

**MINUTES
CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS
CITY HALL – COUNCIL CHAMBER
APRIL 14, 2015**

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: Barringer, Lindquist, Masood, Rich, Seelye, Stevens and Vergun

Members Absent: Paramesh

Others Present: Attorney Morita and Zoning Division Representative McGuire

SITE VISIT APRIL 12, 2015

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

There were no changes to the agenda.

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

MOTION CARRIED 7-0

OLD BUSINESS

A. ZBA CASE: 3-15-5554
LOCATION: 32805 Northwestern Highway
PARCEL I.D.: 23-02-108-003
REQUEST: In order to install a new freestanding sign in a B-3 zoning district, a special exception of 10 feet from the minimum required 15 foot street setback is requested.
CODE SECTION: 34-5.5.3.B.M.
APPLICANT: Metro Detroit Signs
OWNER: Robert D. Kramer - Enterprise Rent-A-Car

Zoning Division Representative McGuire discussed the location of the property and presented an aerial map of the site, photos of the existing sign, the neighboring property's sign, a rendering of the proposed sign at the proposed location, a photo taken from where cars should stop before they go out onto Northwestern Highway and one taken past the Stop Sign showing a clear view of the sidewalk and a site plan showing the location of the proposed sign. She noted that the case was discussed at the last ZBA meeting and at that time it was adjourned in order for the proponent to

place a temporary rendering of the proposed sign in the proposed location. She added the City's Traffic Engineer has provided the Board with a memo stating his recommendation.

Paul Deters, 23544 Hoover, Metro Detroit Signs, and Melissa Merchant, 29301 Grand Avenue, Enterprise Rent-A-Car, explained that the reason for this request is because the lot is very narrow and in order to meet the 15 foot setback requirement it would throw the sign askew from the perpendicular orientation to Northwestern Highway they are looking to obtain. He noted that they have placed banners showing the size of the proposed sign, taking into consideration the Board's concerns with inhibiting the view of the sidewalk, and in the photo presented which was taken parked at the Stop Sign, it shows from that distance you can see quite a ways beyond the sign. He added that the sign is 30 feet back from the entry drive and in almost all other communities they have a stipulation to make sure that signs fall outside of a 25 foot corner triangle clearance so that the sign does not inhibit the view of any pedestrians or cyclists, and the sign they are proposing fits outside that corner vision clearance.

Chair Seelye commented that his concern is still with the lack of visibility for pedestrians and bicyclists; when he was at the site visit last month there was a person pulling out of the Enterprise drive looking to the left at the southbound traffic and pulled right out onto Northwestern Highway and never looked to the right.

Mr. Deters explained that he understands the concern but the sign is ten paces from the entry drive and that is a lot of space that a person walking or riding a bike would have to cover to get beyond the sign.

Member Rich commented that one of the issues from the previous meeting was whether this proposed sign would block the Hellas sign or any potential sign for the new hotel and asked if the Hellas sign was higher than 8 feet, which is what is permitted. Zoning Division Representative McGuire responded that she did not know.

Member Rich explained that when he was driving on site he noticed that, due to the orientation of the narrow driveway and cars being parked on the right and the building and curb to the left, he was more focused on not hitting the cars or the curb than if there was anyone coming from the right. He stated that he is still concerned with the visibility of the sidewalk especially with that sort of blockage prior to reaching the sidewalk. He stated that he is not sure if reducing the height would make the situation better and from his perspective the sign rendering that was set further back provided better visibility and questioned if there is an opportunity to reduce the overall length and size of the sign so that it can be pushed further back without detracting from being perpendicular to Northwestern Highway.

Ms. Merchant commented that the 2 foot white base has been removed which decreases the overall height considerably and if they reduce the height of the sign any further they will then have to reduce the size and length as well; however, it is something they could take into consideration.

Member Rich stated that he does not feel that there is much difference in a 6 foot or an 8 foot sign, and his concern is the width because for the entire period when you are behind the sign you cannot see anything coming down the sidewalk.

Mr. Deters explained that they could move the sign back another 2 -3 feet and then you could see much further down the sidewalk.

Member Rich stated that one issue is moving the sign back as far as it can be but there is also an issue with the overall width of the sign and if the width was reduced the sign itself could be moved back without having to change the angle and then there would be less blockage as you drive past.

Mr. Deters questioned if reducing the height of the sign to 4 foot overall, which would allow drivers to see pedestrians or bicyclists over the top of the sign, would address the Boards concerns.

Member Rich commented that drivers would not necessarily be able to see over the sign because when sitting in a car you are seated lower and still have to strain to look up and over the sign.

Member Stevens explained that when he drove by he could see only the upper portion of the Hellas sign, not the lower, and that is one of the reasons there is equal setback throughout the corridor so that you are not blocking someone else's sign. He added that there are other safety issues with regard to pedestrians and he would like to see the height reduced and also see the sign shrunk a little and set back further to address all of these issues and concerns.

Member Lindquist questioned that if the Board was inclined to grant lesser relief than requested, would the proponent make the proposed sign work or stick with the current sign. Ms. Merchant responded that they would do what they could to make the proposed sign work and because their building is tucked behind the building to the north, they want to keep as much of the proposed sign height and width as possible in order to draw visibility.

Member Lindquist commented that he appreciates that the proponent took the extra time to put the renderings up and explained that his experience was similar to Members Rich and Seelye, in that when exiting the parking lot all the action is to the left; southbound traffic, the curve, entering traffic; and even if you are stopped at the Stop Sign looking to the right you cannot see anything on the sidewalk beyond the telephone pole. He stated that he believes that Enterprise will get the same benefit from a smaller sign and it will be more visible than the current vertical sign. He added that there will not be any issue of visibility if the sign were moved back as far as the "N" in Enterprise.

Member Vergun questioned if one of the two signs on the face of the building will be removed. Ms. Merchant responded that the wall sign on the front of the building will be removed and the wall sign on the south side of the building, which is visible as you head north on Northwestern Highway, would remain.

Member Barringer asked if the proponent intended to have white skirting on the proposed sign. Ms. Merchant responded that the sign would have skirting but the size would be reduced.

Member Barringer commented that the rendering of the proposed sign that met the setback requirement was visible coming northwest on Northwestern Highway.

Chair Seelye opened the public portion of the meeting.

Dan Lehman, 31350 Telegraph Road, representing New Hellas Authentic Greek Cuisine and Holiday Inn, explained that the rendering depicted in the photo presented, shows that visibility of

the Hellas sign is affected greatly and the other issue is the incoming hotel, any sign indicating the entrance of the hotel would be completely blocked by the proposed sign.

Member Lindquist discussed that at the time that the two restaurants occupied the Hellas and Holiday Inn site, the Board granted a second sign for the property and since there is only one sign there now, the location of the hotel sign would be the client's issue for a later time as long as the permission for two signs is extended or continued. He noted that he tested the visibility of the Hellas sign and found that you would have to be at the old 14 Mile Road crossing in a vehicle on the roadway to have the proposed Enterprise sign block any portion of the Hellas sign, therefore, there is no blockage or visibility issue of the Hellas sign by the Enterprise sign as presented.

Mr. Lehman commented that another issue is that the proposed sign would block the driveways.

Member Lindquist stated that the driveways have not been part of the consideration up to this point and asked if Mr. Lehman was now raising the issue that the driveway to Hellas and the driveway to the hotel will be obscured by the proposed sign. Mr. Lehman responded that he feels that both driveways would be obscured by the sign and that is an issue that should be considered.

Member Lindquist commented that the issue of the visibility of the driveways should be considered.

Member Stevens noted that when he drove out from the bowling alley lot in the right lane going northwest, the Hellas sign could be read but you could not see the bottom half of the sign.

Mr. Deter presented photos to the Board that were taken in light of the issues brought up by Mr. Lehman at the last meeting. He explained that the photos were taken at 50, 100 and 150 feet back from the proposed sign while standing inside the right turn lane, and from 150 feet you still have full visibility of the Hellas sign, therefore, it should not be a concern.

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

Member Stevens stated that his concern is that on a high speed road by the time you see the sign and have to react in order to stop, 150 feet is not very far and from an engineering perspective it certainly would not meet stopping sight distance requirements.

Member Stevens confirmed there was an affidavit of mailing on file with 7 returned mailers.

Zoning Division Representative McGuire commented that in regards to the pedestrian visibility, there is another sign in the City that was allowed a shorter setback, at Botsford Hospital, and there have been accidents there including a bicyclist being hit by a car and several near misses and that is one of the reasons why the Traffic Engineer was very concerned about the pedestrian and bicycle traffic. She noted that the ordinance is there for a reason, to protect people on the sidewalks. She added that they are trying to get Botsford to move the sign back due to the number of incidents they have had.

Member Lindquist questioned if the letter from Mark Saksewski, Traffic Engineer, had been distributed to the proponents. Zoning Division Representative McGuire responded that the proponents received the letter the same time the Board did, right before the meeting.

Member Lindquist commented, for the benefit of the public and for the record, that the Board has received a letter from the Traffic Engineer which states “In accordance with our discussion on-site this morning, please be advised that this office does not recommend approval of a variance for the reference sign. Compromising the required 15 foot setback poses a safety issue as the sign would block the view of pedestrians and cyclists on the sidewalk as vehicles exit the property.”

Member Lindquist commented that he is inclined to grant a lesser relief than requested and he believes that an effectively large and perpendicularly placed sign, setback further from the sidewalk, can be put on the property if the size is reduced.

Chair Seelye stated that he would support a 5 foot exception.

Attorney Morita commented that if the Board is considering granting a lesser relief, that is something that should go back to the Traffic Engineer for review to make sure it meets City requirements and does not pose a danger. She explained that the Board has options in this case, the Board could deny the request and the proponent can then come back with a different request after being reviewed and approved by the Traffic Engineer, the Board could grant a lesser relief, subject to staff review and if the Traffic Engineer does not approve, it would essentially be a denial, and the Board could consider not granting the relief until the Traffic Engineer’s review has been done, therefore, postponing the case again. She added that the Board should discuss with the proponent to see whether or not if they are willing to come back with a different request or if they want to adjourn the case again.

Chair Seelye asked the proponent how they felt about postponing the case again in order to have the Traffic Engineer review a lesser relief. Ms. Merchant responded that they would prefer to finalize this request tonight but, in the interest of maintaining the sign that they are envisioning at a lesser setback than what they have requested, they would consider postponing the case in order to meet with the Traffic Engineer.

MOTION by Stevens, support by Rich, to ADJOURN the consideration of ZBA Case 3-15-5554 to a date certain, that being the Zoning Board of Appeals meeting of May 12, 2015, to allow for the petitioner to work with City staff, specifically Engineering and Traffic Safety, with regards to requesting a lesser exception so that pedestrian visibility from the sidewalk is acceptable, in addition, look at reducing the height of the sign so that it does not obscure any other signs throughout the corridor and, in regards to the setback, evaluate the overall size of the sign including the width.

MOTION CARRIED 6-1 (Barringer opposed)

NEW BUSINESS

B. ZBA CASE: 4-15-5555
LOCATION: 33711 Edmonton
PARCEL I.D.: 23-33-477-010
REQUEST: In order to build an addition to an existing detached garage in an RA-3 zoning district, a 306 square foot variance to the maximum 750 square feet requirement for accessory structures is requested.
CODE SECTION: 34-5.1.2.D.
APPLICANT/OWNER: James P. Leonard

Zoning Division Representative McGuire discussed the location of the property and presented an aerial view of the site, photos of the existing garage and a rendering of the proposed addition which would be located behind the fence line, straight back behind the existing garage. She noted that the signatures that the proponent has provided to the Board are all the immediately surrounding homes.

James Leonard, 33711 Edmonton, explained that he has lived in the home for 25 years and for the past few years he has been paying storage for his historical vehicle and this has become a big expense. He has a utility shed in the back which is falling down and he does not want to replace it, as he feels that it would be better to put the investment into the garage, which would then allow him to store everything inside to keep his property clean and neat.

Chair Seelye questioned if the shed in the back would be removed. Mr. Leonard responded that it would be removed as soon as the addition is built so that he can move everything over to the garage.

Chair Seelye asked if the proponent was running a business out of the garage. Mr. Leonard responded that he was not and does not intend to.

Member Rich questioned if the applicant was planning on having any other vehicles in the rear yard. Mr. Leonard responded no, that he intends to store his military, daily driver, motorcycle and tractor in the proposed garage as well as all his other equipment so the yard is cleaned up.

Member Lindquist questioned if the garage will be a pass through garage. Mr. Leonard responded that it will be a four car garage with double doors.

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

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

Member Stevens questioned if the motion could be conditioned to not allow any home occupation, which would then run with the land. Attorney Morita responded that the Board can condition the variance so that no occupations would be permitted to operate out of the garage.

Member Lindquist asked if the motion could be conditioned to not allow residency or the converting of the garage into living space. Attorney Morita responded that the Board can condition the variance upon: the garage not being livable space, no heating to be installed, no plumbing to be installed; as well as other items that the Board considers appropriate or reasonable for this particular scenario, including making sure that all the vehicles and the tractor are stored within the garage.

MOTION by Rich, support by Barringer, in the matter of ZBA Case 4-15-5555, to GRANT the petitioner's request for a 306 square foot variance to the maximum 750 square feet requirement for accessory structures because the petitioner did demonstrate practical difficulties exist in this case in that he set forth facts which show that:

1. Compliance with the strict letter of the ordinance is unreasonably burdensome.

2. That granting the variance requested does substantial justice to the petitioner as well as to other property owners in the district.
3. That the petitioner's plight is due to the unique circumstances of the property, specifically because the property is very large and the home is very small.
4. That the problem is not self-created, in that the house was built the size that it is and while the size of the garage is essentially doubling, it will not be seen from the street as it is completely behind the existing structure and, therefore, will not make the property look out of character with the neighboring properties and the deck appears to block some of the view from the neighbor to the west and the neighbor to the east has signed off stating that they have no objection to the garage addition.

SUBJECT to the following conditions:

- No heat or water be permitted to run through the garage
- The proposed garage is not to be used for a home occupation
- No vehicles are to be stored in the open portion of the backyard and all such vehicles are required to be stored within the proposed garage
- The existing shed is to be removed and no other sheds are to be built on the property
- The materials used be as identified by the applicant in the application

MOTION CARRIED 7-0

C. ZBA CASE: 4-15-5556
LOCATION: 21314 Hamilton
PARCEL I.D.: 23-36-328-015
REQUEST: In order to build an addition to an existing detached garage in an RA-4 zoning district, a 766 square foot variance to the maximum 790 square foot requirement for accessory structures is requested.
CODE SECTION: 34-5.1.2.D.
APPLICANT/OWNER: Patrick J. Smith

Zoning Division Representative McGuire discussed the location of the property and presented an aerial view of the site, photos of the existing garage from the side yard and rear yard and a schematic of the proposed garage.

Patrick Smith, applicant, 21314 Hamilton, explained the addition will help him improve the blight from around his garage and property, and give him security for his personal items. He noted that that his lot has 18,000 square feet of open space and in his neighborhood there is an accessory structure larger than what he is requesting.

Chair Seelye questioned if sheds were added to the back of the existing garage. Mr. Smith responded that the additions to the back of the garage were there when he bought the house and they will be removed to allow for the proposed addition. He added that the back of the garage is not up to code and that is why he wants to remove that portion and build a larger addition correctly.

Chair Seelye asked why the applicant wants a larger garage. Mr. Smith responded that he would like to store his antique cars inside along with his other vehicles.

Chari Seeley asked how many vehicles will be stored in the garage. Mr. Smith responded that he will store four vehicles.

Member Lindquist commented that in the notes provided to the Board it states that there was an exception previously granted at this address for a home occupation and asked if the current owner operated a business out of the garage. Mr. Smith responded that he does not, he is retired.

Member Lindquist asked how long the applicant has owned the home and if he knew when the additions were built. Mr. Smith responded that he has owned the home for 25 years and he is not sure when the additions were built.

Member Rich asked if the Zoning Division was aware of what happened with respect to the size of the garage prior to when the applicant bought the home, as it seems it is non-conforming and assumes it was non-conforming in the past and there was no reference in the notes provided to the Board of the owner attempting to get a variance at the time of the home occupation request. Zoning Division Representative McGuire responded that the addition is pretty hidden and she did go back through historical maps from 1974, 1980 and 1990; in 1974 the two sheds were not there, in 1980 the photo was blurry and she could not tell and in 1990 the additions were definitely there, which is prior to when the current homeowner purchased the property.

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

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

MOTION by Masood, support by Vergun, in the matter of ZBA Case 4-15-5556, to GRANT the petitioner's request for a 766 square foot variance to the maximum 790 square foot requirement for accessory structures because the petitioner did demonstrate practical difficulties exist in this case in that he set forth facts which show that:

1. Compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose.
2. That granting the variance requested does substantial justice to the petitioner as well as to other property owners in the district.
3. That the petitioner's plight is due to the unique circumstances of the property, as the petitioner purchased the property as is.
4. That the problem is not self-created.

SUBJECT to the following conditions:

- The two existing sheds are to be removed
- No plumbing or heating be permitted in the garage
- The materials used be consistent with the existing garage

MOTION CARRIED 7-0

D. ZBA CASE: 4-15-5557
LOCATION: 30170 Grand River Avenue
PARCEL I.D.: 23-35-201-009
REQUEST: In order to install a third free-standing sign 27.5 feet high, 107.25 square feet in area in a B-3 zoning district. The following special exceptions are requested (1) A special exception for a third sign (two signs are allowed when frontage is on two thoroughfares) (2) A special exception of 19.5 feet (3) A special exception of 43.5 square feet.
CODE SECTION: Section 34-5.5.3.B.M note #5, (b), Section 34-5.5.3.B.M., 34-5.5.E.
APPLICANT: Roman Bonislowski: Ron and Roman, Inc.
OWNER Wells Fargo Bank

Zoning Division Representative McGuire stated that the Board was given a note from the Traffic Engineer, Mark Saksewski, however, the proponent had not yet received a copy so she provided them with one.

Zoning Division Representative McGuire discussed the location of the property and presented an aerial view of the site, photos of the existing building, a schematic of the proposed sign and location and a rendering of the proposed exterior of the building. She stated that in regards to the letter from the Traffic Engineer, the concern is that the sign will actually overhang the driveway at a height of 8 feet and although pickup trucks typically run 7 feet tall, a UPS truck or panel trucks, which are taller, may possibly hit the sign. She added that if the sign were to be moved just a couple feet toward the building that would solve the problem. She noted that the City has taken quite a bit of interest in planning this area, in terms of helping the area be successful, in recent months.

Roman Bonislowski, 275 E. Frank St, explained that they are excited to be in front of the Board, excited in what they are planning for this site and feel that the Board will be surprised by the development. They have worked with the owner, John Goldstein, before on the Maple Theater and with this theater development they are going back to a different era, the name Riviera has great history and precedence and it is important to them that the experience that they are proposing to provide on the interior of the theater be expressed on the exterior. Since the building is rather plain on the outside, they want to use signage to give the feeling of what the Riviera would have been like back in the day. He noted that they are sacrificing the number of seats for luxury seating and that there will be a real food offering with a true bar and lounge. He stated that they typically are not big on doing large signs, however, there is an unusual circumstance associated with this property because if you Google the address of the property it brings you in off Grand River Avenue, not the closer entrance to the theater off 9 Mile Road, therefore, they are proposing to set the sign up in a way that will give them the greatest visibility along the long driveway stretch from Grand River Avenue.

Mr. Bonislowski commented that the sign is actually off the curb by 2 feet but they would be happy to move it an additional 6 inches or whatever the Board feels comfortable granting. He added that there is no intention of adding flashing or blinking lights associated with the sign.

Chair Seelye questioned if the proponent was willing to have a 2 foot setback from the curb. Mr. Bonislowski responded yes, but they would like to keep it out as far as possible because of the

sight line back to Grand River Avenue, as that is a critical component of the placement of the sign.

Zoning Division Representative McGuire explained that the Traffic Engineer gave her some calculations as to how he had measured the sign and why he was convinced it will get hit, and the Board may want to condition the motion on having the proponent work with the Traffic Engineer on the correct placement of the sign, that way the Board does not have to decide on how far out the sign should be located.

Mr. Bonislowski stated that they marked on the sidewalk the actual rectangular configuration of the sign component up above and it is off the curb, however, they are happy to work with the City on the placement.

Zoning Division Representative McGuire noted that if the proponent can get the Traffic Engineer to agree with the proposed location, then it may not have to be moved.

Member Lindquist commented that he saw that it was marked off and within the curb and asked if the space marked off on the sidewalk was the ultimate dimension of the sign at its widest point. Mr. Bonislowski responded that it was.

Member Lindquist questioned if the theater will have space on the combination signs along with the other stores, including the one located on Grand River Avenue. Mr. Bonislowski responded that they are not interested in having their name on those signs, they are only interested in the one location and they designed the sign the way they did for graphic impact from a distance, which is more important to them. He noted that a sign on the combination sign would get lost.

Member Lindquist commented that you would not actually see the proposed sign from Grand River Avenue due to the orientation of the Target building and they may want to consider having a sign at least on the Grand River Avenue combination sign.

Mr. Bonislowski stated that he appreciates the concern and asked if the Board could approve the exception with it being their choice whether or not they believe that is an important component to add a sign to the combination sign.

Member Lindquist asked if the number of signs was one of the exceptions being requested and if they already anticipated that the proponent would be included on the bigger shopping center signs on 9 Mile Road and Grand River Avenue.

Attorney Morita explained that this site is one zoning lot and already has two signs, one at Grand River and one at 9 Mile Road, so this proposed sign would be a third pole sign and the proponent needs the special exception for the third pole sign.

Member Lindquist clarified that they would not need any sort of special permission or exception to be on the larger center signs. Attorney Morita stated that was correct.

Member Lindquist questioned if the theater will only have one main entrance. Mr. Bonislowski responded that there will only be one entrance and they are actually eliminating two sets of double doors as well, but there will be numerous exits.

Mr. Bonislawski commented that they will work with the City on the placement of the proposed sign as the owner does not want to pay for a sign that could potentially be damaged and if they have a sign on the combination sign it would be small.

Member Rich commented that the proposed theater is very aesthetically pleasing and he is happy to see this type of theater come to Farmington Hills and questioned why there were two applications, one which identified the owner as Wells Fargo and the other as Encore Theater Partners. Attorney Morita responded that the first application was from the tenant not the owner, which is Wells Fargo and the owner is required to sign the application.

Member Rich asked if the proponent was able to speak on behalf of Wells Fargo. Mr. Bonislawski responded that he was.

John Goldstein, 6632 Telegraph, explained that the property is owned by Wells Fargo and he is a tenant. He added that he has been trying to buy the property for some time.

Member Rich commented that the current theater has a hardly noticeable sign on the Grand River Avenue sign and having the new theater name on it might make sense. He stated that due to the orientation of the sign, he cannot tell how visible it will be from Grand River Avenue but he is more concerned with the visibility from 9 Mile Road because the sign will be perpendicular to the entrance and if you are heading eastbound on 9 Mile Road it will be blocked by the building until you pass and at which point you will miss the entrance and have to use the entrance on the other side of Office Max, and if you are heading westbound you will see the theater but not be able to read the sign until you are even with it.

Mr. Bonislawski stated that he agrees that when heading eastbound you will not be able to see the sign until you are past the building but their rationale was that there is a very accessible drive just past the theater entrance.

Member Barringer questioned if a study had been done on the bulk of traffic entering the shopping center and what entrance is used most. Zoning Division Representative McGuire responded that the center has issues and the Planning Commission has spent quite a bit of time looking at them, and the Michigan Department of Transportation is doing a traffic study in the area off Grand River Avenue. She added that the City is encouraged by this particular development and they are looking at how traffic flows and how to make it flow better.

Zoning Division Representative McGuire commented that there is a Grand River Corridor group that is separate from the City and they have also made some recommendations on this site.

Chair Seelye opened the public portion of the meeting.

Dennis Wade, 22056 Purdue, stated that in the past people have wanted a marquee sign for the theater and at that time he felt that would slow traffic, this time they want a sign that looks like a stick that goes straight up and he does not have any objection to that. He stated that you will have to be in the parking lot or looking for the sign to even see it. He noted that he has seen a lot of people go in and out of the center trying to make a business work and he feels like the proponent should save their money and go with something tried and true, but he has no objection to the proposed sign.

Mr. Bonislowski commented that Mr. Goldstein knows what he is doing and they feel that this theater, as a destination, will be a true winner.

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

Member Stevens confirmed there was an affidavit of mailing on file with 21 returned mailers.

MOTION by Rich, support by Lindquist, in the matter of ZBA Case 4-15-5557, to GRANT the petitioner's request for the following special exceptions: 1) A special exception for a third sign (two signs are allowed when frontage is on two thoroughfares), 2) A special exception of 19.5 feet and 3) A special exception of 43.5 square feet; because the proponent has met the following requirements necessary for an exception in the case as set forth in Section 34-5.5.3.B.M note #5, (b), Section 34-5.5.3.B.M., 34-5.5.E of the Farmington Hills Zoning Ordinance:

- There are circumstances or features that are unique to the subject property that are not self-created; the length of the strip center, the way that the theater is oriented, etc.
- Failure to grant the relief requested would unreasonably preclude the visibility or identification of the structure.
- The technical standard is that the special exception will not result in a sign or condition that is incompatible with or would unreasonably interfere with the adjacent or surrounding properties and will result in substantial justice being done to both the applicant and adjacent properties; the only part of this standard that the applicant does not meet is the incompatibility with the adjacent properties, as this property goes above and beyond and enhances the adjacent properties, which is a benefit, not a detriment.
- When taken on its own or in combination with other existing conditions, the exception will not result in a sign or condition that has an adverse effect on the aesthetics or character of the establishment or surrounding area.

SUBJECT to the following conditions:

- No flashing or running lights are permitted
- The signage on the building identifying the theater is to be removed and replaced with the graphics as identified by the applicant
- No portion of the sign is permitted to overhang beyond the edge of the curb
- The applicant must work with City staff to identify an appropriate safe distance for the placement of the sign to ensure the safety of vehicular and pedestrian traffic
- The special exception is limited to this particular tenant
- The design remain consistent with the rendering provided to the Board

MOTION CARRIED 7-0

APPROVAL OF MARCH 10, 2015 MINUTES

MOTION by Masood, support by Vergun, to approve the Zoning Board of Appeals meeting minutes of March 10, 2015, as submitted.

MOTION CARRIED 7-0

PUBLIC QUESTIONS AND COMMENTS

There were no public comments.

ADJOURNMENT

MOTION by Stevens, support by Vergun, to adjourn the meeting at 9:10p.m.

MOTION CARRIED 7-0

Respectfully submitted,

James Stevens, Secretary
Zoning Board of Appeals

/ceh