ZONING BOARD OF APPEALS MEETING
Wednesday, November 4, 2026 – 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 Meeting of October 13, 2026 (to be reviewed at a later date)**

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

4. **Approve 2027 Board of Zoning Appeals Meeting Schedule**

5. **APPEAL OF: RAHF IV Farmington Preservation Limited Dividend Housing Association, LLC**

   551 Fifth Avenue, 23rd floor
   New York, NY 10176

   32900 Grand River Ave, Location
   Farmington, MI 48336

   1. **Owner/applicant requests: A variance from the City of Farmington Zoning ordinance Sec. 35-105, Central Business District – residential design standards, (A) area, bulk and density requirements, (2) density, to allow a density of seventy-one (71) dwelling units per acre for the existing apartment building for a proposed parcel split. This property is zoned CBD Central Business District.**

6. **Public comment**

7. **Adjournment**

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 15, 2025	January 7, 2026
January 12, 2026	February 4, 2026
February 9, 2026	March 4, 2026
March 9, 2026	April 1, 2026
April 13, 2026	May 6, 2026
May 11, 2026	June 3, 2026
June 8, 2026	July 1, 2026
July 13, 2026	August 5, 2026
August 10, 2026	September 2, 2026
September 14, 2026	October 7, 2026
October 12, 2026	November 4, 2026
November 9, 2026	December 2, 2026

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 RAHF IV Farmington Preservation LDHA, LLC

2. Location of Property

Address 32900 Grand River Ave

Cross Streets Grand River Ave / School Street

3. Identification

Applicant RAHF IV Farmington Preservation LDHA, LLC

Address 551 Fifth Avenue, 23rd Floor

City/State/Zip New York, NY 10176

Phone 440-241-1865 Fax _____

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

○ Property Owner ○ Other (Specify) _____

Property Owner RAHF IV Farmington Preservation LDHA, LLC

Address 551 Fifth Avenue, 23rd Floor

City/State/Zip New York, NY 10176

Phone 440-241-1865 Fax _____

Preparer of Site Plan _____

Address _____

City/State/Zip _____

Phone _____ Fax _____

4. Property Information

Zoning District CBD Area 2.8946 acres

Width varies Depth varies

Current Use Multifamily (senior)

5. Appeal Request

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

	Specific appeal request type (pick one)	Consult Zoning Ordinance Section	***Complete Additional Application Section***
☐	**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.***
☐	MAP **INTERPRETATIONS**	18.04.B.	***Section 6.***
☐	TEXT **INTERPRETATIONS**	18.04.C.	***Section 6.***
☐	**NON-CONFORMING** SITUATIONS	18.04.D. & Article 17	
☐	HEIGHT MODIFICATIONS	18.04 E.	
☐	**VARIANCE** from the strict application of the provisions of the Zoning Ordinance; specify type:	18.05 A.-D.	
	○ Dimensional (Area) Variance	18.05 D.1.	***Section 7.***
	⊗ Use Variance	18.05 D.2.	***Section 8.***
	○ Accessory Reception Antenna Facilities	18.05 D.3.	
	○ Cellular Towers and Antenna	18.05 D.4.	
	○ Fences	18.05 D.5.	

Describe your appeal, in general:

An unnecessary hardship exists with respect to the Applicant's request to divide its existing parcel into three (3) separate parcels, for the purpose of retaining the medium density ~~residential use at a density of 71 DUA instead of the required 34 DUA because the existing~~ senior residential apartment complex is a legal existing nonconforming use with a density of 53.13 DUA. The proposed lot split does not create the nonconformity, rather it increases it by 17.87 DUA. The two additional proposed lots will meet all zoning standards. The splits are proposed so that the two additional lots may be developed for mixed uses in accordance with ~~the City's 2025 Master Plan, Future Land Use Map.~~

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.

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.

b. **Substantial Justice**

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

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?

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?

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

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?

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?

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.

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.

The existing use is a legal nonconforming use that would not be permitted as proposed under current zoning standards. The use of the property for senior living apartments will not be changed. The open space and parking along the Grand River frontage of the property is largely unused for senior living purposes and could be used as contemplated in the Master Plan if the split is approved. The applicant is adding parking to the side and the rear to mitigate the loss of the parking along the frontage.

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.

The City has requested that the Applicant redevelop the property along the frontage of the existing use for consistency with the City's 2025 Master Plan.

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?

The Applicant has not created the existing nonconformity. At the time the senior apartments were approved and constructed, the development met the density standards of the City's Zoning Ordinance. The Zoning Ordinance was subsequently amended for consistency with changes to the Master Plan. Although the split minimally increases the nonconformity, the City has requested the split so that unused land may be developed in accordance with the City's 2025 Master Plan.

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

The City's infrastructure adjacent to the proposed lot split is adequate to provide service to new uses identified in the City's Master Plan.

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

The lot split is being proposed so that largely unused land may be developed in a manner that is consistent with the goals and intent of the City's 2025 Master Plan. Although the land being used and occupied by the senior apartments will be smaller, the use will remain unchanged and will not increase impacts on surrounding uses, which include, generally, the two new lots and Shiawassee Park. Parking will be increased on other unused portions of the property to mitigate the impact of the loss of parking along the frontage of the site.

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.

The density of the existing senior living apartment complex was conforming when the complex was originally approved and has become nonconforming as a result of the City's subsequent amendments to the Zoning Ordinance. In order to create additional land for redevelopment in accordance with the City's 2025 Master Plan that also meets all Zoning Ordinance requirements.

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:

X **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 ¼" 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, Brandon J. Kearse (applicant), do hereby swear that the above statements are true.

Brandon J. Kearse 10/12/2026
Signature of Applicant Date

Brandon J. Kearse 10/12/2026
Signature of Property Owner Date

I, Brandon J. Kearse (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.

Zoning Board Appeal or Interpretation:

_____ Applicable
_____ Not Applicable

Approved/Denied: _____
Date: _____
By/2nd: _____
Conditions of Approval: _____

AFFIDAVIT OF PUBLICATION

39949 Garfield Rd., Suite D, Clinton Twp., MI 48038

City of Farmington
23600 Liberty St.
Farmington, MI 48335

STATE OF MICHIGAN
COUNTY OF OAKLAND

The undersigned, **NOELLE KLOMP** being duly sworn he/she is the principal clerk of **The Oakland Press**, published in the English language for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

ZBA 10-30-26

Published in the following edition(s)
The Oakland Press: 18 Oct 2026

Noelle Klomp

Signature of Principle Clerk **Name of Principle Clerk**

Sworn to and subscribed before me this 19 Oct 2026,

Notary Public, State of Michigan
Acting in Oakland County

VICKI ARSENAULT
Notary Public - State of Michigan
County of Oakland
My Commission Expires 05/11/2032
Acting in the County of _____

Advertiser Name / ID: City of Farmington / 261172 - Ad ID: 165004-582897 - PO: - Affidavit ID: 64314

NOTICE OF PUBLIC HEARING
ZONING BOARD OF APPEALS

NOTICE IS HEREBY GIVEN THAT THE FARMINGTON ZONING BOARD OF APPEALS WILL HOLD A PUBLIC HEARING AT THE FARMINGTON CITY HALL, 23600 LIBERTY STREET, FARMINGTON, MICHIGAN 48335 ON WEDNESDAY, NOVEMBER 4, 2026 AT 7:00 P.M. REGARDING 32900 GRAND RIVER AVE (PARCEL ID: 20-23-27-177-093). RAHF IV FARMINGTON PRESERVATION LIMITED DIVIDEND HOUSING ASSOCIATION, LLC IS SEEKING A VARIANCE FROM THE CITY OF FARMINGTON ZONING ORDINANCE SEC. 35-105, CENTRAL BUSINESS DISTRICT – RESIDENTIAL DESIGN STANDARDS, (A) AREA, BULK AND DENSITY REQUIREMENTS, (2) DENSITY, TO ALLOW A DENSITY OF SEVENTY-ONE (71) DWELLING UNITS PER ACRE FOR THE EXISTING APARTMENT BUILDING FOR A PROPOSED PARCEL SPLIT. THIS PROPERTY IS ZONED CBD, CENTRAL BUSINESS DISTRICT. WRITTEN COMMENTS CONCERNING THIS REQUEST MAY BE DIRECTED TO THE ASSISTANT CITY MANAGER PRIOR TO 2:00 P.M. ON FRIDAY, OCTOBER 30, 2026.

A complete copy of the application and proposed lot split may be examined at the City of Farmington City Hall, 23600 Liberty Street, Farmington, MI, 48335, prior to the public hearing, during the City's regular business hours, Monday through Friday. Written comments may be sent to the Planning Commission at the above address prior to the public hearing. Oral comments will be taken during the public hearing.

This notice is published pursuant to the requirements of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Christopher M. Weber. Assistant City Manager

Publish: October 18, 2026 in the Oakland Press

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Christopher M. Weber. Assistant City Manager

Publish: October 18, 2026 in the Oakland Press

2027 ZONING BOARD OF APPEALS
MEETING SCHEDULE
1ST WEDNESDAY

Wednesday, January 6, 2027	7:00 p.m.
Wednesday, February 3, 2027	7:00 p.m.
Wednesday, March 3, 2027	7:00 p.m.
Wednesday, April 7, 2027	7:00 p.m.
Wednesday, May 5, 2027	7:00 p.m.
Wednesday, June 2, 2027	7:00 p.m.
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