



ZONING BOARD OF APPEALS MEETING
Wednesday, December 11, 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 Meeting of August 7, 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:** **Norman W Boegner**
Paula K Boegner
22755 Brookdale St
Farmington, MI 48336
 1. **Owner requests permission to construct a new 28'x 32' detached accessory structure (garage) The City of Farmington Zoning ordinance allows for 15' tall detached structures pursuant to Section 35-43 this proposed structure would meet the defined words provided in Article 21 under "Building Height" however the structure as designed has a dormer that also has end walls that when utilized as part of the overall calculation raise the mean height of the structure to 17' – 10"**
 2. **The property owner requests an interpretation of the building officials to include the dormer walls in the height calculation**

6. **Revisit tabled variance request by Kenneth Swartz 33600 Shiawassee – June 12, 2024 ZBA Meeting**

7. **Public comment**

8. **Adjournment**

BOARD OF ZONING APPEALS MINUTES

A regular meeting of the Farmington Board of Zoning Appeals was held on Wednesday, August 7, 2024 in Council Chambers, 23600 Liberty, Farmington, Michigan. Notice of the meeting was posted in compliance with Public Act 1976.

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

ROLL CALL

- PRESENT: Bertin, Kallie and Schiffman
- ABSENT: Aren, Crutcher, Gensheimer
- OTHERS PRESENT: Assistant City Manager Chris Weber, Building Official Jeff Bowdell

Minutes of Previous Meeting of August 3, 2022

MOTION by Schiffman, supported by Kallie to approve the minutes of June 12, 2024. Motion carried, all ayes.

Minutes of Previous Planning Commission Meetings were received and filed and available for review at www.farmgov.com

Election of Officers postponed until a full complement of Board are present.

APPEAL OF: **Robert Kull**
23917 Whittaker Dr.
Farmington, MI 48335

Introduction: Chairperson Bertin introduced this item and turned it over to staff. He then asked the Applicant if they wanted to proceed with their variance request as there were only three members of the Board present or did he want to wait for a full complement of the Board.

Bowdell stated there was a typo in the materials for this request and that the home is located in the R-1-C District and that the setback requirement is 50 feet.

Kull stated he'd like to move forward with the variance request.

Bertin stated that the Applicant is seeking a 7.7' variance of required 50-foot backyard setback to allow 36.6-foot-long combination screened-in porch and 4-seasons room.

Kull presented his request to the Board stating they would like to put in a screened-in porch outside of their bedroom that would require a 7.7' variance. He stated the uniqueness of his project is that the property location is a middle lot, and they are the very last house in the R-1-C District, which is uncommon in Farmington and their lot is the only lot in the subdivision that is not 150 feet deep, it is 137 feet, with two corner lots abutting on each side. The practical difficulty is they can't go up and that the location of the porch depicted in the plans would not work anywhere else in the backyard. He went through the criteria necessary to approve the variance.

The floor was opened up for questions from the Board. Hearing none, the floor was opened for a motion.

There was one letter received from adjacent neighbor in favor of the project.

Motion:

Motion by Schiffman, supported by Kallie, to approve the request for variance for Robert Kull, 23917 Whittaker, for a 7.7' variance.

Motion carried, all ayes.

Public Comment:

None heard.

Adjournment:

MOTION by Kallie, supported by Schiffman, to adjourn the meeting.

Motion carried, all ayes.

The meeting was adjourned at 7:27 p.m.

Respectfully submitted,

Matthew Schiffman, Secretary



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** Norman W Boegner, Paula K. Boegner

2. **Location of Property**

Address 22755 Brookdale Street, Farmington MI 48336

Cross Streets South of Grand River, West of Orchard Lake

3. **Identification**

Applicant Norman W Boegner, Paula K. Boegner

Address 22755 Brookdale Street

City/State/Zip Farmington, MI 48336

Phone (248) 408-0261 Fax N/A

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

9 Property Owner 9 Other (Specify) Property Owners

Property Owner Norman W Boegner, Paula K. Boegner

Address 22755 Brookdale Street

City/State/Zip Farmington, MI 48336

Phone (248) 408-0261 Fax N/A

Preparer of Site Plan Joseph S Novitsky/JSN AIA

Address 3856 12 Mile Road

City/State/Zip Berkley, MI 48072

Phone (248) 433-2030 Fax N/A

4. **Property Information**

Zoning District _____ Area _____

Width 50 ft Depth 210 ft

Current Use 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 checked="" type="checkbox"/>	TEXT INTERPRETATIONS	18.04.C.	Section 6.
<input type="checkbox"/>	NON-CONFORMING SITUATIONS	18.04.D. & Article 17	
<input checked="" type="checkbox"/>	HEIGHT MODIFICATIONS	18.04 E.	
<input type="checkbox"/>	VARIANCE from the strict application of the provisions of the Zoning Ordinance; specify type:	18.05 A.-D.	
	<input type="radio"/> Dimensional (Area) Variance	18.05 D.1.	Section 7.
	<input type="radio"/> Use Variance	18.05 D.2.	Section 8.
	<input type="radio"/> Accessory Reception Antenna Facilities	18.05 D.3.	
	<input type="radio"/> Cellular Towers and Antenna	18.05 D.4.	
	<input type="radio"/> Fences	18.05 D.5.	

Describe your appeal, in general:

Ordinance requirements of the height and style of garage roof (front shed dormer) have been met, however interpretation by building inspector differs from architect's calculations of roof median height requirements.

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: a and e

Failed to ensure consistency with ordinance standards based on similar and larger garages located in this neighborhood and other local Farmington area neighborhoods which were approved by Farmington prior to his tenure.

Architect has stated his belief that his design meets the ordinance requirements and the building official's interpretation of the zoning ordinance is incorrect.

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.

- 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?

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:

 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.

 X **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, Norman W Boegner, Paula K. Boegner (applicant), do hereby swear that the above statements are true. *Paula Boegner*

<i>Norman W Boegner</i>	11/21/24	<i>Norman W Boegner</i>	11/21/24
Signature of Applicant	Date	Signature of Property Owner	Date

I, Norman W Boegner, Paula K. Boegner (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>	_____ Applicable
	_____ Not Applicable
Approved/Denied: _____	
Date: _____	
By/2nd: _____	
Conditions of Approval: _____	

GENERAL NOTES MRBC 2015

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF BROOKDALE.
3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF BROOKDALE.
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19. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF BROOKDALE.
20. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF BROOKDALE.

LEGAL DESCRIPTION

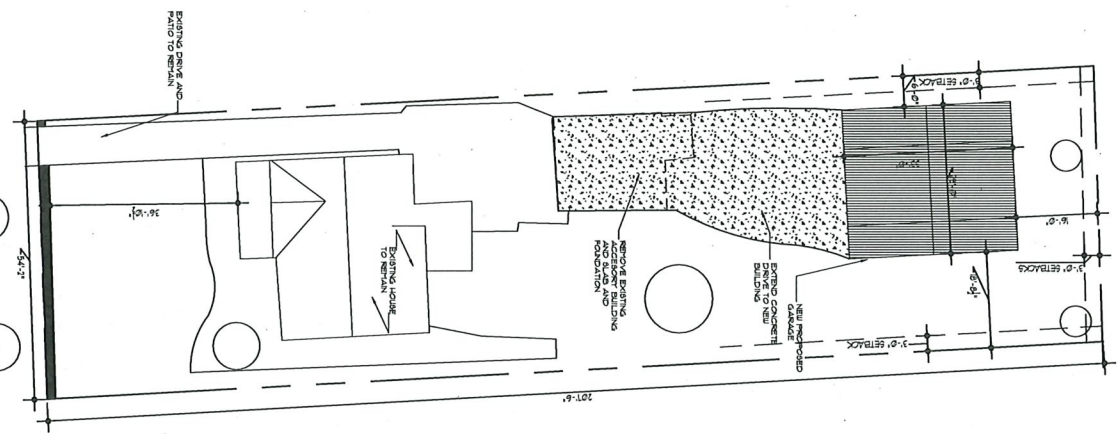
TR. REC SEC 21 BROOKDALE SUB LOT 45

R-1 ZONING

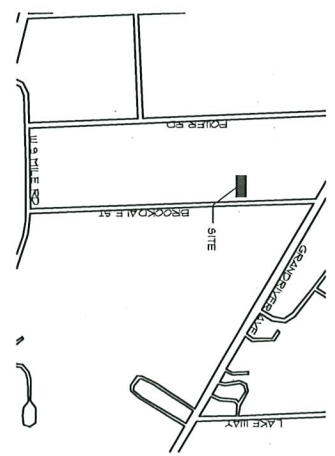
Lot Area: 10,000 sq. ft. (approx.)
 Required: 10,000 sq. ft. (approx.)

ONE FAMILY ZONING

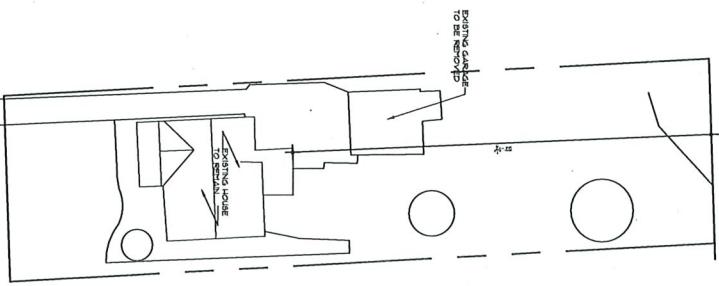
- Lot Area: 10,000 sq. ft. (approx.)
 Required: 10,000 sq. ft. (approx.)
- Front Setback: 10'-0" (approx.)
 Side Yard: 5'-0" (approx.)
 Rear Setback: 10'-0" (approx.)
- Other Notes:
 (1) * REQUIRED * 3'-0" (MIN)
 (2) * REQUIRED * 1'-0" (MIN)
 (3) * REQUIRED * 1'-0" (MIN)
 (4) * REQUIRED * 1'-0" (MIN)
 (5) * REQUIRED * 1'-0" (MIN)
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 (17) * REQUIRED * 1'-0" (MIN)
 (18) * REQUIRED * 1'-0" (MIN)
 (19) * REQUIRED * 1'-0" (MIN)
 (20) * REQUIRED * 1'-0" (MIN)



PROPOSED SITE PLAN
 SCALE: 3/32" = 1'-0"



LOCATION MAP
 SCALE: 1/8" = 1'-0"



EXISTING SITE PLAN
 SCALE: 1/8" = 1'-0"

	Project Name: 22755 BROOKDALE ST FARMINGTON, MI
	OWNER: NORMAN BOEGNER NBOEGNER10@GMAIL.COM
Date: 08/22/2024 Drawn By: MNC Project Number: 2024-89 Sheet Number: S-1	SHEET TITLE: SITE PLAN, ZONING & GENERAL NOTES

ESIN
AIA

Joseph S. Norvick
Architect
3555 12 Mile Road
Bloomfield Hills, MI 48307
(248) 453-5500

Seal:

Professional Engineer
JOSEPH S. NORVICK
STATE OF MICHIGAN
LICENSE NO. 97026
EXPIRES 12/31/2024

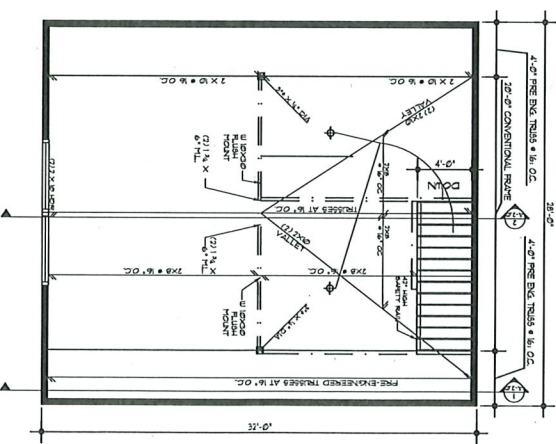
DATE: 12/15/2024
DRAWING: EXISTING AND PROPOSED FLOOR PLANS
PROJECT: 22755 BROOKDALE ST FARMINGTON MI
OWNER: NORMAN BOEGNER

Project Name:
**22755 BROOKDALE ST
FARMINGTON MI**

OWNER:
NORMAN BOEGNER

Sheet Title:
EXISTING AND PROPOSED FLOOR PLANS

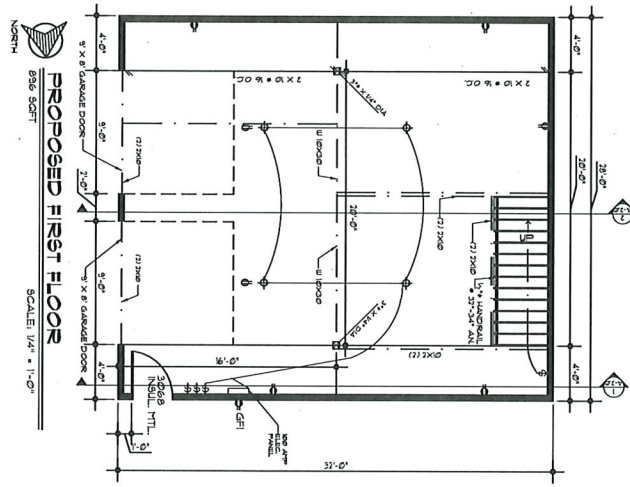
DATE: 08/22/2024
DRAWN BY: NMC
PROJECT NUMBER:
2024-89
SHEET NUMBER:
A-1.0



WINDOW & PART GENERAL NOTES

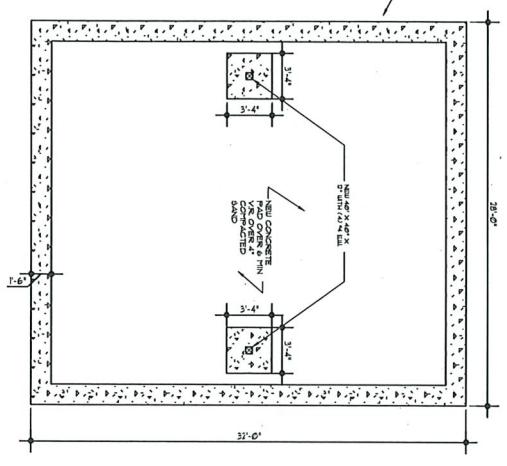
- ALL EXTERIOR WINDOW AND DOOR TRIM SHALL BE HIGHLIGHTER BOUNDS STYLE AND COLOR BY OWNER. SEE ELEVATIONS FOR VISUAL REPRESENTATION OF DESIGN INTENT.
- ALL INTERIOR WINDOW & DOOR TRIM SHALL BE DETERMINED BY OWNER, OR INTERIOR DESIGNER.
- ALL INTERIOR WINDOW & DOOR TRIM SHALL BE DETERMINED BY OWNER, OR INTERIOR DESIGNER.
- ALL WINDOW REVEALS SHALL HAVE A STYLE & COLOR TO BE DETERMINED BY OWNER.

NO.	QUANTITY	WINDOW TYPE	UNIT SIZE	UNIT #	FINISH	NOTES
101	3	36" x 48" CASING	36" X 48" X 1 1/2"	003	INTERIOR	GLASS DOUBLE



WALL SCHEDULE

SYMBOL	DESCRIPTION
---	EXISTING WALL SCHEDULED FOR DEMOLITION
---	EXTERIOR WALL TO REMAIN
---	NEW EXTERIOR WALL
---	NEW INTERIOR WALL
---	NEW INTERIOR WALL WITH INSULATION
---	NEW INTERIOR WALL WITH INSULATION & EXTERIOR FINISH
---	NEW INTERIOR WALL WITH INSULATION & EXTERIOR FINISH & 1/2" GYPSUM BOARD
---	NEW INTERIOR WALL WITH INSULATION & EXTERIOR FINISH & 1/2" GYPSUM BOARD & 1/2" FINISH OVER TO EXISTING

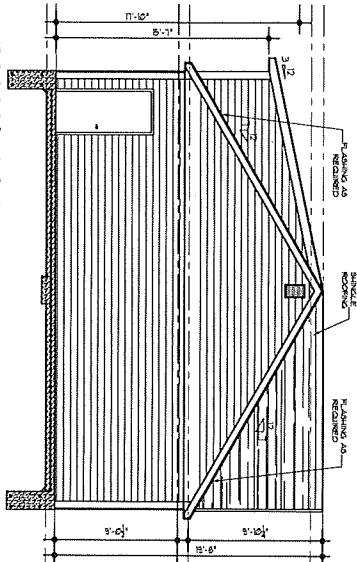


ELECTRICAL & LIGHTING LEGEND

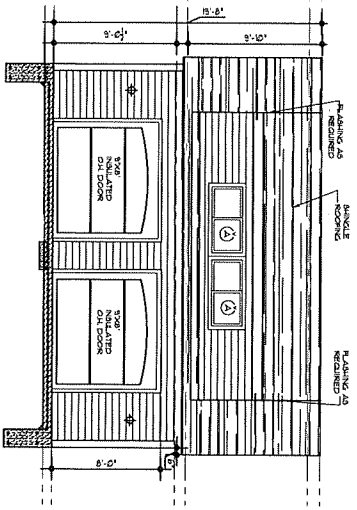
SYMBOL	DESCRIPTION
□	NEW GARAGE DOOR OPERATOR
○	NEW LIGHT FIXTURE NEW INTERIOR LIGHT fixture
◐	NEW CEILING RECESSED LIGHT FIXTURE
○	NEW OUTLET
□	NEW ELECTRICAL BOX
□	NEW SERVICE UNIT (RANGE WALL INTERIOR)

ELECTRICAL LIGHTING NOTES:

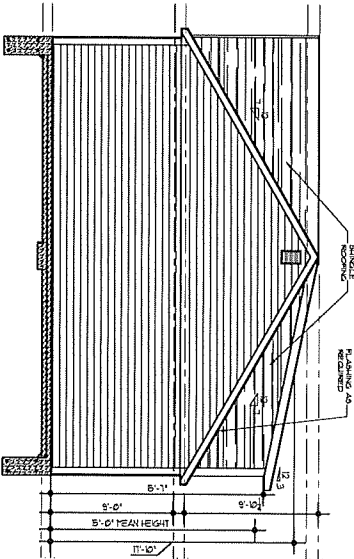
- ALL ELECTRICAL TO THE LIVING LAYOUT SHALL OCCUR BY THE OWNER. INTERIOR DESIGNER CONSULT WITH THEIR RESPECTIVE CONTRACTOR.



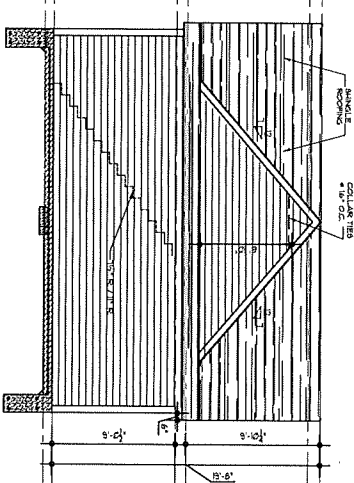
PROPOSED SIDE (NORTH) ELEVATION
SCALE: 1/4" = 1'-0"



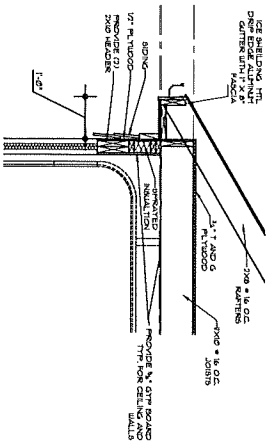
PROPOSED FRONT (EAST) ELEVATION
SCALE: 1/4" = 1'-0"



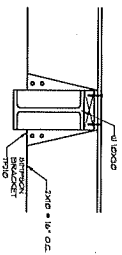
PROPOSED SIDE (SOUTH) ELEVATION
SCALE: 1/4" = 1'-0"



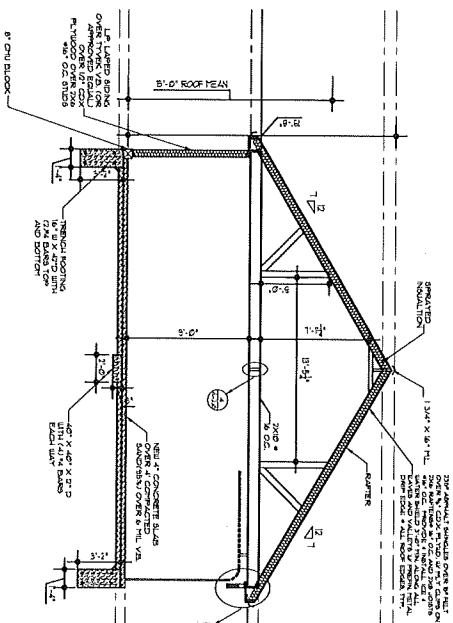
PROPOSED BACK (WEST) ELEVATION
SCALE: 1/4" = 1'-0"



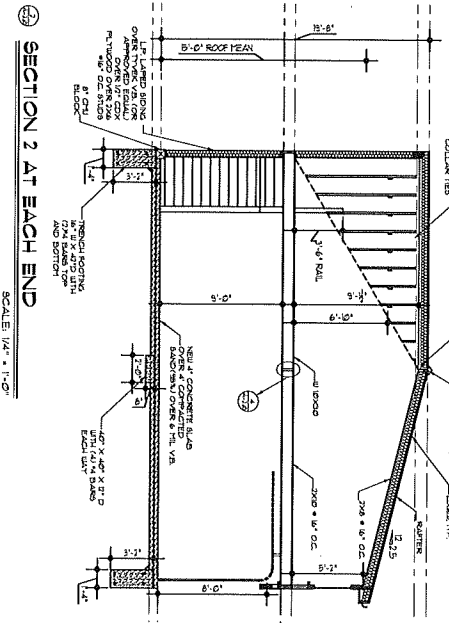
SECTION 3
SCALE: 1/2" = 1'-0"



SECTION 4
SCALE: 1/2" = 1'-0"



SECTION 1 AT EACH END
SCALE: 1/4" = 1'-0"



SECTION 2 AT EACH END
SCALE: 1/4" = 1'-0"

Joseph S. Novak
Architect
3865 12 Mile Road
Burling, MI 48072
(248) 433-2030

DATE: 08/20/2024
PROJECT: EXISTING ELEVATIONS AND SECTIONS
SCALE: AS SHOWN

Project Name:
22755 BROOKDALE ST
FARMINGTON, MI

OWNER:
NORMAN BOEGNER

Sheet Title:
EXISTING & PROPOSED
ELEVATIONS
AND SECTIONS

Drawn by: KAC
Project Number:
2024-89
Sheet Number:
A-2.0

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, December 11th, 2024, 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: 22755 Brookdale

SIDWELL: 20-23-27-451-041

ZONING: R1, Single Family Residential

APPLICANT: Norman & Paula Boegner

OWNER: Norman & Paula Boegner

APPEAL: Owner requests permission to:

1. Construct a new 28' x 32' detached accessory structure (Garage)
The City of Farmington Zoning Ordinance allows for 15' tall detached structures pursuant to Section 35-43 this proposed structure would meet the defined words provided in Article 21 under "Building Height" however the structure as designed has a dormer that also has end walls that when utilized as part of the overall calculation raise the mean height of the structure to 17'-10".
2. **The property owner requests an interpretation of the building officials to include the dormer walls in the height calculation.**

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.

Publish: November 27, 2024, Oakland Press
Mail: November 26, 2024

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