

MINUTES
CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS
CITY HALL – COUNCIL CHAMBER
OCTOBER 4, 2016

CALL MEETING TO ORDER

Chair Seelye called the meeting to order at 7:33p.m.

ROLL CALL

The Recording Secretary called the roll.

Members present: Barringer, Barnette, Lindquist, Masood, Rich, Seelye, and Vergun

Members Absent: Stevens

Others Present: Attorney Morita and Zoning Division Representative McGuire

Attorney Morita explained that prior to the meeting she spoke with the proponent, property manager, and their attorney regarding their request for three special exceptions and informed them that under the City's ordinance when making a request for a special exception to the height limitation, the only way they can get a special exception to the size and setback is by variance; and once the special exception is granted for the height, if the proponent wants any more than that it needs to be done by variance. She informed the Board that there is a letter from Engineering stating that they do not support the setback special exception being requested because of safety concerns. She stated that this information was provided to the proponent and they are currently discussing if they want to move forward at this time and if so, with what requests. She noted that one of the options for the proponent is to ask to have this item put over until next month if they are asking for less of a setback exception and the size exception, as long as they do not ask for the height exception.

Zoning Representative McGuire noted that on the last page of the Boards packet, footnote #1 is where the ordinance is regarding height, setback and area.

Member Masood asked if they were to continue this evening, would it then be a variance on item #1 and special exceptions on items #2 and #3. Attorney Morita responded that they have advertised for special exceptions so they cannot be granted a variance tonight and if they move forward with the special exception request for the height, they would not be able to go forward with the size and setback requirement because they would need to re-advertise that as a variance request.

Member Barnette questioned how this case is different than an earlier case where they were looking for similar things. Attorney Morita responded that each case stands on its own facts and without having that particular case in front her she cannot say offhand.

APPROVAL OF SEPTEMBER 13, 2016 MINUTES

MOTION by Rich, support by Lindquist, to approve the Zoning Board of Appeals meeting minutes of September 13, 2016 as submitted.

MOTION CARRIED 7-0.

Chair Seelye made standard introductory remarks explaining the formal procedure, courtesies and right of appeal.

SITE VISIT OCTOBER 1, 2016

Chair Seelye noted when the Zoning Board of Appeals members visited the site.

The Sunday site visit begins at 9:00a.m. at City Hall. It is an advertised open, public meeting under the Open Meetings Act, is only for informational purposes; the Board members abstain from any action, hearing testimony, or any deliberations.

APPROVAL OF AGENDA

MOTION by Rich, support by Barringer, to approve the agenda as published.

MOTION CARRIED 7-0.

NEW BUSINESS:

- A. ZBA CASE: 10-16-5604
LOCATION: 30903 Northwestern Highway
PARCEL I.D.: 23-12-126-038
REQUEST: In order to install a freestanding sign in an OS-3 zoning district, the following special exceptions are requested:
1. A 1 foot special exception to the height limit of 6 feet (*withdrawn by applicant*);
2. A 12 square foot special exception to the 32 square foot area limit;
3. A 7 foot 8 inch special exception to the 15 foot setback requirement (*withdrawn by applicant*).
CODE SECTION: 34-5.5.3.B
APPLICANT: Huron Sign Company
OWNER: Concord FH, L.L.C.; Kaufman Financial Group

Zoning Representative McGuire asked if the proponent had come to a conclusion about how they would like to move forward this evening.

Terry McCann, 9308 Barron Way, explained that of the three exceptions they are asking for, they have elected to only proceed with the second exception; the exception regarding the square footage of the sign.

Zoning Representative McGuire noted that special exception is being requested for a sign with an area of 44 square feet, or a special exception of 12 square feet as the maximum area in an OS-3 zoning district is 32 square feet.

Mr. McCann asked if they could have the opportunity to have the Traffic Engineer review the setback.

Attorney Morita explained that if they want the Traffic Engineer to look at a lesser setback special exception then this case should be put over until next month to allow that to happen.

Zoning Representative McGuire stated that essentially they would be withdrawing two requests if they go forward with one request.

Mr. McCann questioned if they went forward with the square footage request and had an opportunity to get input from the Traffic Engineer on the setback, would they have to withdraw the case and reapply.

Attorney Morita explained that if they want to adjourn the case for a month so they do not have to reapply to ask for a lesser request, then they can do that and they would not have to re-advertise and pay the fees.

Zoning Representative McGuire stated that if they want a decision on one item tonight then they would have to start on ground zero for the other requests.

Attorney Morita asked the proponent to clarify what they would like to do this evening.

As the proponent was discussing if they would like to move forward, Zoning Representative McGuire described the case. Utilizing overhead slides, she described the location of the property, showed an overhead view of the property, photos of the property, a rendering of the proposed sign and a site plan drawing of the location of the proposed sign.

Eric Slutzky, 25911 Concord Road, explained that they have a similar sign on the building next door at 30833 Northwestern Highway and the proposed sign is a model sign that is based upon that exact same sign as they are attempting to have consistency between the two buildings. He stated that they have a severe limitation from their lot standpoint in that they have very little frontage on Northwestern Highway and one of the main issues from tenants that have come through is the lack of visibility. He stated that they are trying to do what other buildings have done along Northwestern Highway and, as mentioned earlier, the building immediately to the south has very similar signage located up against the driveway and about 4 feet to 4.5 feet from the sidewalk, which is closer than what they are asking for with the proposed sign. He added that they are trying to get the maximum signage possible because as you come down Northwestern Highway you are well past the driveway for this building before you see the building as it is tucked further back behind the street than the other building and it goes lengthwise up the block making more difficult to see when driving past. He noted that the reason they are asking for the special exception is based on limited visibility and trying to attract tenants with the small frontage along Northwestern Highway.

Chair Seelye asked if they were only asking for the special exception for the additional 12 square feet of signage. Mr. Slutzky responded that they are asking for additional 12 foot sign and are willing to forgo the 6 feet in height and the 15 foot setback.

Member Rich asked if the names on the rendering are the actual tenants. Mr. Slutzky responded that Wells Fargo and Kelman and Fantich may not be on the sign as they are still working with them on a lease.

Member Rich asked if they are planning to limit the number of panels to four, as indicated on the rendering. Mr. Slutzky responded that he does not know if they have come to conclusion in that regard, but they had originally spoke of having four panels on the sign and since they are trying to keep consistency with the sign on the building next door, he does not see them wanting to do more than five panels on the sign.

Member Rich questioned if the existing sign on the south side of the driveway will remain. Mr. Slutzky responded no, as that sign is a temporary sign.

Member Masood asked the proponent to help him understand what a 40 square foot sign would give them that a 30 square foot sign would not. Mr. Slutzky responded that they were looking to match the sign next door with the 40 square foot sign at 7 feet high, but going down to 6 feet should not be an issue due

to the grade of the building but they prefer to have the maximum width to be able to accommodate the fact that they are no longer going to have the height.

Member Barringer asked if the for lease signs will come down. Mr. Slutzky responded that they would move them to another location but will remain because they still have space to lease.

Zoning Representative McGuire asked the proponent, for clarification of the record, to state they are withdrawing their request for the height and setback.

Mr. Slutzky stated that they are withdrawing for both the height and the setback requests.

Member Masood asked if there was any history on the sign on the other property. Zoning Representative McGuire responded that she was not aware of the measurements or distances of the sign to the south west or the one next door, and as far as she knows the other property did not receive a special exception for signage.

Mr. Slutzky stated that the sign on their other property was the exact same sign they were proposing as far as size, and it was his understanding that there was a variance granted for that sign.

Chair Seelye asked how this case came before the Board as a special exception. Attorney Morita responded that the application only requested a special exception, not a variance.

Member Lindquist stated that having withdrawn the request for increase in height, it makes the sign wider and it will not meet the same dimensions of the other sign and asked the proponent if they still need the special exception for the area. Mr. Slutzky responded that the goal would be to re-render the sign based on trying to maximize the square footage and if it works out from a scaling standpoint to allow for additional width that is what they would do as their goal is to maximize visibility along Northwestern Highway. He noted that they believe due to the grade of the other building being a little higher, taking this sign down 1 foot it will appear to be the same height but they prefer to have the signs be the same width.

Chair Seelye opened the public portion of the meeting. There being no public comments, Chair Seelye closed the public portion of the meeting.

Paul Ferguson, Huron Sign Company 29400 Lake Park Drive, explained that the size of the existing sign on the adjacent property is 84 inches tall by 138 inches wide and from a graphic standpoint with the tenant panels being 7 3/8 inches, they are trying to hold a 6 inch copy as you get a better visibility at 6 inches. He noted that they can adjust the sign, cut down into base area and hold the 7 3/8 inch tenant panels to accommodate for the 6 inch copy and that is why they are trying to hold the width of the sign.

Member Rich confirmed there was an affidavit of mailing on file with 22 returned mailers.

Member Rich stated that the sign requested is 6 feet in height, 72 inches, and 8 feet in width, 96 inches, making the sign 48 square feet and the special exception being requested is only for 44 square feet, therefore, the numbers do not match.

Member Lindquist commented that the proponent could simply reduce the size of the base and that would allow them the same size sign just at foot lower on the base.

MOTION by Lindquist, support by Barnette, in the matter of ZBA Case 10-16-5604, to GRANT the petitioner's request for a 12 square foot special exception to the 32 square foot area limit because the petitioner did demonstrate that the requirements for a special exception existed in this case, setting forth facts which show that:

1. There are circumstances or features that are exceptional or unique to the subject property and that are not self-created, that being the topography of the property and the angle to the roadway.
2. That failure to grant relief would result in substantially more than mere inconvenience or financial expenditures and without a special exception would unreasonably preclude the visibility or identification of the non-residential building on the property.
3. That the special exception will not result in a sign or condition that is incompatible with or unreasonably interferes with adjacent or surrounding properties taking into account the Traffic Engineers report, noting that he is comfortable with the sign of that size being located without adjustments to the setbacks, and does substantial justice to both the applicant and adjacent properties, and is not inconsistent with the spirit and intent of this chapter; and
4. When taken on its own, or in combination with other existing conditions on the property, it does not have an adverse effect on the essential character or aesthetics of the establishment or the surrounding area, is not detrimental or negatively affecting the character of surrounding residential development, or compromises the public health, safety or welfare.

SUBJECT to the following conditions:

- The sign constructed should be similar or identical to the rendering provided by the proponent and have no more than 5 tenants identified on the sign
- The removal of the signs identified by the proponent as temporary signs from the southeast side of the driveway

MOTION CARRIED 7-0.

PUBLIC QUESTIONS AND COMMENTS

There were no public comments.

PROPOSED 2017 MEETING SCHEDULE

MOTION by Barringer, support by Masood, to approve the proposed 2017 Zoning Board of Appeals meeting schedule as submitted.

MOTION CARRIED 7-0.

ADJOURNMENT

MOTION by Vergun, support by Rich, to adjourn the meeting at 8:09p.m.

MOTION CARRIED 7-0.

Respectfully submitted,

City of Farmington Hills
Zoning Board of Appeals Meeting
October 4, 2016

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APPROVED

James Stevens, Secretary
Zoning Board of Appeals

/ceh