

MINUTES  
CITY OF FARMINGTON HILLS  
ZONING BOARD OF APPEALS  
CITY HALL – COUNCIL CHAMBER  
AUGUST 12, 2014

**CALL MEETING TO ORDER:**

Chair Seelye called the meeting to order at 7:30 p.m. and made standard introductory remarks explaining the formal procedure, courtesies and right of appeal.

**ROLL CALL:**

The Recording Secretary called the roll.

Members present: Barringer, Lindquist, Rich, Seelye, Stevens, White, Vergun

Members Absent: None

Others Present: Attorney Morita, Zoning Division Representative Grenanco

**SITE VISIT AUGUST 10, 2014**

Chair Seelye noted when the Zoning Board of Appeals members visited the sites.

The Sunday site visit begins at 9:00 a.m. at City Hall. It is an advertised open, public meeting under the Open Meetings Act, is only for informational purposes; the Board members abstain from any action, hearing testimony, or any deliberations.

**APPROVAL OF AGENDA**

There were no changes to the agenda.

**MOTION** by Lindquist, support by Vergun, to approve the agenda as published.

**MOTION CARRIED, 7-0**

**NEW BUSINESS:**

A. ZBA CASE: 8-14-5536  
LOCATION: 24485 Middlebelt  
PARCEL I.D.: 23-23-477-027 ZONE: RA-1  
REQUEST: In order to split an existing parcel into two parcels, the following variances are requested:

**Parcel A: (1) 7.56 foot variance** to the required 100 foot lot width requirement resulting in a 92.44 ft. wide lot, **(2) 544 square foot variance** to the required 20,000 square foot lot requirement resulting in a 19,426 sq. ft. lot.

**Parcel B: (1) 14 ft. variance** to the required 100 foot lot width requirement resulting in an 86 foot wide lot, **(2) 1,940 square foot variance** to the required 20,000 square foot lot requirement resulting in an 18,060 square foot lot.

CODE SECTION: 34-3.1.4.E.

APPLICANT: Triumph Building Co., L.L.C.

OWNER: Middlebelt Road, L.L.C.

Zoning Representative Grenanco discussed the location of the property and presented a location map and site plan of the proposed lot split. She noted that the Engineering Department has recommended that the lots exit onto Geraldine Road, as presented, and the reason for the variance is due to the 27 foot right-of-way ordinance requirement.

The applicant, Adriano Paciocco, 15067 Northville Road, explained this parcel is zoned industrial and current owner of the property previously had their office and yard located on this site, however, it burned down years ago and they have since relocated and the lot now sits vacant. He stated that they are proposing to split the property similar to other lots in the area; in particular, the south two parcels were split in a very similar nature. He added that they are requesting these variances in order to build two single-family homes in excess of 2,000 square feet with oversized two car garages.

Member Rich questioned if the property is currently zoned industrial. Zoning Representative Grenanco stated that the property was not industrial it is zoned residential, and prior to the fire about 7-8 years ago, it was a non-conforming use and since it has burned down they were not able to rebuild as non-conforming. She added that they would like the property to be in characteristic of the rest of the neighborhood.

Member Rich stated that it appears that the size of the combined lot is essentially the same as the other lots to the north where lot splits had occurred. Zoning Representative Grenanco stated that she is not sure when the 27 foot right-of-way requirement came into play and the Engineering Department believes that the lot splits to the north occurred prior to the right-of-way requirement.

Member Rich commented that if the Board were to grant the variances for this lot split, these properties would not be any smaller than the other properties in the area, they would just not be in compliance with current right-of-way ordinance. Zoning Representative Grenanco confirmed that was correct.

Member White inquired about the location of the sidewalk on the property. Zoning Representative Grenanco explained that the sidewalk is further out on this property and on other lots it is much closer to the property lines.

Member Stevens asked if the lot split were to be approved, would the applicant need to come back to the Board for side yard setback variances because of the lot widths being narrower than what is required by ordinance. Mr. Paciocco responded stating he would not need side yard setback variances with what they are proposing to build; Parcel B will have a total combined side yard of 39 feet which is well above the 25 foot requirement and Parcel A will have a combined side yard of 45 feet, therefore, there will be no other variance requests for these properties.

Member Rich inquired about what appears to have been a driveway off Middlebelt Road at the rear of the proposed lots and what the applicant plans to do with it. Mr. Paciocco stated that they plan to remove the gravel drive that comes in off Middlebelt Road and re-grade the entire site.

Member Lindquist asked what the status of this case is with the Planning Commission. Zoning Representative Grenanco stated she did not know the status other than the applicant needing the variances before they can proceed with the lot split approval process.

Member Lindquist inquired about how the lot area was calculated; the report from the Planning Consultant states that the standard lot area for RA1 is 18,000 square feet and it also states that the minimum average per subdivision is 20,000 square feet. He questioned if this meant that the proposed lots are below the amount that brings down the average for the entire subdivision, or is the single parcel

being subdivided as the entirety of the subdivision, which would then make the lots below average. Zoning Representative Grenanco stated that she is not sure how the Planning Department calculated the lot area and when she spoke to them they informed her that the lots met all size requirements if they were to be split as proposed, aside from the 27 foot right-of-way requirement which brings the lots below the required square footage.

Mr. Paciocco explained that when they began the lot split process they were told they needed to start with the Planning Commission, therefore, they made a formal submittal before the Planning Commission in June and at that meeting the Planning Commission was ready to take favorable action on the lot split but the City Attorney indicated that legally the Planning Commission could not act on the lot split and that they had to go before the Zoning Board of Appeals to request the variances first, and if they are successful then they would come back to the Planning Commission for approval.

Member Lindquist questioned if the Planning Commission granted a conditional approval of the site plan at that time. Mr. Paciocco responded stating they did not; that the City Attorney advised the Planning Commission to not give conditional approval.

Discussion was held regarding the minimum lot area requirement and minimum average lot area per subdivision requirement in a RA1 district and how the requirements relate to the proposed lot split and the variances requested.

Member Stevens questioned if the right-of-way has been dedicated to the City. Mr. Paciocco stated that it was forthcoming.

Chair Seelye opened the public portion of the meeting. There being no public comments, Chair Seelye closed the public portion of the meeting.

Secretary Stevens confirmed there was an affidavit of mailing on file with no returned mailers.

**MOTION** by Stevens, support by White, in the matter of ZBA Case 8-14-5536, to GRANT the petitioner's request for the following variances:

Parcel A: 1) 7.56 foot variance to the required 100 foot lot width requirement, resulting in a 92.44 ft. wide lot, 2) 544 square foot variance to the required 20,000 square foot lot requirement resulting in a 19,426 sq. ft. lot, and;

Parcel B: 1) 7.56 foot variance to the required 100 foot lot width requirement, resulting in a 92.44 ft. wide lot, and 2) 544 square foot variance to the required 20,000 square foot lot requirement resulting in a 19,426 sq. ft. lot;

because the petitioner did demonstrate practical difficulties exist in this case in that he set forth facts which show:

1. Compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted use.
2. That granting the variance requested would do substantial justice to the petitioner as well as to other property owners in the district.

3. That the petitioner's plight is due to the unique circumstances of the property; in that the requirement of the City to grant the 27 foot right-of-way is the cause of the lot widths and lot areas to fall below the ordinance requirements, and that the proposed lot sizes are in character with the area, as the lots directly adjacent are of similar width and depth.

**SUBJECT** to the condition that the current driveway off Middlebelt Road be re-graded and not used, as stated by the applicant.

**MOTION CARRIED, 7-0**

B. ZBA CASE: 8-14-5537  
LOCATION: 32905 Northwestern Highway  
PARCEL I.D.: 23-02-102-013 ZONE: B-3, P-1, RA-1  
REQUEST: Permission for a temporary outdoor sales event which is not accessory to the principal use and not conducted by the owner or operator of the principal use. Permission is requested for a period of two years. (Previously granted on July 9, 2013 for one year.)  
CODE SECTION: 34-7.14.6.E.  
APPLICANT: Jon Gebarowski for Oceanside Seafood, Inc.  
OWNER: Michael Langan

Zoning Representative Grenanco discussed the location of the property and presented an overview of the property and photos of the sales truck. She noted that the applicant has come before the Board multiple times and this is a one day a month sales operation. She added that the applicant has requested a two-year permission, however, per ordinance the permission can only be granted for one year. She noted that the applicant does not plan to make any changes to the business.

John Gebarowski, 1150 Wright Road, explained that they are asking for permission to conduct business at Norwest Lanes, to service their customers once a month from 1:00PM to 5:00PM. He stated that they carry the product on the truck and customers can pre-order and pick up that product from the truck. He added that they asked for more than year in order to expedite the process rather than coming before the Board year after year.

Chair Seelye informed the applicant that the City changed the ordinance a couple years ago to a maximum allowance of one year; therefore, he will have to reapply yearly.

Member Lindquist asked if anything is changing from the way the applicant has operated in past years. Mr. Gebarowski stated that there are no changes.

Member White questioned if prices have increased over the years. Mr. Gebarowski responded stating that the prices have increased as a result of rising fuel costs and increased competition but it has not impacted his sales.

Chair Seelye opened the public portion of the meeting. There being no public comments, Chair Seelye closed the public portion of the meeting.

Secretary Stevens confirmed there was an affidavit of mailing on file with 1 returned mailers.

**MOTION** by White, support by Barringer, in the matter of ZBA Case 8-14-5537, to GRANT the petitioner's request for a permission to allow a temporary outdoor sales event which is not accessory to the principal use and not conducted by the owner or operator of the principal use for a period of **one year** (per Ordinance); because the proponent has met the requirements necessary for a permission in this case as set forth in Section 34-7.14.6.E. of the Farmington Hills Zoning Ordinance.

**SUBJECT** to the following conditions:

- Applicant must reapply in 12 months for the following year
- The truck shall be parked within the B3 district when sales are conducted
- The days of operation are limited to: August 27, September 24, October 22, November 19, December 17, 2014 and January 14, February 11, March 11, April 8, May 6, June 3, July 1 and July 29, 2015; as per the information provided by the applicant
- The hours of sale are limited to 1:00PM to 5:00PM, as presented by applicant
- The applicant must come before the Board to request more days, if needed
- The sales vehicle be as represented in the material provided to the Board

**MOTION CARRIED, 7-0**

**PUBLIC QUESTIONS AND COMMENTS:**

There were no public comments

**APPROVAL OF JULY 8, 2014 MINUTES:**

Attorney Morita noted grammatical corrections on pages 13 and 14.

Member Stevens stated that he had concerns with how his comment read on page 4. Member Rich suggested that it be revised to read "Member Stevens stated that he would be in support..." rather than "Member Stevens stated that he is in support...."

Member Stevens approved the revision to the minutes.

**MOTION** by Rich, support by Lindquist, to approve the July 8, 2014, Zoning Board of Appeals, as revised.

**MOTION CARRIED, 7-0**

**ADJOURNMENT**

**MOTION** by Rich, support by Stevens, to adjourn the meeting at 8:14p.m.

**MOTION CARRIED, 7-0**

Respectfully submitted,

James Stevens, Secretary  
Zoning Board of Appeals

/ceh