

## **BOARD OF ZONING APPEALS MINUTES**

A regular meeting of the Farmington Board of Zoning Appeals was held on Wednesday, August 7, 2019 in Council Chambers, 23600 Liberty, Farmington, Michigan. Notice of the meeting was posted in compliance with Public Act 1976.

Vice Chairperson Aren called the meeting to order at 7:03 p.m.

### **ROLL CALL**

**PRESENT:** Aren, Crutcher, Pitluk, Schiffman

**ABSENT:** Bertin, Craft, Gensheimer

A quorum of Commissioners were present.

**CITY OFFICIALS PRESENT:** Director Bowdell, Recording Secretary Murphy

### **APPROVAL OF AGENDA**

MOTION by Schiffman, supported by Pitluk, to approve the agenda as presented.  
Motion carried, all ayes.

### **MINUTES OF PREVIOUS MEETING OF MAY 1, 2019**

MOTION by Schiffman, supported by Pitluk, to approve the minutes of May 1, 2019  
Motion carried, all ayes.

### **MINUTES OF PREVIOUS PLANNING COMMISSION MEETINGS OF APRIL 8, 2019, MAY 10, 2019 AND JUNE 13, 2019**

The Planning Commission Meeting Minutes of April 8, 2019, May 10, 2019, and June 13, 2019 were received and filed.

### **ELECTION OF OFFICERS**

- A. Chairperson**
- B. Vice Chairperson**
- C. Secretary**

Vice Chairperson Aren introduced this Agenda item and opened the floor for nominations.

Following discussion by the Commission, on a motion by Crutcher, supported by Schiffman, the Election of Officers agenda item was postponed until the next Zoning Board of Appeals meeting.

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Motion carried, all ayes.

**APPEAL OF:**

**Araneae, Inc.  
28785 Haas Road  
Wixom, MI 48393**

**KSP Development, Inc., Owner  
20788 Farmington Road  
Farmington, MI 48336**

**Joshua Mansfield  
Rolling Stoves, Tenant  
20780 Farmington Road  
Farmington, MI 48337**

- 1. Request for a variance to Sec 25-9, Sign Regulations for Nonresidential Properties, Table 25-09, Wall Sign (A), Height ii) to allow proposed sign to be higher than the buiding.**

Vice Chairperson Aren introduced this Agenda item and turned it over to staff.

Building Inspector Bowdell stated that he believes that he interprets the ordinances different than the way the former building director read them over many items. One of which is how you calculate the square footage of signage, and this variance, it says you can't put a wall sign above your roof. So, the idea of that would be if you had a single story building with a two-story front façade, you can't put your sign up there, your sign has to stay below the roof line.

So, in this case, the former Big Boy's, and that by the way, I don't know if you heard the news, the former owner's other Big Boy's burned down this morning in Taylor. So, anyway that building was built with two facades on it that carried signs for many years. Once those signs come down, there's no grandfathering of a sign that is not there anymore, it's now not one business, it's two, and my predecessor allowed signs that were half above the roof and half below the roof because there is really no place on this building to put a sign unless you hung it down in front of a glass which architecturally wouldn't look correct.

Schiffman clarified that Bowdell was speaking of the Dunkin Donuts building and signage and Bowdell confirmed that he was.

Bowdell continued that Dunkin Donuts has a sign that is half up and half down if you were to look at it. The Petitioners have asked for a sign, Dunkin Donuts' sign has a façade that's near the front of the building and Schiffman indicated with no roof line in front of it and Bowdell continued with no roof line in front of it. He went on to state the Petitioner doesn't have that, they only have roof line back three, four, five feet and it almost looks like it could be a chimney but that's the only piece of wall they have they've asked to put a sign on it. And naturally, the way the rules are written, once I let somebody do it, I'd have to let everybody do it, so all of those types of signs are going to come for a variance unless they change the ordinance

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words in some way. So that's why the Petitioners are here and they can explain their hardship, I think maybe I've already explained but they have to explain it and give their name and address for the record and they are a new business in town taking the second space of that building, so it is now a two occupant building instead of a one occupant building.

Vice Chairperson Aren invited the Petitioner to the podium.

Joshua Mansfield, 20780 Farmington Road, Farmington, came to the podium. He stated that Building Inspector Bowdell summed up his situation perfectly and that it has been frustrating to them concerning the ordinance. He cited the pictures in the Commissioners' packets, and stated it's an obvious architectural for a sign and if you were to hang it down in front of the windows or on the side, it would look terrible. And he indicated that the ordinance is intended to make things look good instead of hanging whatever you want from the top of your roof line or above the roof line. So to him it's a beautiful structure, it's a beautiful building, he loves what the owners of Dunkin Donuts have done with it, so that's where they want to put their sign, facing Farmington Road, and that's basically it.

Crutcher asked what's in the little bump at the top and Schiffman stated it looks like a parapet and Mansfield replied it's literally for signage because there's no other place to put, when they divided, they built that one that went straight up and there was no signage for the second building so that's what they decided to put up there for the occupant.

Mansfield went on to state that former Inspector Koncsol did allow the cup of Dunkin Donuts above the roofline, so, he doesn't know if they actually did talk to John, or who knows.

Crutcher stated at the time of the proposed signage for Dunkin Donuts was submitted, the interpretation of the ordinance was different.

Mansfield indicated that's basically what they want to do with it, and that they feel that that's the best place to put signage.

Vice Chairperson Aren asked Mansfield if he would like to talk about the proposed materials.

Mansfield replied that the sign will be done by Fast Signs. It will be the same type of signage that Dunkin Donuts has, I don't know the perfect words for the type of signage, but it's nothing that's going to be annoying or neon lights or actual strobe light stuff, just your normal signage to tell people who you are.

Pitluk asked if it was one solid sign or just lettering and the Petitioner replied lettering.

Chairperson Aren asked if there were any more questions from the Commissioners.

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Schiffman indicated he has a question for Inspector Bowdell on zoning, as far as the variance goes, they're only requesting a variance for the location and not the size of the sign, that the size is within the zoning requirements and Bowdell replied that it is in compliance and emphasized that they only get credit for the address frontage of the building, which is the Farmington frontage. In the past people were given credit for the front and then the side, and that's not the intent of the ordinance, he doesn't believe it reads that way, but someone had interpreted it that way a long time ago and it continued for many years but that his reading of the ordinance is different.

Crutcher then asked if the square footage is for each business and not the total and Bowdell replied it is per business, that's correct. Dunkin Donuts has a frontage and this proposed second space has a frontage and they are within the proposed square footage for their space.

Inspector Bowdell stated that they had received one letter and asked Vice Chairperson Aren to read that into the record.

Vice Chairperson Aren read the following letter into the record:

"Attention City of Farmington Zoning Board of Appeals  
Subject: Notice of Public Hearing

As a current resident in Farmington of 40 years, we are always happy to see new establishments and growth come to our City. Your request for a variance comes with temporary objections. I request for a privacy fence to be put up on City property along Chesley Drive, separating the commercial and residential properties in question. Location: North side of Chesley, east of Farmington Road.

Consideration needed for this privacy fence as follows:

1. To obstruct views between residential and commercial properties with intention to their request for signage.
2. To obstruct view of increased traffic and persons not known to our residents, keeping such what is now from open view of families with children including daily routines.
3. To obstruct excessive what is now assumed to increase open access for garbage and litter from this commercial location in question which is visual depreciation to all properties, also potential health hazards for hosting uncontrolled rodents known to this area.

Thank you for consideration to this appeal.

S. McNally"

Pitluk stated just for some context because he lives over by that area, there is a dirt road that goes down towards the commercial properties and on that road is also the

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back end of some residential homes, so this is from one of the homeowners who can see the Dunkin Donuts and/or what would be Rolling Stoves.

Vice Chairperson Aren stated she was looking to see what property this is and that it really doesn't pertain to the matter at hand with signage, so he's just asking for a different issue to be brought up.

Crutcher asked if a fence is required and Bowdell replied an existing restaurant site, pursuant to this Zoning Ordinance, you have the same uses in the same square footage without any increase of the square footage of the building, which means that the full site plan and that would have been, they did do a site plan, is allowed to remain. If it had been like a doctor's office and it was going to change to something like this, you could ask for that type of improvement only on the site that is being considered and not an offsite improvement as what was requested there. So, in this case, there's no change in use, the use groups are the same for the Building Code and the Zoning Ordinance and that's why today, we would have somebody put up a wall or some type of thing in the back, but not necessarily on that side street.

Crutcher then clarified that the potential fence location is on the other side and Bowdell replied that's correct.

Pitluk stated the properties don't even touch, there's a road in between where the properties are. It sounds like someone wants a privacy fence but they don't want to pay for it.

Mansfield stated they wouldn't even be able to view the sign, they can't see the front from where their home is, it backs up to the property and they wouldn't be able to see the sign.

MOTION by Crutcher, supported by Schiffman, to approve the request for a variance to Sec. 25-9, Sign Regulations for Nonresidential Properties, Table 25-09, Wall Sign (A), Height ii) to allow proposed sign to be higher than the building for 20780 Farmington Road, Rolling Stoves, Tenant.

Motion carried, all ayes.

### **PUBLIC COMMENT**

None heard.

### **ADJOURNMENT**

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MOTION by Crutcher, seconded by Aren, to adjourn the meeting.  
Motion carried, all ayes.

The meeting adjourned at 7:21 p.m.

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Jeffrey Bowdell , Building Inspector