

## **BOARD OF ZONING APPEALS MINUTES**

A regular meeting of the Farmington Board of Zoning Appeals was held on Wednesday, November 4, 2020 via Zoom remote technology. Notice of the meeting was posted in compliance with Public Act 1976.

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

### **ROLL CALL:**

**PRESENT:** Aren, Bertin, Crutcher, Gensheimer, Pitluk

**ABSENT:** Schiffman

A quorum of Commissioners was present.

**CITY OFFICIALS PRESENT:** Building Inspector Bowdell, Recording Secretary Murphy, Brian Golden, Director of Media Services.

### **APPROVAL OF AGENDA**

MOTION by Crutcher, supported by Gensheimer, to approve the agenda as presented.

Motion carried, all ayes.

### **MINUTES OF PREVIOUS MEETING OF OCTOBER 7, 2020**

MOTION by Aren, supported by Crutcher, to approve the minutes of the October 7, 2020 Zoning Board of Appeals meetings.

Motion carried, all ayes.

### **MINUTES OF PREVIOUS PLANNING COMMISSION MEETING OF SEPTEMBER 14, 2020**

The minutes of the previous Planning Commission meeting of September 14, 2020 were received and filed.

### **ELECTION OF OFFICERS**

**A. Chairperson**

**B. Vice Chairperson**

**C. Secretary**

Discussion was held regarding maintaining the current slate of officers.

MOTION by Aren, supported by Pitluk, that the Election of Officers be deferred to the next scheduled meeting of the Zoning Board of Appeals.

Motion carried, all ayes.

**APPEAL OF:**

**Jamie Ryder  
33519 State Street**

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### **Farmington, MI 48335**

Request for Zoning Use Variance change from OS (Office Service) to R-1 (Single Family Residential).

Chairperson Bertin introduced this item and turned it over to staff.

Building Inspector Bowdell stated he was informed by Mr. Christiansen that although the house looks like the house and the one next door, and that he is new here, the house and the one next to it are zoned Office Service, OS. And the Applicant many years ago asked to have or the owner at the time asked to have that changed and now they wish, they're not asking to change the zoning, they're asking to use the home as a residential home in the Office Service District and that takes a use variance because they're going to use it for something other than office. And actually in the Department, we have no problem with this. I mean it looks like a house and if approved it's going to be used as a house and I see no problem with it.

Chairperson Bertin stated that the way that this is written that the Applicant would like to reverse the zoning of this property of OS, back to R-1, Single Family Residential.

Building Inspector Bowdell replied that that must not be worded correctly, the Zoning Board cannot change the zoning, that would have to go to the Planning Commission. That what is before the Zoning Board is that the Applicant is asking to reverse the ability to use it as an R-1. Because remember it was originally a house, they made it into an office, and we want to reverse and go back and use it as a house, but it's still going to be in the Office Service District.

Chairperson Bertin opened the floor up for questions from the Commissioners.

Commissioner Aren asked the Applicant if he was planning on using the building for himself or lease it out.

Petitioner Ryder replied that he is actually going to sell the parcel to his father, that he bought the property in 2004, it was originally a house, he bought it from a single woman with her child, and he bought it as an office because at the time they only had three employees total. It's an awkward layout to be used as an office but it fit to what they were doing at the time and then about seven years ago they move to a different space, it was put up for lease and ran into a lot of problems in getting the property lease because it's in an irregular space. And to be honest, the size that most people if they were going to work out of their own home, they would work out of their own home rather than using it as an office building per se. So we ended up with problems leasing it and we finally got a tenant in there and with everything going on with Covid, they ran seven months behind in rent, finally got them moved out, and my father was living in an apartment in Detroit and I figured it was a good spot for him, he originally helped me paint the building the color you see it now and do the garage in the back, and he's just a guy that cares for things and it seems like the perfect fit for him to be able to walk downtown because I've always loved Farmington and all of the things the City has going on. So it would be sold to my father.

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Crutcher asked if Ryder's father is going to live there or rent it out and Ryder replied his father will be living there.

Crutcher then clarified it would be an Office Service zoning with a nonconforming use.

Building Inspector Bowdell replied the use would be conforming once if the variance is granted, in the district if the variance is granted.

Crutcher then asked if they wanted to use it as an office again, they would just have to come back and ask for the same thing in reverse.

Bowdell replied no, it is Office Service, they could just use it by right, and then say that did happen and then five years later they wanted to reverse it again, they'd be able to reverse it without coming back because the variance has been granted to use it as a home in the Office Service.

Chairperson Bertin asked Bowdell if the variance keeps running with the property then and Bowdell replied that every variance that the Zoning Board grants runs with the property in perpetuity.

Crutcher then confirmed whoever owns the property they can either live in it or use it as an office and Bowdell replied technically, yes

Crutcher then asked if someone were to turn this house down, would that still apply and Bowdell replied no, that the way he reads that ordinance, it's interesting that he says that, but the way he reads the ordinance it says at the time of the adoption of this ordinance, so if they tear the structure down and now if all of a sudden someone builds an office building there, certainly you're not going to let them use it as an office, I think it changes at that point.

Crutcher then asked if they would have to come before the ZBA and ask for a variance and Bowdell replied yes, because at that point it's no longer a house.

Crutcher then stated it makes sense to allow the value of the property to be maintained as an office use even though someone can still live in it.

Building Inspector Bowdell responded that at the end of the day today and what's going on today that not just because of Covid but in general, there are more and more businesses not needing office space. There are a lot, and I know when I worked in another community and it was a big community, that I told the City Manager you better fix your zoning because all of your humungous office buildings are going to turn into half condominiums one day. Because you just don't need the same office space that you did before because people work virtually, so all in all probably in the best interest of the property being it's already zoned OS, would be to allow the residential use in the building while it's still standing.

Pitluk asked if this was a residential prior to the ordinance going into effect and Bowdell replied yes.

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Pitluk then said it makes sense to grant this since the use of office space is dwindling.

Chairperson Bertin stated he has no problem with this request.

Crutcher asked Bowdell if there were any considerations to be taken into account and Bowdell replied that it should be stipulated that if the building were to be completely removed or substantially naturally they would have to go back and rezone or ask again for a variance, if they wanted to include that as a condition they could.

Further discussion was held.

MOTION by Crutcher, supported by Aren, to approve the request for a use variance for Jamie Ryder, 33519 State Street, for the following reasons and findings of fact:

1. That the use variance would have no detrimental effect on the adjoining properties.

MOTION carried, all ayes.

### **PUBLIC COMMENT**

None heard.

MOTION by Pitluk, supported by Crutcher, to adjourn the meeting at 7:32 p.m.  
Motion carried, all ayes.

The meeting adjourned at 7:32 p.m.

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Matthew Schiffman, Secretary