

BOARD OF ZONING APPEALS MINUTES

A regular meeting of the Farmington Board of Zoning Appeals was held on Wednesday, August 5, 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 7:03 p.m.

ROLL CALL

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

ABSENT: Christiansen, Majoros.

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

MINUTES OF PREVIOUS MEETINGS

Motion by Bennett, supported by Knol, to approve the minutes of the previous meeting of June 3, 2009. Motion carried, all ayes.

Motion by Knol, supported by Dompierre, to receive and file the minutes of the Planning Commission meeting of May 11, 2009. Motion carried, all ayes.

APPEAL OF: Chip and Julie Staley
21028 Larkspur
Farmington, MI 48336

Consideration to rehear the variance request regarding the parking of a 10' high box van. City code limits the height of commercial vehicles to 7'.

Chairperson Buyers stated by way of procedure this is not a motion on whether or not the variance should be granted, but whether or not to reconsider the variance at a future meeting.

Mayor Knol requested Attorney Schultz present the pros and cons of a potential rehearing.

Attorney Schultz replied correspondence had been received from an attorney for the Staleys after the June 3rd meeting to resolve the issue without going to litigation.

Schultz commented the Staley's attorney was seeking more information and clarity from this Board with regard to its decision. He explained there are no particular rules for reconsideration, but under "Robert's Rules" this is the next regular meeting after the June 3rd meeting and the Board has the ability to make a motion to reconsider that decision and it would not become final until the Board reconsider it at the next meeting.

Schultz reviewed the pros and cons of a potential rehearing. He commented the cons are that the issue is drawn out longer while the pending vehicle is still at the location. He noted the pros are the resident gets a chance to do their best to present their case and

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from the City's perspective the Board gets a chance to examine more closely their findings and expand upon them. He commented there are a full set of options since it is a reconsideration.

Buyers commented it is a good idea to reconsider the issue due to the pros presented by Schultz and the Board would have another opportunity to expand their findings and provide the litigants due process with the assistance of counsel.

Knol concurred with Buyers that it is best for everyone to be fully informed and prepared. She stated it offers an opportunity to research as much information available for both the City and the litigant.

Motion by Bennett, supported by Knol, that the appeal of Chip and Julie Staley be rescheduled for rehearing at the regular September Board of Zoning Appeals meeting. Motion carried, all ayes.

Board member Bennett verified there would be the same community publication of a notice for public hearing for reconsideration.

Knol verified the public feedback from the June meeting would be entered in the record at the September meeting.

Schultz stated questions had been raised as to the reason for the height restriction in the ordinance. He suggested LSL Planning, Inc. be consulted to research the height restriction.

Bennett commented there be an attempt to keep residential areas free of commercial as a whole.

Knol noted it would be helpful to know the height of box trucks as well as the height of garage doors for all parties involved.

Bennett requested material on accommodating home businesses regarding vehicle signage and commercial issues in residential areas.

PUBLIC COMMENT

Bennett commented his grandson received a full football scholarship to the University of Georgia.

ADJOURNMENT

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

The meeting adjourned at 7:18 p.m.

John D. Koncsol, Building Inspector