



ZONING BOARD OF APPEALS MEETING
Wednesday, May 28, 2025 – 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 December 11, 2024**
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:** **Eric Gensheimer**
Gloria Martinez Perez
33800 State St
Farmington, MI 48335
 1. **Owner requests permission for: A variance to section 35-73 lot and yard requirements because he discovered that his house and attached garage as built are not in compliance with the City of Farmington Zoning ordinance, which requires a minimum side setback of 6 feet and a total side yard requirement (both sides) of 16 feet. Presently his structure sits 4.6 feet from the east property line and 5 feet from the west property line. A variance of 1.5 feet is required on the east side and 5 feet on the west side.**
 2. **Further, the owner wishes to put an addition on his home that will increase the amount of non-conformity by extending the structure to the north and south on the east side of the home along the existing 4'-6' setback line, extending approximately 12 feet to the south and 6 feet to the north**
6. **Public comment**
7. **Adjournment**



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CITY OF FARMINGTON

Date Filed: _____
Fee Paid: _____

Board of Zoning Appeals Application

1. **Petitioner Name** Eric Gensheimer and Gloria Martinez Perez

2. **Location of Property**

Address 33800 State Street, Farmington Michigan
Cross Streets Grand River and Farmington

3. **Identification**

Applicant Eric Gensheimer
Address 33800 State Street
City/State/Zip Farmington, Michigan, 48335
Phone 248-939-0697 Fax _____
Interest in the Property (e.g. fee simple, land option, etc.)
9 Property Owner 9 Other (Specify) Property Owner

Property Owner Eric Gensheimer & Gloria Martinez Perez
Address 33800 State Street
City/State/Zip Farmington, Michigan, 48335
Phone 248-939-0697 Fax _____

Preparer of Site Plan Dave Dobrin Associates
Address 7471 Hitchcock Road
City/State/Zip White Lake, Michigan, 48383
Phone 248-887-2424 Fax _____

4. **Property Information**

Zoning District R1 Area 10,454 sq. ft.
Width 65 ft. Depth 160 ft.
Current Use Single Family Residential

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
<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 checked="" 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 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:

We are requesting a variance for side yard setbacks in connection with the renovation of our home located at 33800 State Street. Our property currently has nonconforming side yard setbacks on both the east and west sides of the house. The existing setbacks are 5 feet on the west side and 4 feet 6 inches on the east side, totaling 9 feet 6 inches. We propose to maintain the existing setbacks for the renovation of the property, as well as extend the existing eastern garage wall toward the street. This request aligns with the criteria established for granting variances, as the proposed expansion does not extend closer to the side lot lines, will not violate any other setback requirements, and will meet all relevant building codes and zoning regulations.

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.

West Side Setback Variance: We request that the current nonconforming setback on the west side of the property (5 feet from the property line) be recognized and accepted, even though the renovation will not alter the west side of the structure. We ask that the variance acknowledge this existing setback and allot it to remain as is, without requiring us to move the structure from the property line. This would prevent unnecessary changes and help preserve the integrity of the existing home design.

Eastern Side Setback Variance - Garage wall extension: The renovation also involves extending the existing nonconforming eastern garage wall toward the street. This extension will not impact the front yard setback, as the garage doors will be staggered to reduce the visual bulk and maintain the required space. This design approach improves the functionality of the space while ensuring compliance with the front yard setback and maintaining the character of the neighborhood.

Compliance with Zoning Ordinance Criteria Sec. 35-206 (E.) - Nonconforming Buildings and Structures

Expansion Does Not Extend Closer to the Lot Line than Existing Nonconforming Structure: The proposed renovation does not extend the structure any closer to the property lines than the current nonconforming elements. The existing side yard setbacks are 5 feet on the west and 4 feet 6 inches on the east side, and these will remain unchanged.

Addition Does Not Extend Into the Front Yard Beyond the Predominant Building Line: The extension of the eastern garage wall will not encroach further into the front yard beyond the predominant building line of the block. The staggered design of the garage doors will actually reduce the space needed for the extension, resulting in a more aesthetically pleasing and functional design that respects the streetscape.

Compliance with All Other Setback, Lot Coverage, Minimum Parking, and Height Requirements: The renovation will comply with all other zoning regulations, including those governing lot coverage, parking, and height. The design of the addition has been carefully crafted to ensure compliance with these requirements, ensuring that the overall project remains within the zoning ordinance's constraints.

Addition Meets All Building Code and Agency Requirements: The proposed addition will adhere to all relevant building codes and will be subject to the review and approval of the appropriate city agencies. This includes ensuring the structure is sound, safe, and meets all safety standards required by the building code.

Compatibility with Neighborhood Character: The design of the addition has been crafted to blend seamlessly with the existing structure and neighborhood. The addition will not detract from the visual appeal of the property or disrupt the established character of the area. The renovations, including the garage wall extension and side yard retention, are designed to be consistent with the aesthetic and architectural standards of the surrounding homes.

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.

It would be practically difficult to comply with the required side yard setbacks. The existing nonconforming setbacks are already in place, and making adjustments to bring the property into conformity with current setback requirements would require significant structural changes, resulting in substantial additional costs. These changes would be financially burdensome and would disrupt the design and layout of the existing home. Granting the variance would allow for the preservation of the existing structure without unnecessary demolition or costly alterations.

b. **Substantial Justice**

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

Granting this variance would do substantial justice to both the applicant and neighboring property owners. For the applicant, the variance would allow for a reasonable expansion of the home without incurring excessive costs or undergoing unnecessary alterations. For neighboring property owners, the variance would not negatively impact the neighborhood's character or the overall aesthetic appeal of the block. The design ensures that no additional burden is placed on neighboring properties, and the renovations will be compatible with the existing structures in the area

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?

A lesser variance would not provide the necessary relief because the existing nonconforming setbacks on both sides are already set, and maintaining the home in its current state is essential to prevent substantial costs from making the structure comply with the full setback requirements. Any attempt to bring the structure into compliance by reducing the nonconforming setbacks would result in unnecessary demolition or rebuilding of parts of the home, which would be economically burdensome. Additionally, requiring a more restrictive variance would create hardship by forcing the applicant to alter the home significantly. Therefore, granting the requested variance in full ensures substantial relief, while also respecting the integrity of other properties in the area by minimizing unnecessary changes that could disrupt the neighborhood's character.

- 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 granting of this variance will not materially impair the intent and purpose of the zoning ordinance. The ordinance's primary goal is to ensure that properties are developed in a way that respects setbacks, lot coverage, and the character of the neighborhood. In this case, the requested variance allows for an expansion without having a negative impact on the surrounding area. Furthermore, the variance will not compromise public safety or welfare, as the design complies with all necessary building codes and safety standards.

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

The nonconforming setbacks on both sides of the property are not a result of actions or choices made by the applicant, but rather are a result of the property's original design. The home was constructed in a way that adhered to the standards in place at the time, and over the years, these setbacks became nonconforming due to subsequent changes in the zoning regulations. The applicant did not create these circumstances, and the requested variance simply seeks to maintain the existing condition while allowing for necessary renovations. Therefore, the special circumstances surrounding this property are not self-created.

- 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?

The proposed renovations and variance request will not introduce any safety hazards or nuisances to the property or surrounding area. The renovations are designed to comply with all relevant building codes and safety standards, and the proposed changes to the structure, including maintaining the current setbacks and extending the garage wall, will not create any new hazards. Additionally, the proposed design ensures that there will be no nuisances caused by the construction or the end use of the renovated home. As such, the granting of the variance will not have any adverse impact on public health, safety, or welfare.

- 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?

The proposed renovation and variance will be designed in such a way that it maintains harmony with the surrounding properties and the overall character of the neighborhood. The design respects the architectural style of the area and does not introduce any elements that would look out of place or detract from the visual appeal of neighboring properties. The request does not involve any expansion that would negatively affect the neighborhood's aesthetics or use of land. The economic value of the property will be enhanced by the renovation, which will improve the structure's livability and functionality without affecting the properties around it.

- 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.

The variance requested is the minimum necessary to allow for reasonable use of the land and the completion of the renovation. The proposed changes will not expand the property beyond its original scope or use, and the setbacks being requested are consistent with the existing structure's placement. The variance will allow the applicant to maintain the current setbacks without undergoing expensive and unnecessary alterations to comply with full setback requirements. This will ensure that the property can be renovated in a way that meets modern living standards while preserving its existing nonconformity, which is the least intrusive approach. No further variance is needed beyond what has been requested for the west side and eastern garage extension. The request ensures that the applicant can use the property reasonably while adhering to the spirit of the zoning ordinance.

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 ¼" to 1" on a sheet or sheets that are at least 24" x 18":

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



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

x 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, Eric Gensheimer (applicant), do hereby swear that the above statements are true.

statements are true.

	04/10/2025		04/10/2025
Signature of Applicant	Date	Signature of Property Owner	Date

I, Eric Gensheimer (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:

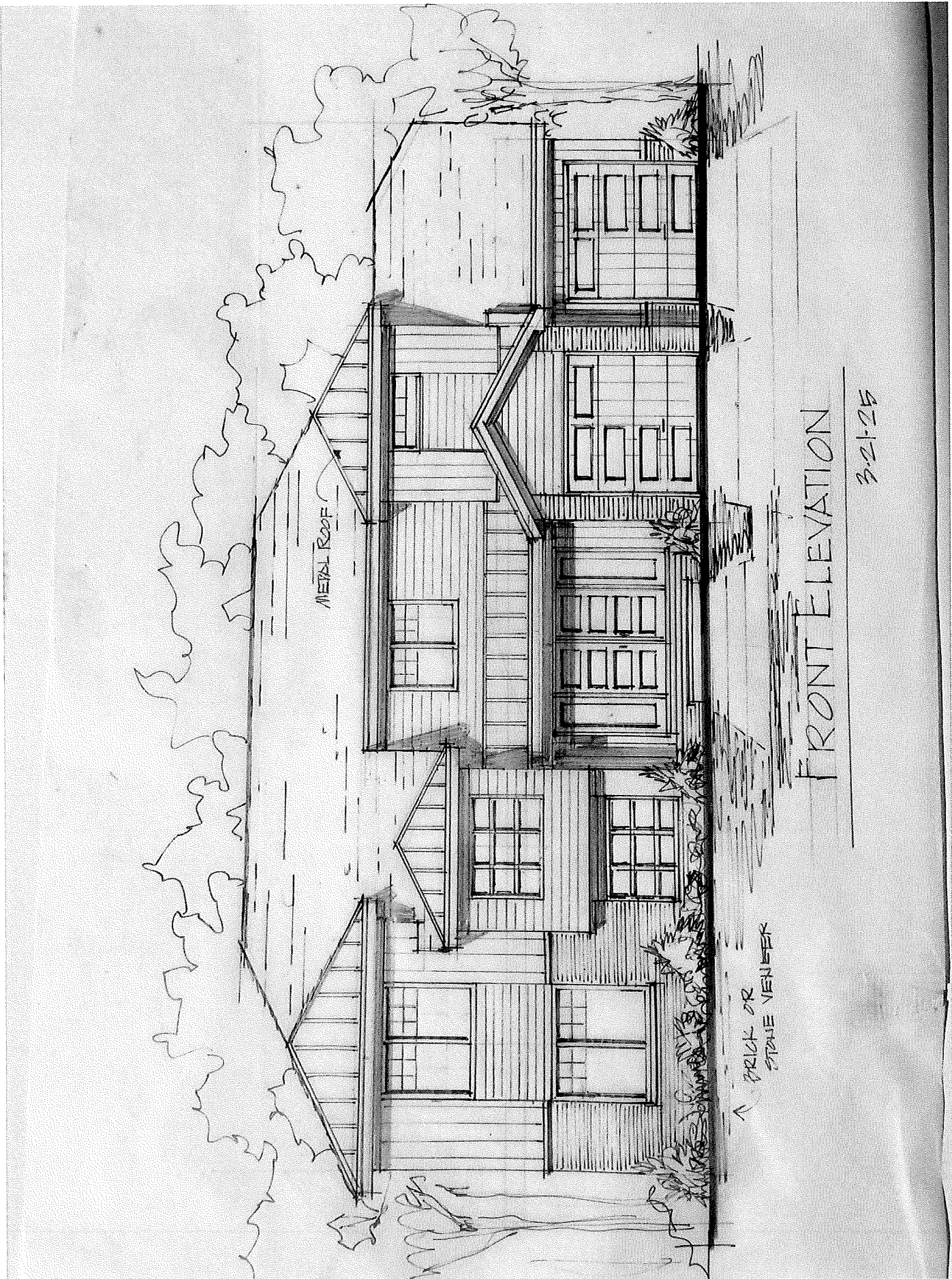
☐ Applicable
☐ Not Applicable

Approved/Denied: _____

Date: _____

By/2nd: _____

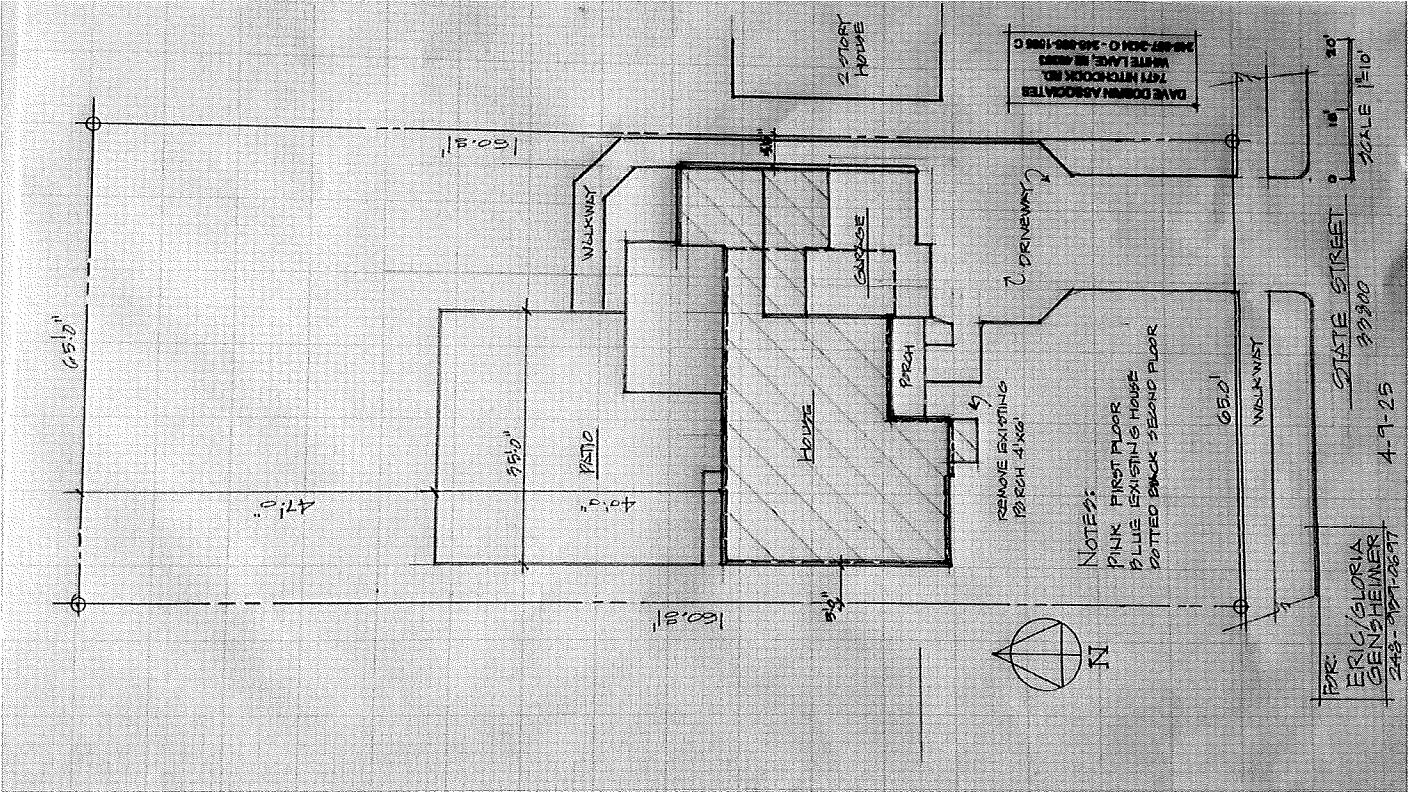
Conditions of Approval: _____



FRONT ELEVATION

3-21-25

↑ BRICK OR
STONE VENEER



www.farmgov.com

33720 West Nine Mile Road
Farmington, Michigan 48335



Public Works Department

Telephone 248-473-7250
Fax 248-473-7279
farmingtondpw@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, May 28, 2025, in the Council Chambers, 23600 Liberty, Farmington, Michigan in accordance with Article XVIII of the Farmington City Code. All property owners within 300 feet of the site in question are notified.

LOCATION: 33800 State St

SIDWELL: 20-23-28-254-016

ZONING: R1, Single Family Residential

APPLICANT: Eric Gensheimer

OWNER: Eric Gensheimer and Gloria Martinez Perez

APPEAL: Owner requests permission for:

1. A variance to section 35-73 lot and yard requirements because he discovered that his house and attached garage as built are not in compliance with the City of Farmington Zoning ordinance, which requires a minimum side setback of 6 feet and a total side yard requirement (both sides) of 16 feet. Presently his structure sits 4.6 feet from the east property line and 5 feet from the west property line. A variance of 1.5 feet is required on the east side and 5 feet on the west side.
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(over)

Sec 35-73 Lot and Yard Requirements

Residential Buildings

1. Minimum yard setback

Residential Buildings					
	R1	R1A	R1B	R1C	R1D (a)
Minimum Lot Area (square feet)	8,500	10,050	12,500	15,000	18,000
Minimum Lot Width (feet)	70	85	100	100	100
Minimum Front Yard Setback (feet)	25(b)	25	25	40	40
Minimum Side Yard Setback - least one (feet)	6	6	6	10	10
Minimum Side Yard Setback - total (feet) (c)	16	16	16	20	20
Minimum Rear Yard Setback (feet)	25	50	50	50	35
Maximum Height of Building					
- In feet	30	30	30	30	30
- In stories	(b)	2	2	2	2
Maximum Lot Coverage (buildings)	40%	25%	25%	25%	35%

Jeffrey Bowdell, Building Official

Mail: May 5, 2025

Publish May 8, 2025 Oakland Press

TODD J THOMAS
KRISTIN M THOMAS
33911 MACOMB AVE
FARMINGTON MI 48335 3536

SARAH BEDOLLA
33712 SCHULTE DR
FARMINGTON MI 48335 4157

CHARLES F BLAKER
KEVEN J BLAKER
33728 SCHULTE DR
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DOUGLAS G WALLACE
ROBERTA M MICHELS
33917 MACOMB AVE
FARMINGTON MI 48335 3536

CONNOR W BRADFIELD
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FARMINGTON MI 48335 3558

DAVID C. NOLAN AND DONNA B. NOLAN
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FARMINGTON MI 48335 3563

BRETT BASANGE THOMPSON
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FARMINGTON MI 48335 3556

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33904 SCHULTE DR
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JANE R FROST
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JILL M KNIGHTON
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FARMINGTON MI 48335 3560

ERIC R GENSHEIMER
GLORIA MARTINEZ PEREZ
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FARMINGTON MI 48335 3559

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RIVERSIDE IL 60546 1887

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JAIME L PESCIA
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FARMINGTON MI 48335 3558

SMITH LIVING TRUST
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FARMINGTON MI 48335 3557

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COLLEEN JOHNSON
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SANDRA KRAVIS
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TAMMY B SWINSON
33725 STATE ST
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JAMES B HICKOX
DIANE M HICKOX
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DAVID B LIVINGSTONE
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BASTIAN SULLIVAN
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MARY MANIER
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JOHN WILLIAMS
JOY WILLIAMS
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KENNETH S FALTYN
33910 MACOMB AVE
FARMINGTON MI 48335 3535

NORA MARIE WINSTEAD
33914 MACOMB AVE
FARMINGTON MI 48335 3535

CHRISTOPHER F TELLERICO
DENISE M TELLERICO
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Public Works Department

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farmingtondpw@farmgov.com

NOTICE

Please be advised:

The City of Farmington Zoning Board Meeting
scheduled for May 7th at 7:00pm at City Hall, has been
rescheduled for Wednesday May 28th at 7:00pm.