

BOARD OF ZONING APPEALS MINUTES

A regular meeting of the Farmington Board of Zoning Appeals was held on Wednesday, May 3, 2017 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 7:00 p.m.

ROLL CALL

PRESENT: Aren, Bertin, Crutcher, Gallagher, Schiffman

ABSENT: Craft

A quorum of Commissioners were present.

CITY OFFICIALS PRESENT: Director Koncsol

APPROVAL OF AGENDA

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

Motion carried, all ayes.

MINUTES OF PREVIOUS MEETING OF AUGUST 3, 2016

Chairperson Bertin indicated there was an error in the meeting minutes of August 3, 2016 and asked that they be approved as amended.

MOTION by Crutcher, supported by Gallagher, to approve the minutes of August 3, 2016 as amended.

Motion carried, all ayes.

MINUTES OF PREVIOUS PLANNING COMMISSION MEETINGS

The minutes of the August 8, 2016, September 12, 2016, November 14, 2016, December 12, 2016, January 9, 2017, February 13, 2017 and March 13, 2017 Planning Commission Meeting were received and filed.

ELECTION OF OFFICERS

Chairperson Bertin suggested that the existing officers remain in place for the remainder of the year.

MOTION by Crutcher, supported by Gallagher, to retain the current officers for the remainder of 2017.

Motion carried, all ayes.

2017 SLATE OF OFFICERS - ZONING BOARD OF APPEALS

Chairperson – Paul Bertin
Vice-Chair – Karla Aren

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Secretary – James Gallagher

APPEAL OF: **Artemio Sessions, Applicant**
2097 Hidden Meadows, Unit D
Walled Lake, MI 48390

Helena Gates, Owner
33702 Oakland Avenue
Farmington, MI 48335

1. Request for variance to Sec. 35-44(B), Accessory Buildings and Structures – Residential Districts, to construct a 20' x 28' detached garage in the west side yard of the property. Detached accessory buildings are required to be built in the rear yard of the property behind the rear building line of the house. This property has a tiny rear yard and a detached garage would not be possible without this variance.

Chairperson Bertin stated that he did not see any correspondence either supporting or objecting to the variance.

Building Inspector Koncsol stated there were two letters of approval and one letter of objection received on this item.

Chairperson Bertin stated that they had received a letter from Judith Camphere, 23701 Cass, Donald Wingard, 33718 Oakland, and Cheryl Honoway, 33619 Oakland Street.

Gallagher questioned Koncsol if the building itself aside from the dimensions and where it's supposed to be, meets every other building zoning code applicable and Koncsol responded in the affirmative, stating with it being an accessory building gives it more flexibility.

Crutcher asked if there had ever been a garage there before and Koncsol responded not since he has been with the City, despite there being a pad there.

Chairperson Bertin asked for clarification of the old surveys they had been provided and if there was a lot split on this property or a right of way for an alley and Koncsol responded those had been vacated.

The applicants were invited to the podium.

Doug Gates, 33702 Oakland Avenue, stated that he is the new homeowner of this property and indicated that he would like to put a garage on the property but there is probably only 10 feet of backyard on the triangle shaped lot and that the only alternative was to build the structure on either side of the home and that it made more sense to put the garage where the pad is already.

Artemio Sessions, the contractor for the project, stated he had met with the City to discuss zoning and setback issues for the proposed structure. He indicated that

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they could not put the garage in the back yard as it has to be five feet from the back lot line and the size of the lot doesn't afford that opportunity, so they are proposing to put it on the side lot where the pad is located with a three foot setback and a firewall, with everything being up to code.

Chairperson Bertin asked if anyone in the audience wanted to speak on the issue.

Donald Wingard, 33718 Oakland, stated he is the next door neighbor and also owns the vacant lot next to the concrete pad. He said he was under the impression that the side yard setback is 6 feet, not three, and that when the slab was poured, there was no survey involved, and that it was used for parking. He suggested that the garage could be built as far to the rear on the side as possible and that the red shed can be attached or eliminated and if the building is attached to the house by a breezeway, the side yard setback would no longer be an issue. He stated Oakland Avenue is a very nice looking street and suggested that perhaps an architect get involved in the project to enhance it.

Aaron Phillips, 33709 Oakland, welcomed their new neighbors and stated his background is in construction and sustainable design. One of the reasons that they all love Farmington is the historical esthetics and as good citizens maintaining them. He indicated that he is of the opinion that everyone needs a garage but parameters need to be put in place, he has not seen the renderings but would hope they match the esthetics of the home, colors, roof pitch, etc. Another component he is concerned with is front setback as well as side yard and back yard setbacks. He suggested pulling the front face of the garage so that it is in line with the front face of the home giving it a more linear look and stated he hoped the Board would consider refinements of drawings.

John Williams, 33714 Macomb, new resident, stated he and his wife moved to Farmington because of the esthetics and historic nature of the downtown and stated his concerns about the size of the proposed structure and it being on the front part of the property and hoped the esthetics would match those of the 1920 homes in the District.

Tim Miller, 33615 Oakland, stated 18 years ago he was in the same situation as the Gates are and suggested that when you go down Oakland you see the beauty of the homes and indicated if the garage was pulled forward it might ruin the esthetics of their home and of the street and suggested it be moved back more in the side yard.

Asta Jurgutis, 33729 Oakland, stated that she hoped that the garage would be built to fit the esthetics of the street.

Artemio Sessions returned to the podium and stated they took into consideration the esthetics of the neighborhood, that the structure's roof will match the pitch of the roof, siding will match, everything will all match the neighborhood so it blends in, that they are not trying to do something different but that it looks like it belongs there.

The floor was opened up for questions from the Commissioners.

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Gallagher asked Sessions if they had looked into any technical difficulties in setting the building further back on the lot and were there any issues prohibiting that at all and Sessions replied there were no difficulties but in doing so there is a jog in the property line that would make the setback 7 or 8 feet because of the jog.

Crutcher asked if there was a reason for keeping the shed and Gates replied the shed could go, that the bigger garage could replace what is stored in the shed and eliminate its need.

Bertin asked why they didn't consider a little more of the visual character of the house in terms of the shape of the roof rather than what they proposed.

Helena Gates, 33702 Oakland, came to the podium and stated that the renderings do not reflect what their intent was in the structure, that they were trying to mimic the pitch and the windows on the next door neighbor's home and felt that the gable might be more esthetically appealing to look at but that they could change the plans.

Bertin stated that not enough detail was included in the plans presented to the Board and that the feel of the street is not reflected and that currently there isn't enough detail in the drawings for them to approve it.

Crutcher asked if there were any other guidelines they need to adhere to other than the dimensional variance requested and Konscol responded they are not under any other purviews but that esthetics could be tied into any approval that the Board wished to grant.

Further discussion was held regarding the various options that the Petitioner could utilize to change the plans and make it more appealing for all of those concerned.

Shiffman stated that he had done a site visit and stated that if the garage was moved all the way back and closer to the house, that would take away any private area that may have existed in the backyard. He then asked Konscol if they did change the gable look extending it by 28 feet, what type of height issue would it create and Konscol said it would fall within the parameters of the zoning ordinance.

Chairperson Bertin stated that he would like to see the matter tabled to allow the Petitioner to come back with better site plans and renderings and to take into consideration the comments of the Commissioners as well as neighbors before they come back before the Board requesting their variance.

Tim Miller, 33625 Oakland, stated there is a precedence for the gables and suggested that they come out to look at his house which is diagonal from the Petitioner.

Gallagher stated that any investment in the community is welcome and reminded fellow Board members that it is not within their purview to decide on esthetics, but rather strictly up or down on the plans placed before them.

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The Petitioner stated he is willing to work with the Board but he also has a budget that he has to stay within.

Crutcher stated that a thorough study of the site plan would be very helpful going forward and Bertin said consulting with an architect may also be beneficial in moving this along.

MOTION by Crutcher, supported by Aren, to move to table the request for variance of Helena Gates, 33702 Oakland, to allow them more time to come back with a more descriptive site plan and renderings of the proposed structure.

Motion carried, all ayes.

PUBLIC COMMENT

None heard.

ADJOURNMENT

MOTION by Gallagher, seconded by Aren, to adjourn the meeting.

Motion carried, all ayes.

The meeting adjourned at 7:50 p.m.

John D. Koncsol, Building Inspector