

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.**

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

Election of Officers 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.

Building Official Bowdell confirmed that the Petitioner would like to proceed without a full board and he indicated he would.

(Chair Paul Bertin arrived at 7:05 p.m. and the gavel was passed from Schiffman to Bertin.)

The Petitioner was invited to the podium to present the case.

Case Presentation: Jason Armbruster, Great Oaks, representing the Applicant, came to the podium stating they are seeking variances on the front yard open space ordinance as well as front yard minimal front yard setback. The residence is located on a corner lot, so there are two setbacks they are seeking relief from. They are seeking to install a 36-inch tall fence in what the Swartz's consider their front yard as their home is set on a corner lot and because of where the house is located on this specific piece of property, there is limited space in the side and rear yards which happens to have several mature trees, limiting any potential space for their dogs. The reason the Swartz's came to them to install the fence is they wanted a company that would be able by the City Ordinances, if possible, provide safety for the family animals. The fence itself is not being installed to contain the dogs, there is already an electric fence on the property which is containing their animals. However, it came to their attention that several neighbors have been startled and possibly afraid to walk past their house knowing that their dog might be in their yard. The dog is a gentle dog but it does have a little rough bark which could come off as threatening. This is more to act as a visual barrier for the public in order to increase the perceived safety for the benefit and welfare of the community. We also want to note there is no public sidewalk along Hillcrest Road. We are attempting to install the fence approximately 10-feet away from the edge of Hillcrest. The fence is not for privacy by any means, but will provide a barrier tall enough to give the public walking by comfort knowing that the dog is in an area. The area surrounding the fence will be landscaped with trees, shrubs and perennials to provide minimal impact to the surrounding neighborhood. Several neighbors have already approached our clients on the project and others are in attendance at the meeting tonight.

The floor was opened up for questions from the Board and discussion was held regarding material of the fence and where the property line is located.

The Applicant stated that he did not get an engineering survey for the property.

Building Official Bowdell indicated that it must be inside the property line and if we don't know where the property line is then we can't proceed.

Bertin stated until that information is required before the Board can consider their request.

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.

Respectfully submitted,

Matthew Schiffman, Secretary