**MINUTES**

**CITY OF FARMINGTON HILLS**

**ZONING BOARD OF APPEALS**

**FARMINGTON HILLS CITY HALL**

**31555 W. ELEVEN MILE ROAD**

**FARMINGTON HILLS MI**

**SEPTEMBER 10, 2024 – 7:30 PM**

1. **CALL MEETING TO ORDER**

Chair O’Connell called the meeting to order at 7:30pm.

1. **ROLL CALL**

Members Present: Banks, Irvin, Khan, Lindquist, O’Connell, Vergun

Members Absent: Rich

Others Present: Zoning Supervisor Randt, City Attorney Morita, Recording Secretary McGuire

1. **APPROVAL OF AGENDA**

**MOTION by Vergun, support by Khan, to amend and approve the agenda as follows:**

* **Correct Case B., Request, 2nd line, to read: . . . sign: A 904.1875 *square-*foot . . .**

**Motion carried unanimously by voice vote.**

1. **NEW BUSINESS:**

**A. ZBA CASE: 9-24-5742**

LOCATION: 35700 W. Twelve Mile

PARCEL I.D.: 22-23-08-400-012

ZONE: RA-1

REQUEST: In an RA-1 Zoning District, in order to build a new mosque addition to the existing

principal building, the following variance is requested: A 4-foot 8-inch height variance to the

required 30-foot flat roof height, resulting in a 34-foot 8-inch-high building.

CODE SECTION: 34-3.1.4.E

APPLICANT: Ghassan Abdelnour

OWNER: Islamic Cultural Association

Zoning Supervisor Randt gave the facts of the case. The parcel is located on Twelve Mile between Haggerty and Halsted in an RA-1 zoning district. Materials provided included the zoning district map, site layout, aerial view of the property, assessing records, site photo, tree detail, first floor plan, elevations, and the proposed addition.

Ghassan Abdelnour, GAV & Associates, 24001 Orchard Lake Rd, Farmington, was present on behalf of this request for a variance in order to build a new mosque addition to an existing principal building.

Mr. Abdelnour provided the following information:

* The Planning Commission had granted site plan approval for the addition.
* The addition will contain a mezzanine to separate men and women for religious reasons.
* The applicant had explored options to avoid a height variance but found that a variance was required for trusses at the necessary slope.
* The 4-foot 8-inch height variance was to the parapet of the building. Most of the addition was kept at the height of the existing building. The height was only raised in the prayer area.
* The addition was being built in the courtyard of the existing building.
* The closest house to the north was about 600 feet away.
* The closest house to the east was about 780 feet away.
* The parapet would provide cover for mechanical units.

As Member Khan is a member of the mosque requesting a variance, he was recused and left Chambers.

In response to comments, Mr. Abdelnour indicated that he wanted to proceed with the request with only five board members present.

City Attorney Morita explained that aspects of a building directly related to religious practices (such as a minaret) were exempt from height restrictions, but that the flat roof and parapet were not exempt.

Chair O’Connell opened the meeting to public comment regarding this case.

Jawad Malik, 27992 Gettysburg St, said he lived in the subdivision right behind the mosque. He said the mosque did not disturb his view and that he had not heard concerns about the mosque from other people in the neighborhood. He said that meeting religious standards was important to him and his wife and mother-in-law who would pray at the mosque.

Ahsan Minhas, 35523 Fredericksburg Rd, said the addition would give women an opportunity to have their own place to pray in the mosque. The addition would make very little visual difference to the neighborhood.

Seeing that no other public indicated they wished to speak, Chair O’Connell closed public comment and brought the matter back to the Board for discussion and/or a motion.

Member Vergun reported that there was an affidavit of mailing, with two returns. No correspondence regarding this case had been received.

Member Lindquist confirmed with the two people who spoke during public comment that they both supported granting the variance.

**MOTION by Lindquist, support by Vergun, in the matter of ZBA Case 9-24-5742, in order to build a new mosque addition to the existing principal building, the request for a 4-foot 8-inch height variance to the required 30-foot flat roof height, resulting in a 34-foot 8-inch high building be GRANTED, 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 as a mosque allowing for attendance by female members with a separate prayer area for those members as described by the proponent.**
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 somewhat due to the unique circumstances of the property, in that it is a one-story basic design where the mosque is attempting to accommodate a mezzanine for a specific religious purpose.**
4. **That the problem is not self-created in that the zone, building, and landscape all exist, but the permitted purpose of the mosque has special construction requirements that are necessary to maintain the religious function, requiring the increased roof height.**

**And with the condition that:**

* **The addition be constructed in compliance with the plans that have been submitted to staff and as presented in tonight’s packet.**

**Motion passed unanimously by voice vote, 5-0.**

The meeting was adjourned for a short break at 8:05pm and reconvened at 8:10pm.

**B. ZBA CASE: 9-24-5743**

LOCATION: 23300 Haggerty Road

PARCEL I.D.: 22-23-30-101-022

ZONE: LI-1 and FRW-1

REQUEST: In an LI-1 Zoning District, the following special exception is requested in order to

install a 955 square foot wall sign: A 904.1875 square-foot special exception to the 50.8125 maximum area for a wall sign in a L1-1 Zoning District.

CODE SECTION: 34-5.5.3.B.i

APPLICANT: Barnaby Loehnis

OWNER: Chris O’Connor for Humanetics Innovative Solutions Inc.

Member Khan returned to the dais.

Zoning Supervisor Randt gave the facts of the case. The parcel is located on Haggerty Road between Twelve Mile and Fourteen Mile in a light industrial zoning district. Materials provided included an aerial view of the property, street view, exterior building facade, the proposed sign location, and a view of the proposed sign.

Barnaby Loehnis, 112 Brushy Ridge Rd, New Canaan, CT, was present on behalf of this request for a variance in order to install a 955 square foot wall sign utilizing crash test dummies to remind people to wear their seat belts.

Mr. Loehnis provided the following information:

* The Humanetics facility in Farmington Hills creates most crash test dummies being used in automotive safety in the world today.
* Public safety and encouraging people to buckle up is a core part of this application.
* The facade of the building overlooks I-275 and provides an opportunity to deliver an important public safety announcement.
* Deaths on US roads have increased by 30% in the last ten years. Half of the 40,000 yearly deaths were caused by people not wearing seatbelts.
* The applicant proposed a partnership with Farmington Hills, establishing the center of automotive safety in the City.
* The proposed sign was 955 square feet, and would be temporary, lasting a couple of years.
* The applicant would accommodate a smaller sign if size was key but maintained that the larger size was needed to deliver the message.
* The overall size of the facade was 4,800 square feet.
* The Harley Davidson facility on I-275 had a similarly sized sign overlooking the highway.

In response to questions, Mr. Loehnis added the following information:

* A two year installation period would provide a valuable return for the applicant’s investment.
* The proposed sign would not be lit.
* The applicant had not considered other locations. Use of the applicant’s building facade would establish their presence in Farmington Hills and be a statement for the City as well as for their company and deliver an important public safety message.
* Establishing a sign in another location would increase costs.

Member Lindquist acknowledged the noble purpose of a public safety message but raised a concern that the size of the proposed sign would be a distraction for drivers.

Mr. Loehnis explained that the applicant had not made a study of the distraction of road signs, but noting the similar Harley Davidson sign nearby, explained that the proposed messaging would be kept simple to avoid distraction.

Member Lindquist said that the proposed sign would not facilitate wayfinding for the facility. He noted that billboards were designed for advertising and were subject to restrictions that addressed distractions. The proposed sign was much larger than the 300-square foot billboards allowed in Farmington Hills.

In response to comments, Mr. Loehnis described a great working relationship with City officials but said that the City had not made any commitment to partner with the applicant regarding the establishment of this sign.

Member Lindquist reviewed the standards and purpose of the sign ordinance. Granting this variance would in essence be granting a billboard sign – a much larger billboard sign than allowed per ordinance – at this location.

Member Vergun raised the possibility of seeking a change in the ordinance as opposed to seeking a special exception.

Chair O’Connell opened the meeting to public comment regarding this case. Seeing that no public indicated they wished to speak, Chair O’Connell closed public comment and brought the matter back to the Board for discussion and/or a motion.

Member Vergun reported that there was an affidavit of mailing, with 14 returns. No correspondence regarding this case had been received.

Member Irvin acknowledged the size of the nearby Harley Davidson sign.

City Attorney Morita explained that the Harley Davidson sign had not come before the ZBA and should not be considered as a factor in a decision by the Board.

After discussion and amendment, the following motion was offered:

**MOTION by Vergun, support by Lindquist, in the matter of ZBA Case 9-24-5743, that the petitioner’s request for a 904.1875 square foot special exception to the 50.8125 maximum area for a wall sign in a LI-1-Zoning District, in order to install a 955 square foot wall sign, be DENIED, because the petitioner did not demonstrate that the requirements for a special exception exist in this case, based on the following findings:**

1. **The request is not based on circumstances or features that are exceptionally unique to the property and that are not self-created. There are several similarly situated properties in the area. This property is not unique in its zone and district and the other similar properties are maintaining their maximum signage.**
2. **Failure to grant relief would not result in more than mere inconvenience or financial expenditures.**
3. **The application of the regulations in this section without a special exception will not unreasonably prevent or limit the use of the property or will not unreasonably preclude the visibility or identification of a non-residential building on the property. A denial will not get in the way of the applicant successfully running their business.**
4. **The special exception will result in a sign or condition that is incompatible with or unreasonably interfere with adjacent or surrounding properties and is inconsistent with the spirit and intent of the chapter of the zoning code, due to the requested size, which places the sign in the category of billboard advertising and not signage. Billboards are under the purview of the Planning Commission. To grant signage of billboard sized advertising acting as a sign is inconsistent with the intent of the ordinance, which is to regulate signage on buildings and not provide a mechanism for advertising of any kind of message, altruistic or otherwise.**
5. **When taken on its own a granting of this special exception would result in a condition that has an adverse effect on the essential character and aesthetics of the surrounding area. The proposed message would be consistent with the type of advertising seen on a highway in advertising space – not signage space.**

**Motion passed unanimously by voice vote, 6-0.**

**5. PUBLIC QUESTIONS AND COMMENTS:**

None.

**6. APPROVAL OF MINUTES July 9, 2024**

**MOTION by Irvin, support by Khan, to approve the July 9, 2024 meeting minutes as submitted.**

**Motion passed unanimously by voice vote 6-0.**

**8. ADJOURNMENT**

**MOTION by Vergun, support by Banks, to adjourn the meeting.**

**Motion approved unanimously.**

The meeting adjourned at 8:53pm.

Respectfully submitted,

Daniel Vergun, Secretary

/cem