

BOARD OF ZONING APPEALS MINUTES

A regular meeting of the Farmington Board of Zoning Appeals was held on Wednesday, April 1, 2009, 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 7:01 p.m.

ROLL CALL

PRESENT: Bennett, Buyers, Dompierre, Kmetzo, Knol.

ABSENT: Christiansen, Majoros.

CITY OFFICIALS PRESENT: Building Inspector Koncsol, Recording Secretary Schmidt.

MINUTES OF PREVIOUS MEETINGS

Motion by Bennett, supported by Knol, to approve the previous minutes of the previous meeting of March 4, 2009. Motion carried, all ayes.

Motion by Knol, supported by Bennett, to receive and file the minutes of the Planning Commission meeting of February 9, 2009. Motion carried, all ayes.

APPEAL OF: Anna Liza Carbonell
23007 Lilac
Farmington, MI 48336

Chairperson Buyers stated Ms. Carbonell was requesting two variances so that a 17' x 25' addition can be built on the rear of her home. While the addition will maintain the existing setbacks, the lot does not conform to current code requirements noting Sec. 35-73 requires maximum lot coverage of all buildings and accessory structures shall not exceed 30%; the addition would result in lot coverage of 36%. Secondly, Sec. 35-73(b) requires a normal front yard setback of 25', however, sub-note(b) allows for averaging. He noted in this case, even though the average front yard is 9', the ordinance dictates that a front yard cannot be less than 15'. In addition, the north side yard is 4' when city code requires a minimum 6' side yard.

Chairperson Buyers and Mr. Bennett asked for confirmation from the Building Inspector, Mr. Koncsol that the Board was dealing with two separate zoning requests. Koncsol replied the lot coverage was a separate entity as well as the issue as it relates to the setbacks since the property is non-conforming because of the age of the particular area in the city being developed in the 40's and 50's. The zoning ordinance regarding setbacks did not come into effect until the late 60's or early 70's and from time to time the city comes into conflict with some of the older areas with what old standards were and what the standards are currently. Koncsol stated the Zoning Board has some jurisdiction in some of these cases to grant relief where there is practical difficulty. He noted, in this case, there are some unique parameters such as the house is on a 40 ft. lot and some of

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the existing homes in that subdivision were originally platted back in the 40's and 50's at 40' wide lots that have evolved into 50', 60', 70' wide lots except for a few that remain at 40'. He stated because of that limited area any development or additions to the property would probably cause conflicts with the current ordinance. He noted the Board is charged with the responsibility to make a determination if this addition would be appropriate and would serve in the best interest of the community based on what conflicts exist with the ordinance. He stated there is a lot coverage situation and because of the averaging of the front yards the new non-conformity criteria of the ordinance does give the ability to recognize that non-conformity and allow the expansion if deemed to be reasonable.

Anna Liza Carbonell and her husband Michael Matella, residents at 23007 Lilac were present to submit their proposal to the Board. Mr. Matella stated they want to add value to their home and they needed more room for a family. He noted they like Farmington and would like to remain in the city. He noted they felt their proposal was adequate and compatible with the current neighborhood. He commented he had received confirmation from a few neighbors. He noted they had made their home attractive in the neighborhood.

Chairperson Buyers noted letters of approval had been received from:

Mary and David Power – 23028 Lilac
Theodore Westbrook – 23017 Violet
Harold Hrobsky – 22829 Lilac
Clara Hahnefeld – 22800 Violet

Mr. Dompierre questioned if the addition were 15' or 16' x 25' would be in compliance versus the size of 17' x 25' as requested. The proponent replied that if they went down to 15' it would bring down the lot coverage. He noted they would like to extend the current bedrooms and they need the full 17' to extend the room.

In response to a question by Ms. Kmetzo, Ms. Carbonell stated they had lived at the Lilac address for 5 years.

Mayor Knol verified that the same materials of the existing house would be used in the addition and that the siding would be the same color.

Buyers asked Koncsol how far east measurements were taken from Lilac. Mr. Koncsol indicated he went east to Hawthorne.

Buyers stated most of these issues could be resolved since most of the properties in the area are 50' plus and the lot coverage falls below the 30'. He commented it seemed harmonious and noted the brick structure to the east which runs parallel with Shiawassee and voiced less concern with this petitioner having the lot line coverage issues in light of the width of the property and that it relates harmoniously with the other properties.

Buyers commended Koncsol on the extensive information he provided regarding the issue.

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Bennett stated he had no problem with extending the use of the property in accordance with an old variance. He noted his concerns are if the petitioner were to stay within the limits there would be a 4 ½' addition to the house. He noted that if they extended the addition to 17' they would be about 3 times of what would be allowed. Bennett commended the petitioner on their beautiful home.

Bennett noted the addition would be approximately the size of the garage. He commented that numerous homes in the neighborhood had added a second story and that would be compatible and boundaries would not have to be changed. He stated the petitioner would be left with a 10' backyard and that was his main concern. There would be no room on the side or front and nothing in the back. He noted it would limit the sale ability of the home. He stated he would not have a problem if they added a second story and the Board would approve Sec. 35-73(b).

Mr. Matella replied they had received estimates for a second story and it would cost an additional \$70,000.

Ms. Carbonell stated they are close to the sidewalk and that trash accumulates in the landscaping and felt it would not be practical to add a second story.

Bennett stated he had difficulty adding the addition since it would only allow for a 10' backyard, which would change the look of the building.

Knol verified that in order to bring the lot coverage from the 36 down to the 30 the dimensions would have to be 4.6'. Bennett noted the addition would be 3.67 times the allowable size.

Matella stated they felt it was a practical difficulty.

Discussion followed regarding compliance of other homes in the neighborhood.

In response to a question by Buyers, Bennett stated his concern was not a public safety issue, but with the settings and the function of the house for resale.

The petitioner replied they do not plan on leaving the city since his wife operated a business in the home and he worked in the Milford area.

Buyers asked the petitioner if there is a basement or crawl space currently. The petitioner responded there is not a crawl space at the present time, but there would be a crawl space added in this project.

Knol commented the issue as proposed was a difficult one and noted she had a problem with the aesthetics since the house is a corner house and is very visible from Shiawassee. She stated that was a concern, but also noted she understood the practical difficulty of having a 40' lot wherein their options were limited. She commented she would like to be flexible in regards to the unusual property and noted that if the property were a 50' or 60'

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lot she would have difficulty allowing an addition to go over the 30%. She commented she was leaning toward the practical difficulty since it is a 40' lot.

Buyers asked if the petitioner could plant some evergreens near the southern border. Ms. Carbonell she could plant a lot of flowers near the picket fence, but noted it is hard to maintain landscaping due to the southern exposure. Knol stated the aesthetics are a main concern and bushes would help to minimize the darkness of the structure and greenery would help to add some contrast along the side of the house to break up the appearance of such a large structure.

Buyers stated there could be problems in the future with the landscaping and the plantings should be hardy, chemical resistant and maintained.

Bennett stated he could not support an addition that was 3 ½ times beyond the limit and Dompierre concurred and noted a second story was expensive, but it would allow the proponent to stay within compliance.

Responding to a question by Bennett, Matella stated they received two bids on adding a second story.

Ms. Carbonell noted a tree would have to be removed if they went up and she would like to maintain the tree.

Mary and David Power, 23028 Lilac, stated a house on Shiawasse that has no yard visible on Shiawasse and Mrs. Power noted it was more important to have indoor living space than outdoor space. Mrs. Power voiced no objection to the request by the petitioner and noted the petitioners had made many improvements to their home.

Clara Hanefeld, 22800 Violet, stated the petitioners had done a beautiful job to their home and thought it would be better to add on to the house and did not want them to leave the city.

Buyers noted that if the proponent went vertical there would still need to be ZBA approval and the second story could have similar obstructions since it would be looming over the road.

Knol explained the Zoning Board of Appeals is a legal body and that their decision could be brought forward to a court and could be overturned. She noted for that reason when they make a decision they don't do it on whether they like the person, they are young, or we want you in the community. She stated she did not know what the decision would be at this meeting, but she wanted the audience to understand that the Board has to look at the law and they have to make sure certain requirements in the law are met and their decision has to be based on that and not based on how the Board feels about the person.

Motion by Bennett, supported by Dompierre, that the appeal by Anna Carbonell for variance to Sec. 35-73: Maximum lot coverage of all buildings and accessory structures

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is 30%; the addition would increase to a lot coverage of 36% be denied on this basis: the proposed addition is in excess of 3 ½ times that which would be allowed under the ordinance and that the lawn, back yard would be limited and the building to within 10' of the garage and that other solutions to this problem would be in compliance with the neighborhood since numerous homes in the neighborhood are two story structures.

Bennett stated if the motion carried, he would want to follow with a motion that the appeal time is extended so that the petitioner could look further at a two-story structure or other solutions.

Chairperson Buyers requested a roll call vote:

AYES: Bennett, Dompierre.
NAYS: Buyers, Kmetzo, Knol.
ABSTENTIONS: None.

There being 2 ayes, and 3 nays, the motion is denied.

Chairperson Buyers stated there is not sufficient support from the Board and the motion is denied and asked if there was an alternative motion.

Motion by Knol, supported by Kmetzo, that the appeal of Anna Liza Carbonell be approved as amended, in regards to the request on variance of Sec. 35-73 based on practical difficulty in that when the sub-division was platted this particular lot is 40' and in comparison to the majority of the lots in the area which are at least 50' wide and that in order to meet a lot coverage of 30%, the structure would have to be approximately 25' x 4 ½', which is unpractical and a difficulty for a workable addition. The condition that some large shrubbery be added into the landscaping on the south side of the house, which would be the Shiawassee yard, along in between the sidewalk and the south yard and that the shrubbery or small trees be located south of the home in order to break up the appearance of a very long, narrow structure. The landscaping plan can be worked out through City Administration and not have to be approved by this body. The landscaping to be evergreen, or coniferous that would be staggered along the entire length of the home. The addition would in no way hamper public safety, safety of other nearby structures in case of a fire and other public safety efforts.

Bennett commented maintaining greenery is difficult. Discussion followed regarding greenery and Koncsol stated he would work with the petitioner regarding the proper greenery that would be workable.

There being 3 ayes, and 2 nays, motion carried.

Motion by Bennett, supported by Kmetzo, to adopt the request, as presented to Sec. 35-73(b), as stated in the petition. Motion carried, all ayes.

Chairperson Buyers commended the petitioners on their home.

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Ms. Carbonell thanked the Board and her neighbors for supporting their request.

PUBLIC COMMENT

Bennett welcomed a student in the audience from Detroit Catholic Central.

ADJOURNMENT

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

The meeting adjourned at 8:00 p.m.

