

**MINUTES  
CITY OF FARMINGTON HILLS  
ZONING BOARD OF APPEALS  
CITY HALL – COUNCIL CHAMBER  
JULY 11, 2017**

**CALL MEETING TO ORDER**

Chair Seelye called the meeting to order at 7:30p.m. and made standard introductory remarks explaining the formal procedure, courtesies and right of appeal.

**ROLL CALL**

The Recording Secretary called the roll.

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

Members Absent: Stevens

Others Present: Attorney Morita and Zoning Division Supervisor Randt

**SITE VISIT JULY 9, 2017**

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 Lindquist, support by Rich, to approve the agenda as published.

**MOTION CARRIED 7-0.**

**NEW BUSINESS:**

A. ZBA CASE: 7-17-5615  
LOCATION: 27777 Inkster  
PARCEL I.D.: 23-13-401-003  
REQUEST: 1. A Special exception for a third sign on the building façade (two signs are allowed). 2. A Special exception to allow for an additional 25 square feet of sign, total 75 square feet of wall sign (50 total square feet of wall sign allowed per façade) in an OS-1 Zoning District.  
CODE SECTION: **34-5.5.3.B.i., B.ii.**  
APPLICANT: EWI  
OWNER: 27777 Property, L.L.C.

Zoning Division Supervisor Randt gave a brief description of the property, the location of the property and presented photos of the existing and proposed façade signage and existing monument sign.

Dominic Silvio, CEO of EWI, 27777 Inkster Rd, explained that EWI has been in business for 38 years and prior to moving to Farmington Hills one year ago they were located in Livonia along the Jefferies freeway, they choose Farmington Hills instead of moving to downtown as most of their employees are closer to Farmington Hills and with this building they thought they would get some sort of signage along the freeway, as they had a large sign when they were located in Livonia. He gave a brief overview and

history of EWI, noting that they design and build exhibits for auto shows, trade shows, museums and Ford Motor Company is their biggest account and they do 80 shows for them around the country, with Detroit being the biggest. He presented photos of their exhibits and also a depiction of the project for General Motors at the RenCen. He added that EWI has 85 employees.

Mr. Silvio explained that it is important to have identification on the building as they are a global company and one of the reasons they rented the building was to be located on I-696 and have a sign visible from there. He stated that the building is broken up and has four towers with one tower on the opposite side having the TD sign on it.

Chair Seelye questioned if there will be a fourth sign. Mr. Silvio responded probably, as the company that moves in would want to have identification so people know they are there.

Chair Seelye asked how much of the building still needs to be occupied.

Andy Gutman, Farbman Group, 28400 Northwestern Highway, explained that there is still 60,000 square feet, about 35% of the building, still to fill and they plan to take down the Farbman Group sign for the new tenant and allow them to put up their own sign.

Member Lindquist stated that they are asking for a special exception for 50 square feet but in fact they intend to have the Farbman sign as a place holder for the next tenant, and he asked if the Board were to grant a lesser relief would they accept that only the EWI sign would be allowed.

Mr. Farbman asked if that meant they would have to come back to the Board for another special exception. Member Lindquist responded that the expectation would be not to come back as he feels that when the property owner rents out these properties there should be a sufficient understanding that they are at the limit of the allowable signs under the ordinance, and apparently that was not the case when EWI leased the space. He added that they would have to come back for another special exception and part of the Boards' consideration at that time that would be the fact that they have already granted a special exception for one additional sign beyond what is allowed in the ordinance.

Mr. Gutman stated that they appreciate that the Board wants to limit what is on the buildings and in this case when they worked the deal with EWI, there was no signage rights for them but what they are realizing is that EWI needs that for their business, and at the same time they need to attract attention of a tenant and the new tenant will want their name on the expressway. He added that their preference is not to have to come back.

Member Lindquist asked if there is a suggestion that TD is moving out. Mr. Gutman responded that they know that every suburban tenant gets approached often to go downtown but they do not know anything about TD heading downtown nor have they threatened to leave.

Member Lindquist asked how long TD has on their lease, as the whole of the signage is available to the owner of the building eventually and those signs would be allowed to continue with different tenants going forward. Mr. Gutman responded that he does not have the exact date but they do have a few years left.

Member Masood stated that the way he reads the request is that they are allowed two signs and asked if they were just requesting one sign would they not have to be before the Board. Attorney Morita responded that there was a variance granted for the 90 square foot monument sign that is on the freeway

and one of the conditions of that variance was that there would be no façade signs on the building so at this point, if they did not have that particular issue and only wanted the one sign for EWI, they would not need to be before the Board, but because of the condition placed on the prior variance, they need to be here and that is something the Board would have to consider; allowing them to put up even just one sign.

Member Masood noted that this gives him an issue with it not being self-created.

Member Lindquist questioned if the additional sign area requested is just a formality created by the variance previously granted.

Attorney Morita explained that the variance was granted in 2002 and since then the sign ordinance has changed and when this particular issue came up and the history on this parcel was investigated by staff, what they found was this variance with the restriction that does not allow for any façade signs even though they already have one up. She added that under the new ordinance, they can have the TD sign and the proposed EWI sign without the need for special exception except for the fact that there is the prior variance with the restriction, so in order for them to have the EWI sign, the Board would have to consider the condition from the 2002 variance.

Attorney Morita stated that if they want three signs they will need a special exception to the existing sign ordinance to get the third sign and the extra 25 square feet.

Chair Seelye asked if the applicant would be allowed to have another monument sign. Attorney Morita responded no, they have two monument signs and the second one was by variance.

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

Member Rich noted that in terms of the issue of being self-created, unlike when dealing with a variance, is not one of the criteria that the Board looks at, there are different criteria for special exceptions that are significantly less restrictive in evaluating whether or not to grant a special exception in contrast to a variance, that being the case, he understands the situation with having the freestanding signs and the fact that a variance at the time was granted based on not having other façade signage but at that time the entire facility was occupied by a signal tenant so there was no need for more façade signage and with the situation as it currently exists, there are multiple tenants so he is inclined to grant the special exception as requested.

**MOTION** by Rich, support by Masood, in the matter of ZBA Case 7-17-5615, to GRANT the petitioner's request for a special exception for a third sign on the building façade and a special exception to allow for an additional 25 square feet of sign, total 75 square feet of wall sign in an OS-1 Zoning District; based on the findings which show that:

- i. That the request is based on circumstances or features exceptional to the property which are not self-created; it is a large building, it has multiple tenants now that was not something the current owner is responsible for, where the property is located it is visible from the freeway which makes it unique and if the structure was divided into separate buildings they would be allowed more signage.
- ii. That failure to grant relief would result in substantially more than mere inconvenience or financial expenditures.

- iii. That application of the regulations without a special exception would unreasonably limit the use of the property in that it would unreasonably preclude the visibility or identification of the non-residential building on the property.
- iv. That the special exception will not result in a sign or condition that is incompatible with or unreasonably interferes with adjacent or surrounding properties and will result in substantial justice being done both to the applicant and adjacent or surrounding properties, and is not inconsistent with the spirit and intent of this chapter; the signs that are being requested are relatively small given the size of the building overall and because there are not a lot of other buildings directly visible from the freeway nearby it will not cause any sign pollution that would give concern.
- v. When taken on its own, or in combination with other existing conditions on the property, the special exception will not result in a sign or condition that has an adverse effect on the essential character or aesthetics of the establishment or surrounding area, is detrimental to or negatively affects the character of any surrounding residential development, as there are no residences anywhere nearby, and does not compromise the public health, safety or welfare.

**Subject to the following conditions:**

- The signs must be placed as indicated
- Each sign must be of the size indicated
- Release the owner of the property from the restriction that with the monument sign placed along the freeway, no façade signs be added (Condition of variance granted November 12, 2002)
- If the building were to fall under occupancy of a single tenant, it will revert back to one façade sign of 25 square feet

Member Lindquist commented that he intends to vote against the motion as presented for a single reason, he does not have an objection to the addition of the EWI sign or its placement but he does object to the owners sign, Farbman does not have any offices or presence there and really what the Board is doing is establishing their ability to lease the property with a sign that is in addition to the amount allowed under the ordinance and under the variance, so if they are granting relief from their apparent violation of the variance and are also allowing them to place another façade sign on the building, he believes that should be the limit.

Member Rich commented that while he does not believe that Farbman has any office space in this particular building, they do have a significant presence throughout the City This building has additional freeway exposure. He does not have a problem, given the overall size of the building and the relative size of the sign, especially since most people know Farbman is a commercial real estate company and they are looking to try to bring other tenants into the building. He noted that is less of a concern for him but he understands Member Lindquist's concern.

Member Lindquist specified that he appreciates Farbman as a presence in Farmington Hills but he does not see any occasion where the Board has allowed special exception to allow signage to be used prospectively in the future for some other tenant, beyond the rules of the ordinance.

**MOTION CARRIED 6-1 (Lindquist opposed).**

**PUBLIC QUESTIONS AND COMMENTS**

There were no public comments.

**APPROVAL OF JUNE 13, 2017 MINUTES**

**MOTION** by Rich, support by Masood, to approve the Zoning Board of Appeals meeting minutes of June 13, 2017.

**MOTION CARRIED 7-0**

Member Lindquist commented that Member Vergun will be leaving the Board temporarily as he is being deployed and he expressed the Board's appreciation for his services.

Chair Seelye told Member Vergun to stay safe and they will see him soon.

Attorney Morita informed the Board that there will be a going away gathering for Member Vergun after the meeting.

**ADJOURNMENT**

**MOTION** by Lindquist, support by Masood, to adjourn the meeting at 8:05pm.

**MOTION CARRIED 7-0.**

Respectfully submitted,

Brian Rich, Acting Secretary  
Zoning Board of Appeals

/ceh