

BOARD OF ZONING APPEALS MINUTES

A regular meeting of the Farmington Board of Zoning Appeals was held on Wednesday, February 1, 2012 in Council Chambers, 23600 Liberty Street, Farmington, Michigan. Notice of the meeting was posted in compliance with Public Act 1976.

Chairperson Buyers called the meeting to order at 7:05 p.m.

ROLL CALL

PRESENT: Bennett, Buyers, Dompierre, Majoros, Scott.

CITY OFFICIALS PRESENT: Building Inspector Koncsol, Director Gushman.

Chairperson Buyers stated that the ZBA is a body that hears appeals for variances, charged with hearing petitions and reviewing same based on the zoning ordinances in place and must make decisions in accordance with the zoning ordinance. Being a five person board, in order to have a motion carry a majority of the vote (3 person) must be held to have a variance granted. He also stated that the first avenue of appeal from the ZBA would be to the Oakland County Circuit Court.

MINUTES OF PREVIOUS MEETINGS

MOTION by Bennett, supported by Majoros, to approve the minutes of the previous ZBA meeting of September 7, 2011.

Motion carried, all ayes.

MOTION to receive and file the minutes of the Planning Commission Meeting of June 9, 2014.

Motion carried, all ayes.

APPEAL OF: **David Ratze**
 33620 Grand River Avenue
 Farmington, MI 48335

Chairperson Buyers stated David Ratze is requesting a 10' height variance to Sec. 35-43(k) to allow for a platform/tree house to remain (as constructed) in a tree at 33620 Grand River. City code sets a height limit of 15' for any detached accessory building in a residential district.

Michael Ratze, owner and resident of 33620 Grand River, stated that his son David, spent nine weeks with friends building the structure. His son David then indicated that they had spent extra time in building the tree house ensuring its safety with concern for the health of the tree. Painting was done replicating a Vincent Van Gogh work to add to the historic district of Farmington. The group activity helped them learn about construction, team work and achieving the end result. Neighbors were given letters asking for any complaints or concerns and none were received.

John McGuire, 34005 Oakland Street, spoke in favor of the tree house. He explained the details of the work behind the construction.

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Letters of correspondence were received from the following:

In support of: Jean Baldwin, 33614 Grand River
Andrea Zimmer, 38905 Six Mile Road, Livonia (tenant of 33614 GR)
John and Sherie, 33535 Adams Street
Carla and Timothy Miller, 33625 Oakland, Farmington
Cheryl Honaway, 33619 Oakland Street, Farmington

Public comments from members of the audience were received from:

Leslie Charffin, 33629 Grand River, in favor of
Christopher Demartini, 33611 Oakland, in favor of
Mary Alice Smith, 23930 Cass, in favor of

Chairperson Buyers asked Konscol for history of property.

Discussion was held regarding questions if variance would go with life of the property and Gushman responded that structure and time limitations can be placed on variance.

Further discussion was held concerning code enforcements related to accessory building.

Bennett expounded on the duties of the ZBA and its relationship to this appeal and in granting variances.

More discussion was held on the safety of the structure, the changes that could occur, the problems working within the constraints of the zoning ordinance and the issue of it being self-created.

Gushman stated that the city would not assume those conditional issues, that it is their duty to enforce the ordinance and do not make modifications.

MOTION by Bennett, seconded by Dompierre, to move that the request for 10' height variance to Sec.35-43(k) be denied for a platform tree house to remain as constructed in the tree at 33620 Grand River.

Discussion was held concerning whether approval could be entertained with conditional criteria placed against it.

ROLL CALL:

Ayes: Bennett, Buyer, Dompierre.

Nays: Majoros, Scott.

Motion carried, three to two.

Chairperson Buyers commented on his duties on the ZBA and that he was disappointed in the way he had to vote on the variance but commended the Petitioner and the learning involved in the process.

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Bennett also stated he would have liked to have voted in favor of the variance but that there were overriding issues involved and if the citizens were strongly in support of change that the forum of that would be the City Council, to request that they put together an ordinance that deals with tree houses.

ELECTION OF OFFICERS

Chairperson Buyers inquired if there were any members that wished to serve as chair for the ZBA.

MOTION by Majoros, seconded by Bennett, to retain Paul Buyers as chair of the Zoning Board.

Motion carried, all ayes.

MOTION by Bennett, seconded by Majoros, to elect Joseph Dompierre as vice chair of Zoning Board.

Motion carried, all ayes.

PUBLIC COMMENT

No public comments were heard.

COMMISSION COMMENTS AND ANNOUNCEMENTS

None heard.

ADJOURNMENT

MOTION by Majoros, seconded by Bennett, to adjourn the meeting.

Motion carried, all ayes.

The meeting adjourned at 8:30 p.m.

John D. Koncsol , Building Inspector