

**MINUTES
CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS
CITY HALL – COUNCIL CHAMBER
FEBRUARY 10, 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, Paramesh, Rich, Seelye, Vergun

Members Absent: Stevens

Others Present: Attorney Morita, Zoning Division Representative McGuire

SITE VISIT FEBRUARY 8, 2015

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

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

MOTION CARRIED 7-0

NEW BUSINESS:

A. ZBA CASE: 2-15-5553
LOCATION: 21680 & 21700 Haggerty Road
PARCEL I.D.: 23-31-101-025
REQUEST: In order to expand office/research building and related non-conforming lot coverage, two variances are requested. 1. A 42.75 foot setback variance for the rear yard (east) 98 foot rear yard setback requirement. 2. To permit a variance from the maximum 20% lot coverage to 27.5%. This proposal will increase the existing non-conforming use lot coverage from 85,341 square feet or 25.4% to total lot coverage of 92,041 or 27.5%: A lot coverage increase of 2.1%.
CODE SECTION: 34-3.5.2.P.; 34-3.1.22.E.; 34-7.1.3
APPLICANT: Gentherm, Inc.
OWNER: Westridge Haggerty, L.L.C.

Zoning Representative McGuire explained that in the packet presented to the Board there is a letter from Mark Stec of the Planning Department to the applicant stating that they appeared before the Planning Commission on January 15, 2015 and the Planning Commission approved the site plan request with

conditions, and the first two conditions are the variances being requested tonight. She stated that the applicant needs these variances in order to attach the two buildings and make them one building. She discussed the location of the property and presented an aerial map, sketches of the building and the proposed addition, noting that the property is in an OS-1 district and that the buildings being located along the freeway and facing Haggerty Road, determines the setbacks. She noted that on page 1 of the Clearzoning report it gives the impression that the current setback is non-conforming and that is an error, it should read "Required 73 ft." which is what the existing building has. She stated that the buildings current situation in terms of setback is conforming, however, in terms of area coverage, they are non-conforming, and this issue did not seem to be addressed when the buildings were built in 2000, therefore, if the Board were to grant the variance requested, it would make the current situation and the addition legal. She explained the formula used for buildings along freeways and that the purpose of the formula is to address mass.

Larry Bond, representing Gentherm, Inc., 21680 Haggerty Road, explained that Gentherm purchased the campus in July 2013 and previously occupied only the southern building. Since that time, the company has experienced extreme growth and there is now a desire to combine functions that are currently going on at other facilities into one central campus and by doing this they will wind up with about 6 or 7 times the number of people they had originally. He stated that the intent is to create an atrium that includes a large space for catered lunches for employees and also allows employees to go back and forth between the two buildings without having to go out in the elements.

Chair Seelye stated that on part of the building there is a proposed area which juts out about 25 feet and he questioned the reason for that.

Michele Sargeant, John Tagle Associates, 5455 Corporate Drive, explained that for what Gentherm needs in the space between the buildings; a dining area, central lobby and a couple of break out meeting rooms, in order to get the square footage required, they had to push out into a concrete hardscape area to avoid the parking lot; if they came out further west they would have had to reconfigure the parking lot. She stated that the two main factors in doing this addition are safety; getting the employees from one building to the other without having to go outside and security; they have experienced recent thefts and are taking measures such as adding security cameras and card readers on doors, however, there are many exterior doors so the idea is to create one central single point of entry with a lobby that can monitor people coming in and out.

Chair Seelye questioned how many employees would be in this building. Mr. Bond responded that they anticipate by the end of next year having about 200 employees with space for 300.

Member Rich asked how far the jut out area along the freeway side, the east side, came out. Ms. Sargeant responded that from the face of the building it goes out about 20 feet.

Member Lindquist questioned what the company does. Mr. Bond responded that their primary product is heated and cooled seats for the automotive industry.

Member Masood stated that the applicant had mentioned that they would be relocating people from another building and asked if that operation was in Farmington Hills. Mr. Bond responded that the facility is in Windsor.

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

Member Paramesh confirmed there was an affidavit of mailing on file with 6 returned mailers.

Member Rich questioned if the buildings originally were farther apart, how much of an encroachment into the setback would they have been without the extra 20 foot extension into the current setback.

Zoning Representative McGuire responded that the extension requires less of a setback because it is narrower and it not included in the calculation for the variance.

Member Lindquist stated that the description is for a 42.75 foot setback variance for the rear yard 98 rear yard setback requirement and questioned if those were accurate figures.

Zoning Representative McGuire responded that the description is accurate. In the Clearzoning report on page 1 it erroneously described the current required setback for the existing buildings as 98 feet with the actual existing setback as 73 feet. Mr. Stec wanted the Board to know that currently 98 feet was not required, and on page 3 of the report it indicates that it is the proposed building addition which would require 98 feet. The applicant proposes 55 feet. She noted that she had misspoken earlier and the jutting out part of the addition was included in the calculations for the variance.

Zoning Representative McGuire explained that the reason the setback was an odd number is because of the nature of the formula; the length of the building plus 2 times the height, divided by 6 which means that the setback is going to be different every time for every building.

MOTION by Rich, support by Lindquist, in the matter of ZBA Case 2-15-5553, to GRANT the petitioner's request for a 42.75 foot setback variance for the rear yard (east) 98 foot rear yard setback requirement and to permit a variance from the maximum 20% lot coverage to 27.5%; 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 render conformity with the ordinance unnecessarily burdensome.
2. That granting the variance requested would do 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 there are two buildings oriented with only a small gap between them, the applicant could build a small connection, however, that would not meet the purpose or be an appropriate connection for the buildings.
4. That the problem is not self-created, in that the proponent did not construct the buildings in their current orientation, the building is adjacent to a freeway and the visual aspect of the building would not cause any aesthetic problems from the freeway.

SUBJECT to the following conditions:

- The other conditions set forth by the Planning Commission must be met.
- The addition is to be made of material and appearance consistent with the existing two buildings.

MOTION CARRIED 7-0

APPROVAL OF JANUARY 13, 2015 MINUTES

MOTION by Rich, support by Vergun, to approve the January 13, 2015 Zoning Board of Appeals meeting minutes as submitted.

MOTION CARRIED 7-0

PUBLIC QUESTIONS AND COMMENTS

There were no public comments.

ADJOURNMENT

MOTION by Vergun, support by Masood, to adjourn the meeting at 8:06p.m.

MOTION CARRIED 7-0

Respectfully submitted,

James Stevens, Secretary
Zoning Board of Appeals

/ceh