

BOARD OF ZONING APPEALS MINUTES

A regular meeting of the Farmington Board of Zoning Appeals was held on Wednesday, December 3, 2008, in Council Chambers, 23600 Liberty Street, Farmington, Michigan. Notice of the meeting was posted in compliance with Public Act 1976.

Chairperson Buyers called the meeting to order at 7:00 p.m.

ROLL CALL

PRESENT: Bennett, Buyers, Christiansen, Knol, Majoros.

ABSENT: None.

CITY OFFICIALS PRESENT: Building Inspector Koncek, Recording Secretary Pohto.

Minutes of Previous Meetings

Motion by Bennett, supported by Majoros, to approve the minutes of the previous meeting of November 5, 2008. Motion carried, all ayes.

Motion by Christiansen, supported by Knol, to receive and file the minutes of the Planning Commission meetings of October 13, 2008. Motion carried, all ayes.

APPEAL OF: Robert Orstadius
32230 W. Nine Mile Rd.
Farmington, MI 48336

Chairperson Buyers stated the petitioner was requesting a variance to Sec. 35-38(b)(2) to allow for the parking and storage of a utility trailer along the east side of the home. It was noted that this side of the property also serves as a front yard since it opens up to Brookdale.

Mr. Orstadius handed out pictures and material describing his property stating the trailer is 97' from the front road and 190' from Brookdale Road with an elevation difference of almost 5' from the front of the house. He requested the trailer temporarily remain in its present location in order to be less of an eye sore to his neighbors.

Mr. Christiansen reviewed the pros and cons regarding the trailer's present location asking Mr. Koncek as to the amount of time allowed to park in its present location.

Mr. Koncek replied a couple of years.

Mr. Christiansen asked Mr. Koncek and Chairperson Buyers about complaints. Mr. Koncek replied he was unaware of any complaints.

BOARD OF ZONING APPEALS MINUTES -2-

Chairperson Buyers responded he had received two brief letters and read the first from Frances Piscopink, 22433 Brookdale Road, stating she had no problem with the trailer's present location and the second from Pat & Mary Gallagher, 22594 Brookdale Road, also having no complaint.

Mr. Christiansen then noted the City hadn't received a complaint or rejection to the request made by the proponent.

Mr. Orstadius pointed out his neighbor Fred in attendance stating he would be looking at the trailer if it were moved to his backyard noting it isn't a problem now.

Mr. Christiansen reviewed the request with Mr. Koncsol suggesting the variance should reflect the tie between this specific trailer and owner for a pre-determined time period.

Mr. Bennett commented this is a front yard description and not a side yard description explaining a side yard description would be legal. Mr. Koncsol concurred with Mr. Bennett.

Mr. Orstadius discussed his lot angle and how the fence line impacts it stating if he were to sell a 1' foot strip to his neighbor the Ordinance problem would no longer exist.

Mr. Orstadius commented the amount of time needed to remain on his lot may be as short as 1 month and as long as 3 years before this specific trailer will move understanding that a new trailer would be parked behind the house.

In response to a question by Mr. Bennett, Mr. Koncsol responded there are no screening provisions addressed by Ordinance, but special conditions can be attached by the Board of Zoning Appeals.

Mr. Orstadius expressed frustration regarding screening. Mr. Bennett noted in a previous conversation with Mr. Koncsol trees and fencing had been addressed. He commented fence height was restricted by Ordinance and would not be helpful in this situation.

Mr. Bennett explained screening only serves to offset negativity brought about by the trailer.

Chairperson Buyers reviewed Mr. Orstadius' request stating his concerns regarding the community as a whole. He stated from a visibility standpoint the trailer is an eyesore to residents in the Brookdale and Nine Mile Road community. He concurred with Mr. Christiansen on the valid points made regarding the distance to Brookdale Road and the trees screening the trailer.

BOARD OF ZONING APPEALS MINUTES -3-

Chairperson Buyers suggested they motivate the petitioner to comply in a shorter period of time and not the suggested 3 year deadline requested.

Mr. Bennett stated his concern for setting precedence while accommodating Mr. Orstadius' request. He suggested the proponent tie into the existing fence making the trailer's additional 2 feet past the fence height less offensive.

Mr. Orstadius commented his neighbors would be unhappy with the eyesore the trailer would become if it were placed behind his home. He continued many neighborhood trailers are visibly parked following code and located 35' from the road.

Mr. Orstadius stated his son is planning to move and the trailer will go with him making this discussion mute.

Mayor Knol asked Mr. Bennett his thoughts regarding screening, commenting arborvitae or pine trees may be a less expensive and less intrusive alternative. Mr. Bennett stated he would consider this type of screening. He further explained City Ordinances are in place to protect the sanctity of the front of the house stating it is impossible to protect against view. He commented though this may be expensive he would be in favor of a fence because this is a front yard.

Mr. Orstadius noted if his trailer were placed behind the house this would increase visibility. Mr. Bennett concurred. Mr. Orstadius commented another trailer in the neighborhood was obviously more visible than his trailer due to it's proximity to the road. He then stated his trailer is 210' from the corner, 190' or more from Brookdale Road and 97' from West Nine Mile Road.

Mayor Knol stated City Council is revisiting an Ordinance pertaining to recreational vehicles. She continued Council will look into taking lot size into consideration when addressing code mandates regarding recreational vehicles parked on private property. She commented similarly a trailer on a small lot is more obtrusive to the surrounding neighbors than a trailer in a side yard on a very large lot.

Knol expressed concern over trailers in the neighborhood noting how they impact neighboring properties in different ways.

Mr. Bennett explained possible solutions to Mr. Orstadius' dilemma noting a temporary permit was not a solution. He continued noting a fence would be preferable screening in his opinion.

Chairperson Buyers disagreed stating fences call attention to themselves.

Mayor Knol suggested arborvitaes or pine trees as alternative screening.

BOARD OF ZONING APPEALS MINUTES -4-

Chairperson Buyers asked Mr. Orstadius if he would consider planting vegetation around the cement slab as a screen. He continued noting a grace period could be considered in order to allow the proponent to plant after the ground thaws.

Mr. Orstadius stated he is not sure if the plants would grow in the required area due to lack of light and wet soil conditions.

Chairperson Buyers asked Mr. Koncsol what regulations are applied to fencing located inside the property and not on easements or property lines. Mr. Koncsol stated no limitations are required regarding foliage or plants but if the trailer were back along his angled lot line a six foot fence could be applied but if it remains on the side of the house the fence height would be limited to four feet.

Chairperson Buyers stated his disapproval over adding a fence. He commented if Mr. Orstadius were to sell this property the new fence would invite the new home owner to store additional stuff or cost him to remove it. He continued this wasn't a viable or attractive option. Buyers expressed he was in favor of planting vegetation in May understanding there may be a risk due to the shady and wet conditions.

Mayor Knol concurred with Chairperson Buyers stating with Mr. Koncsol or Mr. Gushman's help a proposal for landscaping could be drafted allowing the proponent to either plant in May by the trailer or consider planting as a screen by the current fence near Brookdale Road.

Chairperson Buyers asked for Mr. Bennett's thoughts on a motion.

Mr. Bennett felt his motion may not agree with the Board therefore he would ask another member to propose a motion.

Motion by Christiansen, supported by Bennett, to grant the variance as requested for the property at 32230 W. 9 Mile Rd., petitioner Robert Orstadius, the request for a variance in section 35-38(b)(2) to allow for the parking and storage of the utility trailer along the east side of the home on the basis the petitioner has established compliance to the strict letter of the Ordinance would unreasonably prevent the use of his property and being an unnecessary burden because he has a unique circumstance with respect to the rear yard's elevation; the direct adjacency of homes to the rear and that parking the trailer in the rear would be an obtrusive or negative impact in the rear yard on adjacent property owners; because the petitioner has established this unique circumstance regarding this subject property the petitioner has established that the need for this variance is not self created that although there is an alternative to comply with the Ordinance the side yard location again is a better alternative than placing it in the rear yard based upon the configuration of the property and that the side yard location itself as shown in the plans submitted; the

BOARD OF ZONING APPEALS MINUTES -5-

sketch plan and in the pictures is of such a distance from the adjacent side street that it is not negative or obtrusive to that side yard and also a unique circumstance being that this is a corner lot so that the petitioner has that unique circumstance to have to address as well. The petitioner has established that the proposed use will not interfere with public safety and welfare; it's not inconsistent because there are other trailers that are parked through out the neighborhood and in the area. The petitioner has established the use would relate harmoniously in a physical and economic sense with adjacent properties again because the side yard location is much less impacting on adjacent properties and as discussed by the Board and upon conditional screening would be in better harmony than other trailers in the area because it will be screened. The petitioner has established that the proposed use does represent the minimum variance necessary. The petitioner has established that even with a grant of a variance the spirit of the Ordinance will be observed; public safety secured and substantial justice will be done on the condition that this variance is specific to this trailer, a 1992 Haulmark; 24' car hauler with vin # 16HGB2429NHO17329 as shown on the plans and as shown in the photographs reviewed this evening; that it is a variance granted for this property with the trailer in this location on the pad as shown for the petitioner; the owner of the property which would be as presented this evening Robert Orstadius and Andrew Orstadius; and that the petitioner provides vegetative screening around the east and south sides of the trailer in a configuration, plan or location in coordination with staff. Motion carried, all ayes.

Chairperson Buyers responded to Mr. Koncsol's question stating spring planting would be coordinated with City staff noting the variance does not go with the property but is conditionally attached to the owner.

APPEAL OF: Jeremy Welling
23245 Fleming
Farmington, MI 48335

Chairperson Buyers stated the petitioner was requesting a variance to Sec. 35-49(b)(4) to allow two fences along the rear property line: an old chain link fence and the new 6' wood fence. In addition, a request for variance to Sec. 35-49(f)(1) to allow the finished side of the 6' wood fence to face inward toward the property rather than facing outward toward the neighbor as required by ordinance.

Motion by Mr. Christiansen, supported by Mayor Knol , to table the request of Jeremy Welling until the next meeting date due to the petitioner's absence this evening therefore allowing the petitioner to be present and requesting staff to contact the petitioner in order to confirm if the petitioner intends to proceed. Motion carried, all ayes.

Mr. Majoros commented the petitioner Jeremy Welling had a maximum of two months to bring his petition before the Board.

BOARD OF ZONING APPEALS MINUTES -6-

Mr. Bennett stated the motion would not be needed due to the past motion agreed to in the November 5, 2009 meeting.

Chairperson Buyers concurred with Mr. Christiansen that it was important to act on an agenda item.

APPEAL OF: Lee Jordan
23230 Orchard Lake Rd.
Farmington, MI 48336

Chairperson Buyers stated the petitioner was requesting a variance to Sec. 35-(43)(1) to allow for the construction of a 20' x 28' detached garage. Detached structures are limited to one-half the occupiable square footage of the house. Given that the home has an area of 961 s.f., the garage cannot exceed 480.5 s.f. The proposed garage is 560 s.f., therefore, a 79.5 s.f. variance is required.

Mr. Jordan stated he would like to bring his garage up to date adding additional space to allow for home maintenance equipment.

Responding to Mr. Christiansen's question, Mr. Koncsol explained code requires the garage be subordinate to the house by 50% and after meeting with Mr. Jordan they have come to an agreement regarding the proposed garage size.

Mr. Christiansen asked the proponent to clarify the purpose of his request noting Mr. Koncsol was in agreement with the proponent's request to build a larger garage for storage purposes. He continued after reviewing the plot plan everything appeared to be compliant with code. Mr. Jordan stated his intentions were to enlarge his garage to accommodate storage and that he & Mr. Koncsol were in agreement as to the size.

Mr. Christiansen asked Chairperson Buyers if they had any responses to the notice. He responded yes that he would review them for the Board.

Mr. Christiansen asked Mr. Koncsol if he had any responses or complaints. He replied he was unaware of any.

Mr. Christiansen summarized a letter from a resident at 23220 Orchard Lake Road, Pauline Hernandez, stating she was in favor of the proposed garage. He continued by reviewing a letter attached to Ms. Hernandez's from a Marie Byrom of P.O. Box 132 Cass City, MI 48726, complimenting Mr. Jordan on a well kept home and stated her approval of his request.

BOARD OF ZONING APPEALS MINUTES -7-

Motion by Bennett, seconded by Knol, to grant the variance to Sec. 35-(43)(1) to Lee Jordan for the variance of 79.5 s.f. of garage enlargement based on the following statements that the petitioners established proposal will not adversely affect the use of roads or public services because it is all contained within the proper set backs of the lot lines and that the petitioner has established that the character of the neighborhood will not be altered because there is adequate lot size to accommodate this enlarged garage; and that the petitioner has established that even with the granting of the variance the spirit of the Ordinance will be observed, public safety secured and substantial justice will be done because it will maintain the present character of the garage presently established. Motion carried, all ayes.

PUBLIC COMMENT

Hearing none.

Mr. Christiansen apologized to the Board for his absence at the last two meetings. He advised the next meeting will be held January 7, 2009.

Mr. Bennett complimented the Board on a job well done.

ADJOURNMENT

Motion by Bennett, supported by Majoros, to adjourn the meeting. Motion carried, all ayes.

The meeting adjourned at 8:13 p.m.

John D. Koncsol, Building Inspector