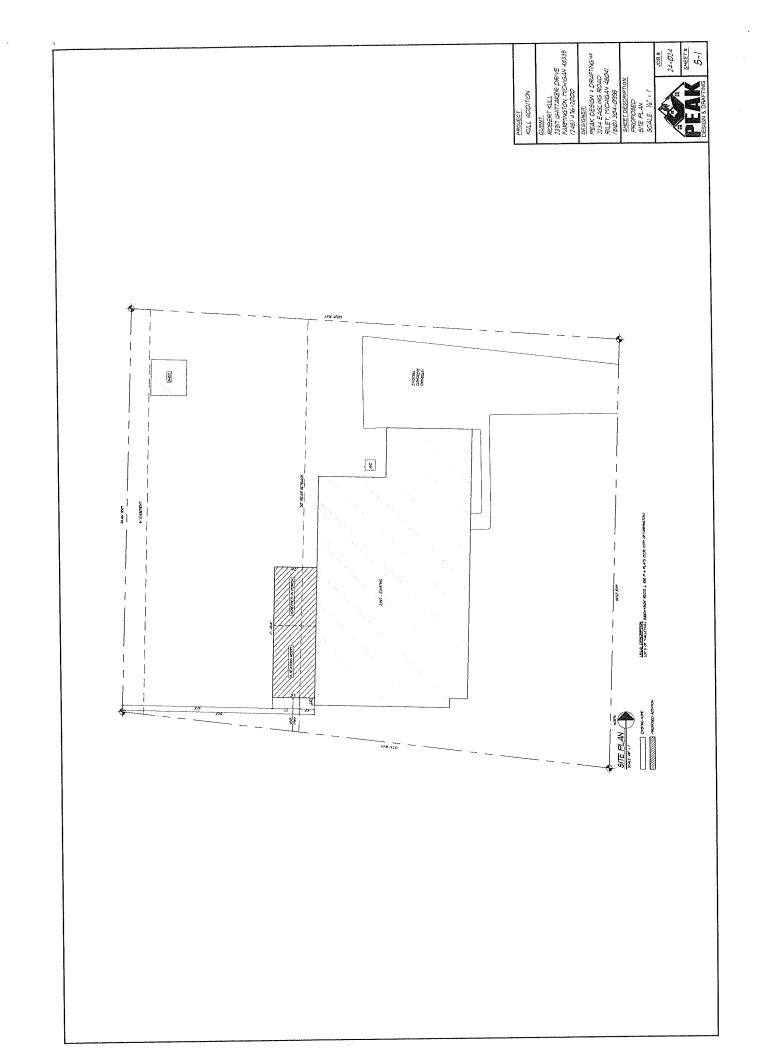
CIVIL ENGINEERS & LAND SURVEYORS

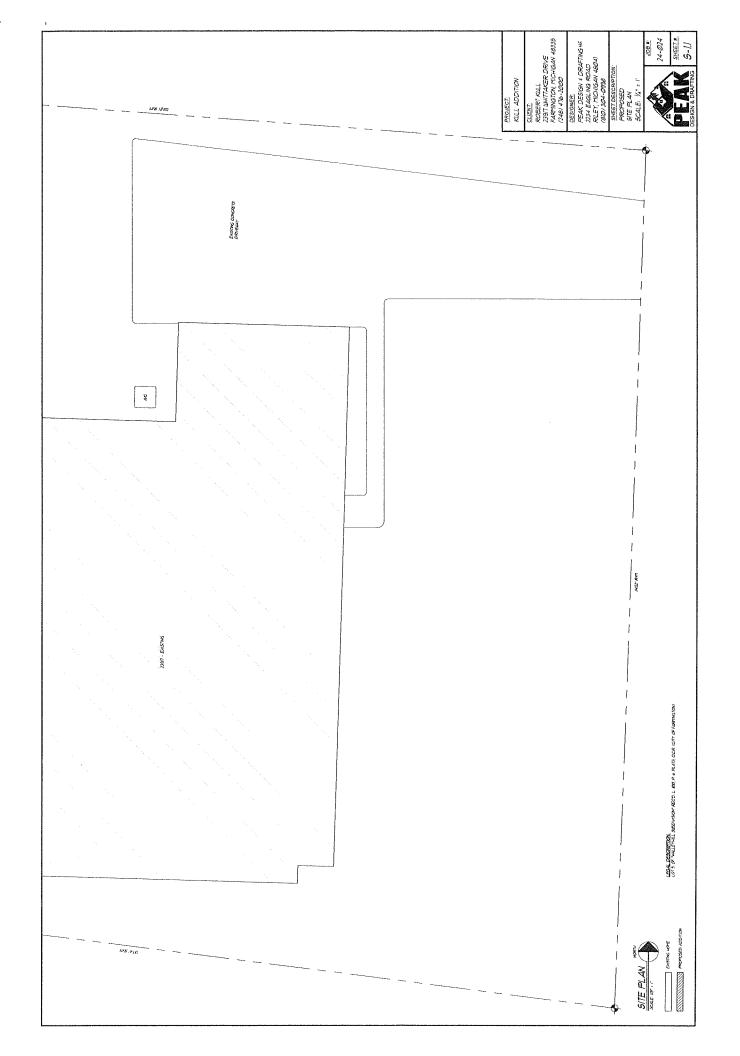
17416-18 WYOMING AVE. DETROIT, MICHIGAN 48221 UN. 4-6300 - UN. 4-0761 - UN. 4-1065

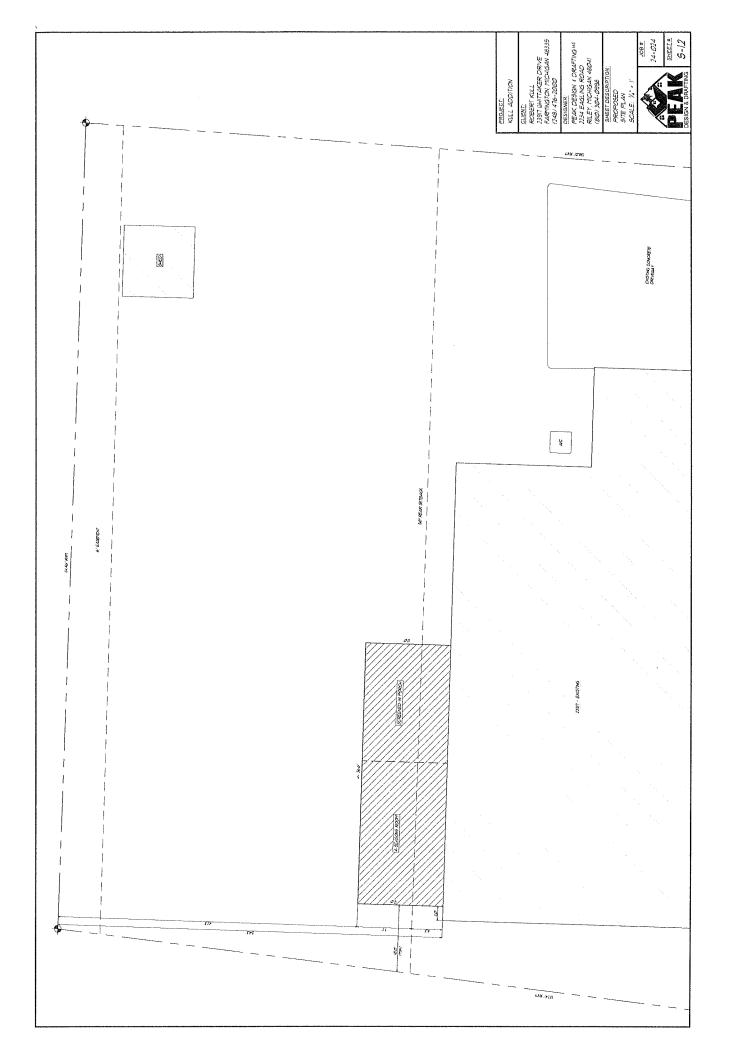
BY: P. E. & R. I. S. MICH. NO. 11076

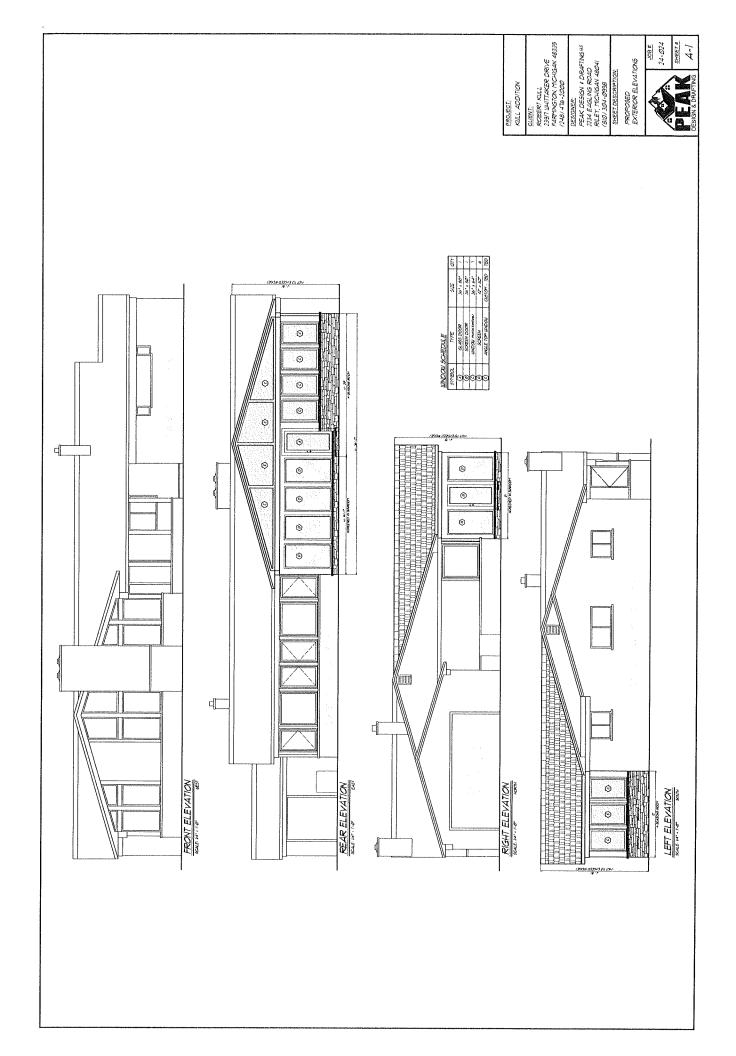
128340











City of Farmington

33720 W. Nine Mile Road Farmington, MI 48335

Ph: (248) 473-7250

Fax: 2484737279

KULL, ROBERT

23917 WHITTAKER DR

FARMINGTON, MI 48335-3370

Pay by Account In Full TOTAL AMOUNT DUE

\$ 250.00

Pay by Invoice Code

Type

Record No. Invoice No.

Address

Amount Due \$ 250.00

KULL, ROBERT 00035177

ZBA - RESIDENTIAL

Effective Date:

07/10/2024

Fee Detail: 1.00

Amount Cost: \$0.00

Total Amount Due

\$ 250.00

PAID JUL 112024

www.farmgov.com

The City of Founded 1824

FARMINGTON

Public Works Department

Telephone 248-473-7250 Fax 248-473-7279 farmingtonpw@farmgov.com

33720 West Nine Mile Road Farmington, Michigan 48335

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals for the City of Farmington will meet at 7:00 p.m. on Wednesday, August 7, 2024, in the Council Chambers, 23600 Liberty, Farmington, Michigan in accordance with Article XVIII of the Farmington City Code. All property owners within 300 feet of the site in question are notified.

LOCATION: 23917 Whittaker

SIDWELL: 20-23-28-126-007

ZONING: R1, Single Family Residential

APPLICANT: Robert Kull

OWNER: Robert & Laura Kull

APPEAL: Owner requests permission for:

1. A 7.7'variance of required 50-foot backyard setback to allow 36.6-foot-long combination screened-in porch and 4-seasons room.

Sec 35-73 Lot and Yard Requirements

Residential Buildings

1. Minimum rear yard setback – 30' (R-1)

Jeffrey Bowdell, Building Official

Publish: July 23rd, 2024, in the Oakland Press

Mail: July 23rd, 2024

MATTHEW MUSCAT 34771 WHITTAKER CT FARMINGTON MI 48335 3359 LAWRENCE M NATHAN BARBARA K NATHAN 23927 WESLEY DR FARMINGTON MI 48335 3356 ADAM CLINE 23892 WHITTAKER DR FARMINGTON MI 48335 3367

MARK PHELPS BRENDA PHELPS 34801 WHITTAKER CT FARMINGTON MI 48335 3360 HOEG LIVING TRUST 23914 WHITTAKER DR FARMINGTON MI 48335 3369 JOHN T BUCK NANCY L BUCK 23867 WESLEY DR FARMINGTON MI 48335 3354

ROBERT KULL LAURA KULL 23917 WHITTAKER DR FARMINGTON MI 48335 3370 BRIAN J KING JEANNE M KING 23887 WESLEY DR FARMINGTON MI 48335 3354 JOHN L LABURN 23841 LONGACRE ST FARMINGTON MI 48335 3327

LOCKSLY WALLACE YOLAN MORRIS-WALLACE 23960 WHITTAKER DR FARMINGTON MI 48335 3369 NANCY L BUCK 23867 WESLEY ST FARMINGTON MI 48335 3354 NICHOLAS PAYNE MELANIE CHAMBERLAIN 23900 LONGACRE ST FARMINGTON MI 48335 3328

LA MARSA PROPERTIES AMF. LLC 24283 MIDDLEBELT RD FARMINGTON HILLS MI 48336 2132 BRUCE BLAKELEY TRINA L BLAKELEY 23947 WESLEY DR FARMINGTON MI 48335 3356 J THOMAS BUCK KAREN D BUCK 23848 WHITTAKER DR FARMINGTON MI 48335 3367

WORLD WIDE CENTER LLC, REFERENCE # 7499 MIDDLEBELT RD WEST BLOOMFIELD MI 48322 4136 DONNA C DAMNJANOVIC ALLEN ATTEE 23965 WHITTAKER DR FARMINGTON MI 48335 3371 MICHAEL J FORD SHEILA G FORD 34800 WHITTAKER CT FARMINGTON MI 48335 3358

MATTHEW J EVANGELISTA SARAH F EVANGELISTA 34710 WHITTAKER CT FARMINGTON MI 48335 3357 POLLY A SINCLAIR JAMES P DUNN 2622 OAKVIEW DR WOLVERINE LAKE MI 48390 2050

CURT F KATSIS MELISSA M KATSIS 34770 WHITTAKER CT FARMINGTON HILLS MI 48335 3357

DILLON PUTRUS 23941 WHITTAKER DR FARMINGTON MI 48335 3370 MARIANNE E NEDROSCIK 23875 LONGACRE ST FARMINGTON MI 48335 3327 SCHUBERT C. JOHNSON JR. REVOCABLE 34711 WHITTAKER CT FARMINGTON MI 48335 3359

JASON CRAGER JENNIFER CRAGER 23967 WESLEY DR FARMINGTON MI 48335 3356 DERRICK DEAN STEELE ROBYN LOVE STEELE 23907 WESLEY DR FARMINGTON MI 48335 3356 ALEXANDER JOHNSON JR 23846 LONGACRE ST FARMINGTON MI 48335 3326

ROBERT W DOYLE SARA E DOYLE 34740 WHITTAKER CT FARMINGTON MI 48335 3357 ROBERT B HANLEY SUSAN M HANLEY 23871 LONGACRE ST FARMINGTON MI 48335 3327 MATTHEW D CLARK KELLY E CLARK 34741 WHITTAKER CT FARMINGTON MI 48335 3359 ELLIS REVOCABLE TRUST 23936 WHITTAKER DR FARMINGTON MI 48335 3369