



ZONING BOARD OF APPEALS MEETING
Wednesday, June 12, 2024 – 7:00 p.m.
City Council Chambers
23600 Liberty Street
Farmington, MI 48335

AGENDA

1. **Roll Call**
 - A. **Define Participating Members**

2. **Minutes of Previous Meetings of August 3, 2022**

3. **Minutes of Previous Planning Commission Meetings are available for review on our website www.farmgov.com**

4. **Election of Officers**
 - A. **Chairperson**
 - B. **Vice Chairperson**
 - C. **Secretary**

5. **APPEAL OF: Kenneth Swartz
33600 Shiawassee
Farmington, MI 48335**
 1. **Request for a variance from 2 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 both with a required set back of 25 feet as shown in Zoning Ordinance section 35-73**

5. **Public Comment**

6. **Adjournment**

BOARD OF ZONING APPEALS MINUTES

A regular meeting of the Farmington Board of Zoning Appeals was held on Wednesday, June 6th, 2023, in Council Meeting room, 23600 Liberty, Farmington, Michigan. Notice of the meeting was posted in compliance with Public Act 1976.

Acting Chairperson Gensheimer called the meeting to order at 7:04 p.m.

ROLL CALL

- PRESENT: Crutcher, Kallie, Gensheimer – Aren Arrived @ 7:09
- OTHERS PRESENT: Building Official Jeff Bowdell, Chuck Allore (property owner), Steven Schneeman (Applicant) and two members of the public Mr. & Mrs. McDonald of 33221 Oakland

Introduction: Building Official Jeffrey Bowdell explained the Variance Request which is a 2-foot variance in height from 6' foot to 8' foot.

Case Presentation: Applicant representative Steven Schneeman who was speaking on behalf of the property owner explained the circumstances surrounding the appeal request, Mr. Schneeman is also one of the adjacent residents whose property is adversely affected by the existing lower fence. The main reason for the request is that there exists a large grade difference between the residential properties to the north and the commercial property to the south. This grade difference makes it appear that the present 6-foot fence located on the commercial property is only 3'6" to 4'0" tall as viewed from the south. Most commercial properties have a 6-foot fence, wall or other landscape buffer separating the commercial properties from the residential properties as required by local ordinance. The existing large grade difference does not allow the residential properties to the north the same protection afforded other residential properties that are adjacent to commercial because the grade difference presently allows headlight glare & sound into the residential properties and the residential properties are not in any way shielded for privacy purposes.

Public Comment: Mrs. McDonald explained that the light, noise and trash are all reasons that would be lessened if the present fence line is allowed to be taller. Further she said safety was her most important concern as they have experienced trespassing on their property in their yard coming over the low existing fence. Mr. McDonald echoed her sentiments.

Board members ask several questions leading up to.

Motion:

Motion by Kallie, Supported by Crutcher

To allow the variance of 2 feet of height to a maximum of 8'-2" to the fence along the north property line of Allore Properties 2 LLC commonly known as 33300 Thomas Street Sidwell # 20-23-27-151-002

This Variance runs with the land. With the following findings of fact.

1. The Applicant has shown a unique circumstance in that the existing grade has existed for many years, and the existing commercial building and parking lot grade elevation prohibits re-grading in a reasonable fashion
2. That a unique circumstance also exists in terms the existing grade is so drastically different from the south property to the north.
3. And that a practical difficulty also exists as the present differential in grade and the existing screening provided does not allow the adjacent residential property to enjoy their rear yards the same way others in the community do.
4. This variance will not be a detriment to the city of Farmington as a whole.

Motion carried, all ayes.

Old Business:

Minutes of the August 3, 2022, ZBA Meeting

MOTION by Ayers, SUPPORTED by Crutcher,

to approve the minutes of June 2, 2021. Motion carried, all ayes.

Election of Officers.

Postponed until a meeting with a full complement of members is present.

Adjournment:

MOTION by Crutcher, SUPPORTED by Arens to adjourn. Motion carried, all ayes.

Meeting Adjournment at 7:40 PM



CITY OF FARMINGTON

Zoning Board of Appeals

Structure. The Zoning Board of Appeals (ZBA) is an appointed five (5) member body regulated by State statute and City ordinance.

Powers. The basic function of the ZBA is to handle any appeals dealing with any City decision, ruling, or orders that deal with the City Zoning Ordinance. The Zoning Board of Appeals has a broad range of powers, as outlined in *Section 35-214 Powers*:

- A. **Appeals.** The ZBA hears and rules on any contested order, requirement, decision or determination made by the building official or any administrative official or body involving the City of Farmington Zoning Ordinance.
- B. **Map Interpretations.** The ZBA will hear and rule on any alleged uncertainty, contradiction, or conflict as to the intended exact physical location of a Zoning District Boundary according to a pre-determined set of standards (see *Section 35-214 B*).
- C. **Text Interpretations.** The ZBA has the power to interpret the regulations established in the City of Farmington Zoning Ordinance.
- D. **Non-Conforming Situations.** The ZBA has the power to rule upon proposed changes to non-conforming uses according to *ARTICLE 17 NON-CONFORMING USES, LOTS, BUILDINGS, STRUCTURES AND SITES*.
- E. **Height Modifications.** The ZBA has the power to decide upon modification of structure height according to proposed design, setbacks, and potential impact on the character of the project area.
- F. **Variance.** The ZBA has the power to authorize a variance from the strict application of the current Zoning District Designation guidelines for the current Zoning Use, or a variance in the use if a hardship can be proven in each case.

Board Process. The Zoning Board of Appeals is classified as a quasi-judicial body and is required by law to follow previously accepted procedures and fairly evaluate the relevant facts in each specific appeals case. When reviewing a zoning variance, the ZBA must legally demonstrate either a practical difficulty (for property variances), or a hardship (for use variances) in order to approve the variance request.

Meetings. The City of Farmington Zoning Board of Appeals meets on the first Wednesday of each month at 7:00 p.m. Applications must be submitted to the Planning and Building Department located at 33720 W. Nine Mile Road **at least twenty-three (23) days** prior to the regularly scheduled Zoning Board of Appeals meeting in accordance with the following schedule: Note that if site plans or other associated documents are part of the application, a **digital** copy must be provided.

Application Submittal Date	Zoning Board of Appeals Meeting Date
December 11, 2023	January 3, 2024
January 15, 2024	February 7, 2024
February 12, 2024	March 6, 2024
March 11, 2024	April 3, 2024
April 8, 2024	May 1, 2024
May 13, 2024	June 5, 2024
June 10, 2024	July 3, 2024
July 15, 2024	August 7, 2024
August 12, 2024	September 4, 2024
September 9, 2024	October 2, 2024
October 14, 2024	November 6, 2024
November 11, 2024	December 4, 2024

Meeting Process. At a ZBA meeting, each case will be called by the Chair and introduced by the petitioner, at which time the Board members can question the petitioner and the City of Farmington staff in an attempt to determine the appropriate ruling. At the time of the meeting, the ZBA has already had the opportunity to review all of the petitioner's plans, photos, and other documentation turned in with the ZBA application. During this section of the meeting, any members of the public who wish to offer a concise comment on the case will be called on by the Chair and are to address the Board, not the petitioner.

Once all of the materials and testimony described above have been collected and heard, the ZBA then considers the matter and makes a ruling. Decisions of the ZBA are final unless the circumstances change meaning the next avenue to pursue would be an appeal through the court system.



CITY OF FARMINGTON

For office use only

Date Filed: _____

Fee Paid: _____

Board of Zoning Appeals Application

1. Petitioner Name JASON ARMBRUSTER

2. Location of Property

Address 33600 SHEAWASSEE ST.

Cross Streets SHEAWASSEE & HILLCREST

3. Identification

Applicant JASON ARMBRUSTER

Address 28025 SAMUEL LINDEN CT.

City/State/Zip NOVI, MI 48377

Phone 248-255-2551 Fax N/A

Interest in the Property (e.g. fee simple, land option, etc.)

9 Property Owner 9 Other (Specify) LANDSCAPE DESIGNER

Property Owner KENNETH SWARTZ

Address 33600 SHEAWASSEE ST.

City/State/Zip FARMINGTON, MI 48335

Phone 248-251-8962 Fax N/A

Preparer of Site Plan BAILEY RICE

Address 28025 SAMUEL LINDEN CT.

City/State/Zip NOVI, MI 48377

Phone 248-349-8555 Fax N/A

4. Property Information

Zoning District R1 Area 9042 SF

Width 67 FT Depth 103 FT

Current Use RESIDENTIAL - SINGLE FAMILY

5. Appeal Request

Indicate grounds for appeal & complete additional section, if specified:

	Consult Zoning Ordinance Section	Complete Additional Application Section
Specific appeal request type (pick one)		
<input type="checkbox"/> APPEALS from any order, requirement, decision or determination made by the Building Official, any administrative official or administrative body where it is alleged that there was an ERROR OR MISINTERPRETATION.	18.04 A.	Section 6.
<input type="checkbox"/> MAP INTERPRETATIONS	18.04.B.	Section 6.
<input type="checkbox"/> TEXT INTERPRETATIONS	18.04.C.	Section 6.
<input type="checkbox"/> NON-CONFORMING SITUATIONS	18.04.D. & Article 17	
<input type="checkbox"/> HEIGHT MODIFICATIONS	18.04 E.	
<input checked="" type="checkbox"/> VARIANCE from the strict application of the provisions of the Zoning Ordinance; specify type:	18.05 A.-D.	
<input checked="" type="radio"/> Dimensional (Area) Variance <input type="radio"/> Use Variance <input type="radio"/> Accessory Reception Antenna Facilities <input type="radio"/> Cellular Towers and Antenna <input checked="" type="radio"/> Fences	18.05 D.1. 18.05 D.2. 18.05 D.3. 18.05 D.4. 18.05 D.5.	Section 7. Section 8.

Describe your appeal, in general:

JB
 Requesting a variance to allow a 3' wood, or visually similar, fence in the front yard (corner lot) to be set back 10' from existing road.

Upon completion of this portion, check above for an additional section to complete, then go to the last page (**Section 9.**) to complete the application.

N/A

6. Section 6. Specific criteria for APPEALS and INTERPRETATIONS

The Board of Zoning Appeals is bound by the same rules, procedures, and standards of the Ordinance. The Board of Zoning Appeals should uphold the original decision unless the record clearly shows that the original decision body or official was one of the following:

- a. Arbitrary and capricious; or
- b. Filled to ensure consistency with ordinance standards; or
- c. Made an error, such as relying on false or inaccurate information, or
- d. Constituted an abuse of discretion; or
- e. Was based upon erroneous interpretation of the zoning ordinance or zoning law.

Describe how your appeal meets one of these criteria:

7. **Section 7. Criteria for a DIMENSIONAL (Area) Variance**

Please respond to the following statements. The application must meet all criteria in order to obtain a variance.

- a. **Practical Difficulties.** How would the strict compliance with the area, setbacks, frontage, height, bulk, density, or other dimensional and non-use matters create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render the conformity unnecessarily burdensome? Note that the showing of mere inconvenience is insufficient to justify a variance.

SEC 35-49-H.3 as fences are allowed on corner lots
pending certain conditions, H.3 would prohibit that on
this property's exterior side yard as the adjacent home
is approximately 6' in front of this residence.

- b. **Substantial Justice**

How would a variance do substantial justice to the applicant as well as to other property owners in the district?

There are several other properties (see attached photos)
that also fall within the historic district that currently
utilize fences in an exterior side yard. The proposed fence
will comply w/ the architectural style of the area & aid in the
comfort of pedestrians walking past the property.

Would a lesser variance than the requested give substantial relief to the applicant and or be more consistent with justice to other properties? If not, please explain why?

NO, as properties of similar sizes & setbacks currently
have fences within a block of the proposed project.
The rear yard of the property also has heavy tree
cover, preventing it from being a usable backyard
to contain their pet.

- c. **Public Safety and Welfare.** Will the granting of the variance materially impair the intent and purpose of this ordinance or compromise the public safety and welfare?

The client currently uses an electric fence to contain
their dog. However, the addition of the fence to the
exterior side yard would eliminate unnecessary fear
to pedestrians who have been scared by the dog
since the electric fence is not visually recognizable.

- d. **Not Self-Created.** Have the special conditions and circumstances relating to the variance request resulted from the actions of the applicant?

No, due to the setback restrictions & tree cover of the corner lot, the most usable space is in the exterior side yard.

- e. **No Safety Hazard or Nuisance.** Will the granting of variance or appeal increase the hazard of fire or otherwise endanger public safety or create a public nuisance?

No, the variance will improve public safety
↳ see point c.

- f. **Relationship to Adjacent Land Uses.** Will the development permitted upon granting the variance relate harmoniously in a physical and economic sense with adjacent land uses while not altering the essential character of the neighborhood?

Yes, the proposed changes will match the character of the neighborhood as well as be screened by proposed plantings. These will help it blend more seamlessly into the landscape.

- g. **Minimum Variance Necessary.** Is the variance requested the minimum amount necessary to permit reasonable use of the land? Explain, provide specific figures if necessary.

Yes, these proposed changes allow for sufficient space for the client without being impeded by the dense tree cover of the rear yard. The fence is also proposed 10' from the road to maintain line of sight for approaching pedestrians to the client's driveway.

N/A

8. **Section 8. Criteria for a USE Variance**

Please respond to the following criteria. The application must meet all of the statements in order to obtain the use variance.

- a. **Unreasonable Current Zoning Designation.** Describe how the property cannot be reasonably used for any purpose permitted in the zoning district without the variance. There must be financial proof of inability to realize any return.

- b. **Unique Circumstances.** Describe the unique circumstances peculiar to the property that exist which are not generally applicable in the area or to other properties in the same zoning district. Please describe features that make it impossible to earn a reasonable return without some adjustment.

- c. **Not Self-Created.** Have the special conditions and circumstances relating to the variance request resulted from the actions of the applicant or the applicant's predecessors or are they self-created?

- d. **Capacity of Roads, Infrastructure and Public Services.** Will the capacity and operations of public streets and other facilities be compromised?

N/A

- e. **Character of Neighborhood.** Will the variance, if granted, alter the essential character of the area? Explain.

- f. **Minimum Variance Necessary.** Is the variance requested the minimum amount necessary to permit reasonable use of the land? Explain, provide specific figures if necessary.

9. Section 9. Completing the BZA Application

In order to start the review process the applicant must submit a complete application. The following checklist includes all documents required for the Zoning official to declare the application complete and begin the review process:

A. Application, Fees and Copies. Complete the preceding application form, as directed, and sign and date the application in the blanks provided below. Deliver this form, the filing fee, 9 sets of drawings or prints, and one each of any letters, maps, photographs or supplementary information to the City of Farmington Building Department. The City will require 14 days to process the completed application.

B. A completed Elevation Plan. For any applicant requesting a variance when a structure, fence, sign, remodeling, addition and/or any construction will be above grade, the following information must be included on plans drawn to a scale of at least 1/4" to 1" on a sheet or sheets that are at least 24" x 18":

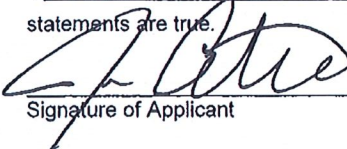
The elevations of all proposed new structures including all portions above grade level

The elevations for the entire structure of any building to be added to or remodeled including all portions above grade level

All doors, windows, roof lines, outdoor mechanical equipment, chimneys, porches, overhangs, signs, fences and other structural or permanent components of the building(s)

A copy of the complete legal description of the property and proof of property ownership should accompany this application.

I, JASON ARMBUSTER (applicant), do hereby swear that the above statements are true.

	5.13.24	<u>Ken Swartz</u>	05/13/2024
Signature of Applicant	Date	Signature of Property Owner	Date

I, Ken Swartz (property owner), hereby give permission for City of Farmington officials, staff, and consultants to go on the project property for purposes of verifying information provided on the submitted application.

<u>Zoning Board Appeal or Interpretation:</u>	<input type="checkbox"/> Applicable
	<input type="checkbox"/> Not Applicable
Approved/Denied: _____	
Date: _____	
By/2nd: _____	
Conditions of Approval: _____	






BZAApplication-SwartzRes-ND

Final Audit Report

2024-05-13

Created:	2024-05-13
By:	Great Oaks Landscape (ndabelstein@greatoakslandscape.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAWIGBExgGH7ss56XbkJh8qsX2M9V7y2PE

"BZAApplication-SwartzRes-ND" History

-  Document created by Great Oaks Landscape (ndabelstein@greatoakslandscape.com)
2024-05-13 - 6:59:26 PM GMT
-  Document emailed to Ken Swartz (swartzken59@outlook.com) for signature
2024-05-13 - 6:59:29 PM GMT
-  Email viewed by Ken Swartz (swartzken59@outlook.com)
2024-05-13 - 7:46:21 PM GMT
-  Document e-signed by Ken Swartz (swartzken59@outlook.com)
Signature Date: 2024-05-13 - 7:47:04 PM GMT - Time Source: server
-  Agreement completed.
2024-05-13 - 7:47:04 PM GMT

←

33698 Hillcrest St
Farmington, Michigan
Google Street View

Aug 2019 See more dates

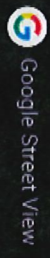
📍 ⋮





33675 Hillcrest St

Farmington, Michigan



Google Street View

Aug 2019 [See more dates](#)

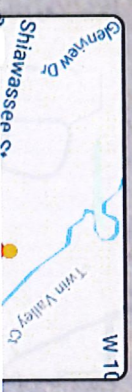




← 23999 Cass St
Farmington, Michigan
Google Street View
Aug 2019 See more dates

MI 11

← 23937 Farmington Rd
Farmington, Michigan
Google Street View
Aug 2019 See more dates



City of Farmington

33720 W. Nine Mile Road

Farmington, MI 48335

Ph: (248) 473-7250

Fax: 2484737279


GREAT OAKS LANDSCAPE
28025 SAMUEL LINDEN CT
NOVI, MI 48377

Pay by Account In Full



TOTAL AMOUNT DUE

\$ 250.00

Pay by Invoice Code	Type	Record No.	Invoice No.	Address	Amount Due
	Name	GREAT OAKS LAND	00034961		\$ 250.00
		Fee Detail:	1.00	ZBA - 33600 SHIAWASSEE	
	Effective Date:	05/24/2024	Amount Cost:	\$0.00	

Total Amount Due \$ 250.00

www.farmgov.com

33720 West Nine Mile Road
Farmington, Michigan 48335



Public Works Department

Telephone 248-473-7250
Fax 248-473-7279
farmingtonpw@farmgov.com

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals for the City of Farmington will meet at 7:00 p.m. on Wednesday, June 12, 2024, in the Council Chambers, 23600 Liberty, Farmington, Michigan in accordance with Article XVIII of the Farmington City Code. *If held electronically via Zoom, notice and instructions for attending will be posted on the city's webpage at www.farmgov.com at least eighteen hours prior to the meeting.* All property owners within 300 feet of the site in question are notified.

LOCATION: 33600 Shiawassee

SIDWELL: 23-28-227-015

ZONING: R1, Single Family Residential

APPLICANT: Jason Armbruster

OWNER: Kenneth C. Schwartz

APPEAL: Applicant requests:

1. A variance from 2 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 both with a required set back of 25 feet as shown in Zoning Ordinance section 35-73

Sec 13-8 Fences

A: Residential, Commercial and Office districts.

In residential, commercial and office districts, the following provisions apply:

1. No fence may be located within the minimum front open space required by the zoning chapter, except as provided for in section 13-6 (c). Upon a lot occupied by a principal building, no fence may be located within the front open space. Upon a through lot, no fence may be located within the area of the rear open space which is equal to the minimum front open space requirements of the zoning chapter.

And

Section 35-73 – Minimum front yard setback 25 feet

Note: 13-6 does not apply because the requested fence is over 30 inches

This is a Public Hearing and comments may be directed to the Board during the meeting. When replying by mail, write your comments on the back of this notice and address it to the **City of Farmington, Board of Zoning Appeals, 23600 Liberty Street, Farmington, MI 48335**. All written comments will be read at the meeting and become part of the record.

Dated: May 24, 2024

2328226037
FIRST BAPTIST CHURCH
OF FARMINGTON
33400 SHIAWASSEE RD
FARMINGTON MI 48335 3546

2328227002
CHRISTOPHER P AHLERS
SARA J AHLERS
33623 HILLCREST DR
FARMINGTON MI 48335 3527

2328229004
BRAD WIDRICK
SARAH LORION
33613 SHIAWASSEE RD
FARMINGTON MI 48335 3551

2328229008
WENDY G WILKINSON
33503 SHIAWASSEE RD
FARMINGTON MI 48335 3549

2328227012
KENNETH M CHIARA
LINDA M CHIARA
33630 SHIAWASSEE RD
FARMINGTON MI 48335 3550

2328229005
ELIZABETH A JOHNSON
MARK D JOHNSON
33607 SHIAWASSEE RD
FARMINGTON MI 48335 3551

2328229010
DAVID T HILL
33551 SHIAWASSEE RD
FARMINGTON MI 48335 3549

2328227005
ROBERT V MARKEY
LYNN M MARKEY
33605 HILLCREST DR
FARMINGTON MI 48335 3527

2328229011
JOSHUA A KLEIN
DANIELLE KLEIN
33614 ADAMS ST
FARMINGTON MI 48335 3502

2328229006
JOSEPH W MYERS
33601 SHIAWASSEE RD
FARMINGTON MI 48335 3551

2328226025
MARK A CARPENTER
LINDA J CARPENTER
33606 HILLCREST DR
FARMINGTON MI 48335 3526

2328229003
MICHAEL A DEMOTT
23918 CASS AVE
FARMINGTON MI 48335 3403

2328231002
TAMARA A O'CONNOR
33431 SHIAWASSEE RD
FARMINGTON MI 48335 3547

2328226016
JOHN J CAMERON
33680 HILLCREST DR
FARMINGTON MI 48335 3526

2328227013
GREGORY J PACHUTA
COLLEEN S PACHUTA
33608 SHIAWASSEE RD
FARMINGTON MI 48335 3550

2328227001
MARY DURIVAGE
33645 HILLCREST DR
FARMINGTON MI 48335 3527

2328226028
DAVID MICHAEL HARTMANN
33436 SHIAWASSEE RD
FARMINGTON MI 48335 3546

2328226022
ALICE J BENSON
33618 HILLCREST DR
FARMINGTON MI 48335 3526

2328227003
PETER S SMISEK
SARAH R SMISEK
33615 HILLCREST DR
FARMINGTON MI 48335 3527

2328228026
DUANE E. FOSTER TRUST
6079 GREEN ASH DR
BRIGHTON MI 48116 3707

2328229009
JASON WILHOITE
23919 GRACE ST
FARMINGTON MI 48335 3519

2328226024
RALPH PECKHAM
33610 HILLCREST DR
FARMINGTON MI 48335 3526

2328226026
ALFRED T FERIA
33550 SHIAWASSEE RD
FARMINGTON MI 48335 3548

2328231025
DYLAN STEC
23930 GRACE ST
FARMINGTON MI 48335 3518

2328227004
STEPHEN UNGER
SHIRLEY UNGER
33675 HILLCREST DR
FARMINGTON MI 48335 3527

2328226027
PATRICIA GUILMETTE
RICHARD SHERLOCK
33502 SHIAWASSEE RD
FARMINGTON MI 48335 3548

2328228028
ROBERT J WILLEY
KATHY K WILLEY
33701 SHIAWASSEE RD
FARMINGTON MI 48335 3464

2328227015
KENNETH C. SWARTZ LIVING TRUST
33600 SHIAWASSEE RD
FARMINGTON MI 48335 3550

2328226018
ALETA LAMPMAN
33704 SHIAWASSEE RD
FARMINGTON MI 48335 3463

2328231024
DOUGLAS NEU
33435 SHIAWASSEE RD
FARMINGTON MI 48335 3547

2328229001
JEFFREY S BORKOWSKI
JULIE A DURST
33629 SHIAWASSEE RD
FARMINGTON MI 48335 3551

2328229002
EDITH DEMARTINI
34212 CONROY CT
FARMINGTON MI 48335 4123

2328226023
BENJAMIN E CHUBA
33614 HILLCREST DR
FARMINGTON MI 48335 3526