

## **BOARD OF ZONING APPEALS MINUTES**

A regular meeting of the Farmington Board of Zoning Appeals was held on Wednesday, June 3, 2015 in Council Chambers, 23600 Liberty Farmington, Michigan. Notice of the meeting was posted in compliance with Public Act 1976.

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

### **ROLL CALL**

**PRESENT:** Aren, Bertin, Crutcher

**ABSENT:** Dompierre, Kmetzo

A quorum of Commissioners were present.

**CITY OFFICIALS PRESENT:** Building Inspector Koncsol, Director Christiansen, City Manager Murphy, Mayor Galvin

Mayor Galvin introduced new City Manager David Murphy who spoke briefly.

### **APPROVAL OF AGENDA**

MOTION by Crutcher, supported by Bertin, to approve the Agenda as submitted. Motion carried, all ayes.

### **MINUTES OF PREVIOUS MEETINGS**

MOTION by Bertin, supported by Crutcher, to approve the minutes of the previous ZBA meeting of December 3, 2014. Motion carried, all ayes.

MOTION by Crutcher, supported by Bertin, to receive and file the minutes of the previous Planning Commission Meetings from December 8, 2014, February 9, 2015, February 25, 2015, March 9, 2015, April 13, 2015 and May 11, 2015. Motion carried, all ayes.

**APPEAL OF:** **Matthew Schiffman**  
**31609 Shaw Avenue**  
**Farmington, MI 48336**

**Request for variance to Sec. 35-73 Lot and Yard Requirements, Residential Building (R1) to allow 20' variance to the required rear yard setback of 30' to construct a one story living area addition to existing one story single family residence.**

Vice Chairperson Aren introduced the item and turned it over to staff.

## BOARD OF ZONING APPEALS MINUTES -2-

Inspector Koncsol stated that he had talked to the Petitioner and had informed him that the Zoning Board is normally comprised of five members and that two would not be present tonight and that he had an option to wait for a full Board or to proceed with the meeting tonight and the Petitioner wished to move forward. He stated with the three member board, the item would need to pass unanimously.

He further indicated that in his dialogue with the Petitioner, all options were investigated before coming before the Zoning Board. He looked into the option of building upward but was informed that the foundations in his home would not support a second story construction. He also had discussions with a neighbor and the possible purchase of a piece of property that would lessen the variance but the discussions did not materialize into anything concrete so the Petitioner chose to go forward and apply for the variance because of the practical difficulty causing a rear yard setback deficiency.

Bertin inquired if the potential property purchase was to the rear or to one side of the Petitioner and Koncsol responded to the rear.

Aren invited the Petitioner to come to the podium.

Matthew Schiffman, 31609 Shaw Avenue, stated he had moved to his current address in 2009 and fell in love with the house, his neighbors, and the whole neighborhood setting. He was looking for a way to expand the footprint of his home as there is no basement and their growing family would require more room. His initial plan was to expand upward but it was determined that the footings were not deep enough to support a second story.

He also had discussions with the neighbor to see if he could purchase a piece of his property but the lot splitting became too tough with the floodplain and thus leading to the plans he presents with today, to put on a 20 foot addition to expand living quarters to the rear of the home.

He went over the plans that were provided to the Commissioners depicting what he was planning on doing. He welcomed questions from the Commissioners.

Bertin asked if the Petitioner had done any research to determine where the floodplain line was and the Petitioner responded in the affirmative.

Aren stated the Board had received three letters of approval from neighboring property owners. She then asked if there was anybody in the audience who would like to speak for or against the project.

Gary Goss, 31322 Shaw Street, gave a brief history of when he moved into the City after being hired by the city as a Public Safety Officer. He described the uniqueness of the neighborhood and the Petitioner's lot and strongly urged the Board to approve the variance.

## **BOARD OF ZONING APPEALS MINUTES -3-**

Terry Purves, 31707 Sherwood Street, spoke about the floodplain and the elevation survey that was done when he moved into the neighborhood in 1987. He stated his lot was very similar to the Petitioner's and the floodplain is not an issue or concern. He asked the Board to approve the variance.

Upon a motion by Bertin, supported by Crutcher, to move that the variance request of Matthew Schiffman, 31609 Shaw Avenue, be granted for the following reasons and findings of fact:

1. The uniqueness requirement is met because the conditions of his property are such that there is no other alternative for him to expand his home.
2. Denial of the variance would have severe consequences for the Petitioner because it would not allow him to expand his home to fit the needs of his growing family.
3. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance because it poses no hazard or harm to the neighboring properties and he has the overwhelming support of his neighbors.

### **ROLL CALL:**

AYES: Bertin, Crutcher, Aren

NAYS: None

ABSENT: Dompierre, Kmetzo

MOTION CARRIED UNANIMOUSLY

Bertin complimented the Petitioner on the thoroughness of his submitted documents which are helpful to the Board when making their decision.

### **PUBLIC COMMENT**

None heard.

### **ADJOURNMENT**

MOTION by Bertin, seconded by Crutcher, to adjourn the meeting.  
Motion carried, all ayes.

The meeting adjourned at 7:20 p.m.

---

John D. Koncsol, Building Inspector