

**MINUTES  
CITY OF FARMINGTON HILLS  
ZONING BOARD OF APPEALS  
CITY HALL – COUNCIL CHAMBER  
JUNE 10, 2014**

**CALL MEETING TO ORDER:**

Chair Seelye called the meeting to order at 7:30 p.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: Barringer, Lindquist, Rich, Seelye, Stevens, White, Vergun

Members Absent: None

Others Present: Attorney Morita, Zoning Representative Grenanco

**SITE VISIT JUNE 8, 2014**

The Sunday site visit begins at 9:00 a.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**

There were no changes to the agenda.

**MOTION** by Stevens, support by White, to approve the agenda as published.

**MOTION CARRIED, 7-0**

**NEW BUSINESS:**

A. ZBA CASE: 6-14-5526  
LOCATION: 26185 Power  
PARCEL I.D.: 23-15-376-020 ZONE: RA-1A  
REQUEST: A variance to allow a commercial vehicle that exceeds ordinance requirements to be parked as an accessory use to a one-family dwelling.  
CODE SECTION: 34-4.14  
APPLICANT: Gail M. Salley  
OWNER: Bruce and Gail Salley

Zoning Representative Grenanco discussed the location of the property and presented photos of the vehicle parked in the driveway. She noted that there have not been any complaints on the vehicle and that this case is the result of enforcement by the zoning inspector. She stated that when the vehicle was first cited it had signage in which the applicant has since removed leaving just the height issue.

The applicant, Gail Salley, explained that this past winter her and her husband started a courier business that requires them to be available 24/7, instantly, in order to transport automotive items to and from different plants. She noted that they do not keep cargo in the vehicle overnight and that the vehicle is

registered to them personally, not under a business name. She does not feel the van should be classified as a commercial vehicle and they consider it a personal vehicle that they use for camping and other personal uses when not transporting cargo. She stated that it is not a step van and it is only 6 inches higher than what the ordinance requires, which was made prior to this type of van being available. She added that if they had to park the van elsewhere they could possibly lose business due to the time it would take to get to the van and then load it.

Mrs. Salley submitted a letter to the Board in which her immediate neighbors signed stating they have no objection to the van being parked in the driveway.

Member White asked the applicant when they started the business. Mrs. Salley responded that the business was started in the beginning of January this year.

Member White questioned if the office for this business was located at their home. Mrs. Salley explained that the dispatch, EQS Logistics, which calls to notify them of an item available for pick up and delivery, is located in Livonia and they do not have a home office, nor do they need one, for their personal business.

Member White asked if the applicant has explored other options in the general vicinity where the vehicle could be parked. Mrs. Salley stated that they have looked into other options but their business is 24/7 and there are times they get called at 2:00a.m. and need the van instantly. She stated that even if the van was within a mile from their home they still need to load the car with their belongings, travel to the van and then load the van adding about 15-20 minutes onto their travel time which could cause them to lose the bid on the job.

Member Lindquist asked if the applicant was employed by EQS Logistics or if they are independent contractors. Mrs. Salley responded that they are not employed by EQS; they are independent contractors with a tax identification number which is registered at their home address.

Member Lindquist asked when the applicant purchased the van. Mrs. Salley stated that they bought the van in December 2013.

Discussion was held regarding the commercial and recreational vehicle ordinances, parking of such vehicles on residential properties and the type of vehicle this van could be classified as.

Attorney Morita explained that this case is a variance request for a commercial vehicle, which exceeds the 8 foot height requirement, to be parked as an accessory use to a one-family dwelling and has been advertised as such, this is not an interpretation request.

Member Lindquist questioned that if the variance for a commercial vehicle is granted, could the proponent then be cited for a recreational vehicle as they have indicated that they use the van for camping, a recreational use. Attorney Morita explained that the City has classified the van as a commercial vehicle based on its use and if the property owner were to discontinue the business and turn the vehicle into a camper, then the use of the vehicle changes and this would be a different situation and, therefore, have to be reconsidered.

Member Vergun questioned if the proponent would need a variance regardless of the primary or secondary use of the vehicle, in that any vehicle this height is against ordinance. Zoning Representative Grenanco stated that if the van was considered a recreational vehicle then they would be allowed to park in the driveway and only have to move it every 24 hours, so by leaving the home once a day they would not be in violation.

Member Rich asked the applicant if a change of clothes was kept in the vehicle. Mrs. Salley stated that they do keep a change of clothes in the van and when they go out on a job they typically pack a couple of days worth of clothes, daily living supplies, a computer, phone and paper work which takes about 15 minutes to load into the van.

Member Rich asked how the vehicle is insured. Mrs. Salley stated that it is insured as commercial because they needed cargo insurance.

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

Secretary Stevens confirmed there was an affidavit of mailing on file with 1 returned mailer.

Member Rich questioned the second vehicle parked in the driveway in one of the photos that was presented. Mrs. Salley stated it was their 2000 4-door Saturn and it is their only other vehicle.

**MOTION** by Rich, support by Lindquist, in the matter of ZBA Case 6-14-5526, to DENY the petitioner's request for a variance to allow a commercial vehicle that exceeds ordinance requirements to be parked as an accessory use to a one-family dwelling; as the petitioner did not demonstrate practical difficulties exist in this case in that she set forth facts which did not show that:

1. That granting the variance requested would do substantial justice to the petitioner as well as to other property owners in the district or that a lesser relaxation than that relief applied for would give substantial relief; alternate parking for the van was discussed as the proponent has a second vehicle in which they can use to access the van, and the travel/load time would not significantly impact the proponents business opportunities.
2. That the petitioner's plight is due to the unique circumstances of the property; this is a residential property surrounded by other residential properties, there is nothing unique about the property that would call for a variance to be given.

**MOTION CARRIED, 5-2 (Stevens, Vergun opposed)**

Chair Seelye asked Zoning Representative Grenanco to discuss the commercial vehicle ordinance with the Zoning Department as these types of vehicles are becoming more popular. Zoning Representative Grenanco stated that they are looking into the ordinance for several reasons.

B. ZBA CASE: 6-14-5527  
LOCATION: 26325 Halsted  
PARCEL I.D.: 23-18-476-002 ZONE: RA-1  
REQUEST: A 9 foot variance to maximum building permitted height of 30 feet in order to construct a temple with a parapet total wall height of 39 feet.  
CODE SECTION: 34-3.1.4.E.  
APPLICANT: SVBF  
OWNER: SRINGERI VIDYA BHARATI FOUNDATION (SVBF)

Zoning Representative Grenanco described the case, location of the property and presented a site plan of the proposed church. She noted that there is an existing church on the property which the proponent plans to demolish.

John Gaber, 380 N. Old Woodward, attorney for the applicant, stated that they received a friendly site plan denial from the Planning Commission and one of the reasons for the denial was the building height exceeding ordinance standards, therefore, the Planning Commission suggested that they come before the ZBA for a variance.

Mr. Garber explained that in accordance with the ordinance standards, they believe that this case has met the four requirements as follows:

1. A Hindu Temple is a principal permitted use for this property and in accordance with the Hindu faith, the dimensions and proportionality of the structure, along with design elements, are all governed by Hindu scriptures. The temple is comprised of a 12 foot first floor, a 6 foot space between the first and second floor, an 18 foot prayer hall and a 3 foot decorative parapet wall.

The prayer hall is a large open facility on the second floor with no columns so that the deities are visible to all worshippers. According to scripture, the size of the prayer hall determines the size of the main deity which then governs the rest of the internal space as well as the size and location of the other deities. In order for the building to be an authentic Hindu Temple, these dimensions cannot be compromised.

The first floor is a multi-purpose room with an elevated stage for religious activities and ceremonies that requires a 12 foot ceiling height.

The 6 foot space between the first and second floor is required for the HVAC system and substantial support structures as the building is designed without any columns within the main area leaving the load of the building on the exterior walls.

The 3 foot parapet wall lines the roof perimeter to enhance the architectural character of the temple.

Compliance with the ordinance would be unduly burdensome as the applicant would not be able to construct an authentic Hindu temple and, therefore, not be able to use the property as a permitted use.

The Religious Land Use and Institutionalized Person Act (RLUIPA) prohibits municipalities from implementing land use restrictions that impose substantial burden on the religious exercise of a person or institution, which they believe this situation could possibly fall into.

2. To grant the variance would do substantial justice to the applicant as they would be able to construct a temple and utilize the property as a permitted use.

The distance between the proposed temple and adjacent properties is substantial; 290 feet from Halsted Road, 116 feet from the apartments to the south and west, and 179 feet from the subdivision to the north, therefore, it does not negatively impact the adjacent property owners.

For both religious and engineering reasons, the temple height cannot be reduced for lesser relaxation than the relief requested.

3. The property is unique as it is a low lying property with a large wetland to the northwest. The proposed site plan shows the temple in the middle of the property, priest quarters behind to the west and the detention basin to the west of that.

They looked at the option of lowering the building for a basement or recessed first floor but the low grade of the property makes it difficult for the sanitary sewer to operate already and flooding is also a concern due to the runoff from the parking lot. In addition, according to Hindu scripture, the deities can not be below ground level. A one level temple option was also considered but the topography and size of the property is not conducive for a single floor design.

4. The problem is not self-created due to the site specific characteristic of the property, as well as the temple design requirements by the Hindu scriptures.

Member White commented that he would like to see a better depiction of the steeple than what was provided to the Board and feels there is not enough information to make a decision on this case.

Zoning Representative Grenanco noted that steeples are exempt from the height regulations.

Attorney Morita noted that this request is for a height variance for the roof of the building and that is what the Board should be considering at this time.

Member Barringer asked if the roof height of the current church was 39 feet. Zoning Representative Grenanco stated that she did not know the exact height of the roof on the existing church.

Member Barringer questioned what bearing the RLUIPA has on the Board decision in this case. Attorney Morita stated she believes that Mr. Gaber has correctly cited the RLUIPA standards and the Board should take that into consideration when making a determination, however, this is a non-use variance and the determination should primarily be made based on all four factors.

Secretary Stevens questioned if the applicant looked at other properties within the area as a possible location for their facility. Mr. Gaber stated that other properties were looked at but this was the only property that met their requirements in Farmington Hills.

Secretary Stevens commented that there are certain districts that allow churches and also allow building heights up to 40 feet. Zoning Representative Grenanco stated that B-4 districts allow up to 40 feet but she was unaware of how many B-4 district properties there are in Farmington Hills that would meet the parcel size requirements needed to build this temple.

Secretary Stevens asked if there are any other reasons as to why the building cannot be lowered below grade. Mr. Gaber stated that the deity is on the second floor but the steeple and crown are in the front of the building and, as required by scripture, cannot be lowered or buried, therefore, that portion of the building needs to be entirely above ground.

Ram SuBramanian, Farmington, representative of the temple, stated that the building is two floors but the deity will be touching both the first and second floor and the deity crown on the front of the building must be above ground.

Member Lindquist inquired about the Planning Commission's denial of the site plan. Zoning Representative Grenanco stated that it was denied because there were four issues and it will be going back to the Planning Commission for approval once they have addressed all the issues.

Member Rich questioned if other Hindu temples are the same size as the proposed temple. Mr. SuBramanian stated there are two temples in Michigan, Novi and Troy, which are both much larger than the proposed temple and he is unaware if there are any that are smaller.

Member Rich asked what the expected number of congregants will be. Mr. SuBramanian responded that they expect to have 300-350 members.

Member Rich questioned the supplement material provided which states that the size of the prayer hall determines the size of the deity, but it is noted that the size of the deity is what is requiring the 18 foot ceiling height. Mr. SuBramanian clarified that not just the height determines the size of the deity but it is also based on the width and length of the hall and smaller deities are not appropriate for this size of temple.

Mr. Gaber clarified that the dimensions of the facility are based on the size and anticipated growth of the congregation; the footprint of the building could be shrunk but then the deity would have to be proportional and this would not serve the needs of this size of congregation.

Chair Seelye opened the public portion of the meeting.

Joe Kosinski, 26251 Valhalla Drive, President of the Fairways Condominium Association, stated that the association has had numerous discussions and they are opposed to the height variance. The members of the association have submitted 50 plus letters of opposition to the Board. He noted that there are 22 units that face the proposed temple and residents paid significant fees for different elevations for their property not realizing their view would change, therefore, they feel it would negatively impact those homes as well as the rest of the residential community. He stated that the parking lot calls for 200+ cars which would increase the amount of traffic on Halsted Road which is a 2 lane road in that area without a turn lane.

Mr. Kosinski discussed suggestions related to the site plan design that would lessen the impact the proposed temple would have on residents in the area. He stated that he hopes that the ZBA will protect the interest of the residents and their community.

Member Lindquist asked if anyone from the Fairways Association appeared at the Planning Commission meeting. Mr. Kosinski responded stating they did not receive any notice from the Planning Commission. Zoning Representative Grenanco commented that she was unaware if the Planning Commission sends out 300 foot mailings as the ZBA does.

Member Lindquist commented that the consideration of the Board is limited to the height of the roof and any issues regarding parking, traffic or landscaping would be subject to Planning Commission review. He informed Mr. Kosinski to express his concerns with the Planning Commission and Planning Department.

Member Vergun asked if the Fairways Association reached out to the residents on west side of Halsted Road. Mr. Kosinski stated that due to time constraints they did not contact those residents.

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

Mr. Gaber stated that he appreciates the concerns of the residents and some of the site plan design issues have been addressed with the revised plans and others they can take a look at on a Planning Commission level.

Steve Sorensen, Engineer, confirmed that some of the residents concerns have been addressed in the revised plan; accel/decel lanes have been added, the proposed temple will be set further back from Halsted Road than the existing church and the priest quarters have been moved away from the south property line.

Secretary Stevens confirmed there was an affidavit of mailing on file with 7 returned mailers, 3 letters of opposition and a petition with over 50 signatures in opposition of the variance.

Discussion was held on the elevation of the existing and proposed building, Halsted Road and surrounding properties.

**MOTION** by Rich, support by Barringer, in the matter of ZBA Case 6-14-5527, to GRANT the petitioner's request for a 9 foot variance to maximum building permitted height of 30 feet in order to construct a temple with a parapet total wall height of 39 feet; as the petitioner did demonstrate practical difficulties exist in this case in that he set forth facts that show that:

1. Compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose; as a temple is a permitted purpose and the size of the temple is based on the number of proposed congregants which determines the size of the deities, which dictates the height of the overall structure. Under RLUIPA, municipalities are prohibited from implementing land use restrictions in a manner that imposes a substantial burden on the religious exercise of a person or institution; requiring a smaller facility would require a reduction in the maximum number of congregants allowed, which would be a substantial burden on the religious exercise of the institution.
2. That granting the variance requested would do substantial justice to the petitioner as well as to other property owners in the district; with respect to other property owners in the district, site plan design options can be looked at in order to lessen the impact on the surrounding neighbors and in determining whether there is substantial justice, the RLUIPA standards must be taken into account.
3. That the petitioner's plight is due to the unique circumstances of the property; the location of the property is adjacent to residential properties and, as indicated by the Engineer, there is unique circumstance with the property as the height of the neighboring properties is substantially higher which reduces the impact of the increased height of the purposed temple.
4. That problem is not self-created as there are certain building requirements set forth by the Hindu scriptures for construction of a Hindu temple.

**SUBJECT** to the approval of the Planning Commission, Planning Department and all appropriate City Departments, including the Traffic Engineer.

**MOTION CARRIED, 5-2 (Stevens, White opposed)**

Chair Seelye asked the applicant to work with the Planning Department as well as the neighborhoods on this proposal.

C. ZBA CASE: 6-14-5529  
LOCATION: 34038 Brittany  
PARCEL I.D.: 23-21-201-012                      ZONE: RA-1A

REQUEST: A 29 foot variance to the required 35 foot rear yard setback in order to build a 240 square foot addition to connect an existing detached garage to a house. (Existing detached garage meets 6 foot minimum rear yard setback requirements)

CODE SECTION: 34-3.1.1

APPLICANT: Bill and Cynthia Dolezal

OWNER: Bill and Cynthia Dolezal

Zoning Representative Grenanco described the case, location of the property and presented a site plan of the proposed addition. She noted that they are requesting to connect a compliant garage to an existing house.

Bill Dolezal, homeowner/applicant, explained that he and his wife have lived in the home for 12 years and in 2006 his wife went on disability due to secondary progressive MS and in 2007 he retired to be her caregiver. He stated that they are requesting to connect the garage to the house in order to protect her from the outside elements, as she has a compromised immune system, and to also make it easier to wheel her to and from the garage. He added that the addition will allow for a larger bedroom and bathroom will include a wheelchair accessible shower.

Member Rich questioned if the garage was already constructed when they purchased the property. Mr. Dolezal stated that it was.

Secretary Stevens asked if they had any intentions of changing the use of the garage. Mr. Dolezal stated they did not.

Chair Seelye opened the public portion of the meeting.

Charles Gibson, 33983 Brittany Drive, explained that he has no problem with the Dolezal's building onto their home in order to meet Mrs. Dolezal's needs and to make their lives easier. He stated that he hopes the Board will allow this addition to happen.

Chris Scarchilli, 30012 Fox Grove, Builder, explained that the Dolezal's hired him two years ago to modify their existing bathroom in order to meet Mrs. Dolezal's needs and as her disability has progressed, she is now unable to use it on her own, Mr. Dolezal has to pick her up and place her in the shower. He stated that they have spent many hours working on the home to make it more accessible and comfortable for Mrs. Dolezal.

Member Lindquist asked Mr. Scarchilli if this addition was a basic design to connect the garage and house and not an expansion plan to make the living space larger. Mr. Scarchilli stated that was correct and that the sole purpose of the addition is to get to garage without having to go outside. He explained that the proposed plan is to build the addition, redesign the existing bedroom so that Mrs. Dolezal can maneuver around easier and relocate the laundry area to allow for a larger bathroom with a wheelchair accessible shower.

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

Secretary Stevens confirmed there was an affidavit of mailing on file with 1 returned mailer and 2 letters in support of the variance.

**MOTION** by Lindquist, support by White, in the matter of ZBA Case 6-14-5529, to GRANT the petitioner’s request for a 29 foot variance to the required 35 foot rear yard setback in order to build a 240 square foot addition to connect an existing detached garage to a house; as the petitioner did demonstrate practical difficulties exist in this case in that he set forth facts that show that:

1. Compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose; a residence is a permitted purpose.
2. That granting the variance requested would do substantial justice to the petitioner as well as to other property owners in the district; the existing footprint of the garage and house are not being moved closer to the property lines, therefore, there will be no additional burden to any property owners.
3. That the petitioner’s plight is due to the unique circumstances of the property; the home is set in a zone with this exact required setback and if the garage was shifted or originally attached it would be in compliance.
4. That problem is not self-created as the homeowner was living in the home prior to the issue and need for the addition.

**SUBJECT** to the following conditions: 1) the attachment to the garage is consistent with the plans submitted and no other buildings/structures will be added, and 2) the existing garage use remains a garage and not be converted into a living space.

**MOTION CARRIED, 7-0**

D. ZBA CASE: 6-14-5530  
LOCATION: 20780 Orchard Lake  
PARCEL I.D.: 23-35-351-042 ZONE: LI-1  
REQUEST: An appeal of the Planners decision that indoor auto sales are not a permitted use in an LI-1 zoning district.  
CODE SECTION: 34-3.1.29, 34-7.14.6.B.  
APPLICANT: Keith Dagleish  
OWNER: OLTC, L.L.C.

Zoning Representative Grenanco presented an overview of the property and described the case as being a request for interpretation of the ordinance as to whether or not indoor auto sales are a permitted use in LI - 1 districts.

Keith Dagleish, 5531 Pebbleshire, stated that there is an issue with the address and that his building address is 20786 Orchard Lake Road, not 20780 Orchard Lake Road, which is the address the City has on file for this property. He explained that outdoor used auto sales are a permitted use for the property and there is a new wave of used auto sales popping up in this area that are indoor, appointment only, internet type of sales. He noted that he is not the first one to operate this type of business; there are locations in Birmingham, Troy, Rochester Hills and Warren.

Mr. Dagleish explained that used vehicles will be shown inside the warehouse by appointment only, therefore, there will not be much foot traffic in and out of the lot and it will have very low impact on parking. He stated that the 2,600 square foot warehouse will fit approximately 10-12 vehicles.

Chair Seelye questioned if there was an issue with the wrong address being advertised. Attorney Morita responded stating that since the applicants address is a unit in the strip there is not an issue. She added that the Board should note that this request is for an interpretation of the ordinance and the determination made by the Board would apply to every property in a LI-1 district, and therefore, the address is irrelevant.

Member Lindquist questioned if this building was the end unit. Mr. Dalgleish stated it was three units from the eastern end.

Member Lindquist asked if the business was already running. Mr. Dalgleish stated that the business has not yet been established and he needs municipality approval in order to apply for his State of Michigan license.

Member Lindquist asked the applicant what type of vehicles he plans to sell. Mr. Dalgleish stated that he has not decided on any specific vehicle but is looking at decent used vehicles from \$7,000 to \$50,000.

Member Lindquist questioned why the applicant did not want to sell vehicles outside, which is a permitted use. Mr. Dalgleish responded stating that there are parking limitations for his warehouse and there were 15 cars in his inventory, he would be impeding on his neighbors parking, which could become an issue. He added that he likes the idea of indoor auto sales; it is more exclusive and the current generation does not walk around car lots to look for used vehicles, they look online. He noted that with indoor sales he does not have to worry about the overhead, security and lighting as with outdoor sales.

Member Lindquist questioned the hours of sale. Mr. Dalgleish stated that his hours will be listed online and the state requires a minimum of 9:00a.m. - 5:00p.m. He noted that he does not plan nor want to work late hours or on Sundays.

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

Secretary Stevens confirmed there was an affidavit of mailing on file with 5 returned mailers.

Chair Seelye stated that he wanted to confirm that the Board was making this interpretation for every LI-1 district in the City. Attorney Morita stated that was correct and the Board should look at the principle permitted uses and special approval uses of the ordinance to interpret if indoor auto sales fit into those categories.

Attorney Morita discussed the principle permitted uses and special approval uses of the ordinance and explained that if the Board finds that the proposed use is similar to one of those uses, and is no more objectionable, then they could interpret this particular ordinance as permitting indoor auto sales.

Member Rich inquired as to where indoor auto sales are currently allowed. Zoning Representative Grenanco stated they were allowed in B-4 districts.

Secretary Stevens stated that he was trying to understand the distinction between outdoor auto sales, which is a permitted use for this property, and a typical dealership where cars are stored/parked outside, there is a showroom containing a half dozen vehicles and sales transactions take place indoors. Attorney Morita stated that this is a different scenario where all cars will be inside the building and there will not be any storage of vehicles outdoors.

Discussion was held regarding the components of a typical car dealership and the districts in which they are permitted.

Member Lindquist stated that he feels indoor auto sales would be consistent with the permitted uses in this district, such as manufacturing and sales of heavy equipment, and that the proposed use is more like an industrial use and less like a retail use and is a higher use than junk yards and undercoating centers, therefore, his interpretation is that indoor auto sales should be a permitted use in the LI-1 district.

**MOTION** by Lindquist, support by Stevens, in the matter of ZBA Case 6-14-5530, to REVERSE the determination of the Planner in that Section 34-3.1.29 and 34-7.14.6.B of the Farmington Hills Zoning Ordinance, which the Planner interpreted to mean that indoor auto sales are not a permitted use in a LI-1 district, should actually be interpreted as a permitted use as it is consistent with other uses in the LI-1 district.

**MOTION CARRIED, 7-0**

- E. ZBA CASE: 6-14-5531  
LOCATION: 38123 Ten Mile  
PARCEL I.D.: 23-30-276-051 ZONE: B-3  
REQUEST: In order to construct two new free-standing signs for a new car/pre-owned car sales lot and showroom the following are requested: **1. A special exception to the requirement that only one free standing sign is permitted on each zoning lot** (two signs are proposed) **2. A 17 foot special exception to the 8 foot height requirement for the new car sales signs** (the sign is proposed to be 25 foot tall) **3. A 7 foot special exception to the 8 foot height requirement for the pre-owned sales sign** (the sign is proposed to be 15 foot tall) **4. A 93.5 square foot special exception to the maximum 64 square foot area** (the proposed sign area is 157.5 square feet. **5. A 0.9 square foot special exception to the direction sign area requirement of 4 square feet** (the sign is proposed to be 4.9 square feet.)  
CODE SECTION: 34-5.5.3.B.M.(5), 34-5.5.3.B.M., 34-5.5.1.F.  
APPLICANT: Dan Heileman for Heileman Signs  
OWNER: Suburban Grand River Property 2, L.L.C.

Zoning Representative Grenanco described the case, location of the property and presented photos of the proposed signs. She noted that she researched other signs, special exceptions and height variances in the area and that information has been provided to the Board.

Tim Heileman, 4707 Gratiot, explained that they are requesting two signs along 10 Mile Road for the dealership, one for the sale of new cars and one for used cars, to allow for the public to see that both types of vehicles are available on the lot, and one directional sign. He noted that the requested height of the signs is due to the property being located at the bottom of the hill on 10 Mile Road and there are other signs in the area that are as tall and have a higher elevation. He added that he has installed and worked on other dealership signs in the immediate area.

Member Lindquist asked if there was common ownership with any other dealerships in that area. Mr. Heileman stated that he did not know what dealerships the Suburban Group owned.

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

Secretary Stevens confirmed there was an affidavit of mailing on file with 2 returned mailers.

Member Lindquist asked if all signs will be oriented towards 10 Mile Road and not Industrial Park Drive. Mr. Heileman indicated that two signs will be along 10 Mile Road and the directional sign will be located inside the lot and will be orientated towards the main thoroughfare.

Secretary Stevens questioned if the square footage of the other signs in the area was similar to the proposed signs. Zoning Representative Grenanco stated that she looked at the height of the signs in the area, not square footage. Mr. Heileman stated that the square footage was similar to other signs in the area, as the square footage is relative to the height of the sign.

**MOTION** by Stevens, support by White, in the matter of ZBA Case 6-14-5531, to GRANT the petitioner's request for the following special exceptions:

- 1) A special exception to the requirement that only one free standing sign is permitted on each zoning lot
- 2) A 17 foot special exception to the 8 foot height requirement for the new car sales sign
- 3) A 7 foot special exception to the 8 foot height requirement for the pre-owned sales sign
- 4) A 93.5 square foot special exception to the maximum 64 square foot area
- 5) A 0.9 square foot special exception to the direction sign area requirement of 4 square feet;

because the proponent has met the requirements necessary for an exception in this case as set forth in Sections 34-5.5.3.B.M.(5), 34-5.5.3.B.M. and 34-5.5.1.F. of the Farmington Hills Zoning Ordinance; as there are several other car dealerships in the immediate area, some of which have taller signs, and the proposed sign is similar to the square footage of other signs and is within character of the area.

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

**PUBLIC QUESTIONS AND COMMENTS:**

There were no public comments

**APPROVAL OF MAY 13, MINUTES:**

Member Rich noted grammar corrections on pages 8, 9 and 10 to the minutes of May 13, 2014.

**MOTION** by Lindquist, support by White, to approve the May 13, 2014, Zoning Board of Appeals as revised.

**MOTION CARRIED, 7-0**

**ELECTION OF VICE CHAIRPERSON:**

**MOTION** by Stevens, support by Barringer, to nominate Member Vergun for Vice Chairperson of the Zoning Board of Appeals.

**MOTION CARRIED, 7-0**

**ADJOURNMENT**

**MOTION** by Vergun, support by White, to adjourn the meeting at 9:50 p.m.

**MOTION CARRIED, 7-0**

Respectfully submitted,

James Stevens, Secretary  
Zoning Board of Appeals

/ceh