



ZONING BOARD OF APPEALS MEETING
Wednesday, August 3, 2020 – 7:00 p.m.
City Hall

AGENDA

1. **Roll Call**
 - A. **Define Participating Members**

2. **Minutes of Previous Meeting of June 2, 2021**

3. **Minutes of Previous Planning Commission Meetings are available for review on our website www.farmgov.com – May 2021 through July 2022.**

4. **APPEAL OF:**
 - City of Farmington DDA, Applicant**
23600 Liberty Street
Farmington, MI 48335

 - Jeera Properties, LLC**
23623 Farmington
Farmington MI 48336
 1. **Request for a variance to Sec. 25-9, Sign Regulations for Nonresidential Properties, Table 25-09, Wall Sign (A), Maximum Area in Downtown Farmington to allow a 1000 sq. ft. graphic on the north wall along an access drive off of Farmington Road. Ordinance allows 10% of the wall up to maximum 100 sq. ft. (1000 sq. ft. – 100 sq. ft. = 900 sq. ft. variance). In addition, the applicant requests a variance to Number Permitted (i) of allowing 1 wall sign per parcel as this graphic is for community purpose-not for a tenant.**

5. **Public Comment**

6. **Adjournment**

www.farmgov.com



Public Services Department

33720 West Nine Mile Road
Farmington, Michigan 48335

Telephone 248-473-7250
Fax: 248-473-7279

July 29, 2022

City of Farmington
Zoning Board of Appeals

VARIANCE REQUESTS: Sec. 25-9, Sign Regulations for Nonresidential Properties, Table 25-09, Wall Sign (A), Maximum Area and (i), Number Permitted

ZONING: CBD, Central Business District

Dear Board Members:

The City of Farmington DDA, on behalf of the owners Jeera Properties, LLC, has submitted a variance request in accordance with Article XVIII of the Farmington City Code.

The applicant is requesting a variance to Sec. 25-9, Sign Regulations for Nonresidential Properties, Table 25-09, Wall Sign (A), Maximum Area in Downtown Farmington to allow a 1000 sq. ft. (1000 sq. ft. – 100 sq. ft. = 900 sq. ft. variance). In addition, the applicant requests a variance to Number Permitted (i) of allowing 1 wall sign per parcel as this graphic is for community purpose-not for tenant.

Sincerely,

Jeffrey Bowdell
Building Official/Code Enforcement

JB:jl

Attachments



CITY OF FARMINGTON

For office use only

Date Filed: _____

Fee Paid: _____

Board of Zoning Appeals Application

1. Petitioner Name FARMINGTON DDA

2. Location of Property

Address 23623 FARMINGTON RD.

Cross Streets _____

3. Identification

Applicant FARMINGTON DDA

Address 23600 LIBERTY

City/State/Zip FARMINGTON, MI 48335

Phone 248.474.5500 ext 2214 Fax _____

Interest in the Property (e.g. fee simple, land option, etc.)

9 Property Owner Other (Specify) _____

Property Owner JEERA PROPERTIES, LLC

Address 23623 FARMINGTON RD.

City/State/Zip FARMINGTON, MI 48336

Phone 248 982 8861 Fax _____

* 248 482 7299

Preparer of Site Plan FARMINGTON DDA

Address 23600 LIBERTY ST

City/State/Zip FARMINGTON, MI 48335

Phone _____ Fax _____

4. Property Information

Zoning District CBD Area _____

Width _____ Depth _____

Current Use _____

5. Appeal Request

Indicate grounds for appeal & complete additional section, if specified:

	Consult Zoning Ordinance Section	Complete Additional Application Section
<input type="checkbox"/> Specific appeal request type (pick one)		
<input type="checkbox"/> APPEALS from any order, requirement, decision or determination made by the Building Official, any administrative official or administrative body where it is alleged that there was an ERROR OR MISINTERPRETATION .	18.04 A.	Section 6.
<input type="checkbox"/> MAP INTERPRETATIONS	18.04.B.	Section 6.
<input type="checkbox"/> TEXT INTERPRETATIONS	18.04.C.	Section 6.
<input type="checkbox"/> NON-CONFORMING SITUATIONS	18.04.D. & Article 17	
<input type="checkbox"/> HEIGHT MODIFICATIONS	18.04 E.	
<input type="checkbox"/> VARIANCE from the strict application of the provisions of the Zoning Ordinance; specify type:	18.05 A.-D.	
<input type="radio"/> Dimensional (Area) Variance	18.05 D.1.	Section 7.
<input type="radio"/> Use Variance	18.05 D.2.	Section 8.
<input type="radio"/> Accessory Reception Antenna Facilities	18.05 D.3.	
<input type="radio"/> Cellular Towers and Antenna	18.05 D.4.	
<input type="radio"/> Fences	18.05 D.5.	

Describe your appeal, in general:

Respectfully requesting a variance to number of wall signs, as this non-conforming application is a mural, vetted and approved by the TDA Public Art Committee. The building location has been identified as a priority site for public art through community engagement, as part of the TDA's Public Art Blueprint.

Upon completion of this portion, check above for an additional section to complete, then go to the last page (**Section 9.**) to complete the application.

6. Section 6. Specific criteria for APPEALS and INTERPRETATIONS

The Board of Zoning Appeals is bound by the same rules, procedures, and standards of the Ordinance. The Board of Zoning Appeals should uphold the original decision unless the record clearly shows that the original decision body or official was one of the following:

- a. Arbitrary and capricious; or
- b. Filled to ensure consistency with ordinance standards; or
- c. Made an error, such as relying on false or inaccurate information, or
- d. Constituted an abuse of discretion; or
- e. Was based upon erroneous interpretation of the zoning ordinance or zoning law.

Describe how your appeal meets one of these criteria:

7. **Section 7. Criteria for a DIMENSIONAL (Area) Variance**

Please respond to the following statements. The application must meet all criteria in order to obtain a variance.

- a. **Practical Difficulties.** How would the strict compliance with the area, setbacks, frontage, height, bulk, density, or other dimensional and non-use matters create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render the conformity unnecessarily burdensome? Note that the showing of mere inconvenience is insufficient to justify a variance.

- b. **Substantial Justice**

How would a variance do substantial justice to the applicant as well as to other property owners in the district?

Would a lesser variance than the requested give substantial relief to the applicant and or be more consistent with justice to other properties? If not, please explain why?

- c. **Public Safety and Welfare.** Will the granting of the variance materially impair the intent and purpose of this ordinance or compromise the public safety and welfare?

d. **Not Self-Created.** Have the special conditions and circumstances relating to the variance request resulted from the actions of the applicant?

e. **No Safety Hazard or Nuisance.** Will the granting of variance or appeal increase the hazard of fire or otherwise endanger public safety or create a public nuisance?

f. **Relationship to Adjacent Land Uses.** Will the development permitted upon granting the variance relate harmoniously in a physical and economic sense with adjacent land uses while not altering the essential character of the neighborhood?

g. **Minimum Variance Necessary.** Is the variance requested the minimum amount necessary to permit reasonable use of the land? Explain, provide specific figures if necessary.

8. **Section 8. Criteria for a USE Variance**

Please respond to the following criteria. The application must meet all of the statements in order to obtain the use variance.

- a. **Unreasonable Current Zoning Designation.** Describe how the property cannot be reasonably used for any purpose permitted in the zoning district without the variance. There must be financial proof of inability to realize any return.

- b. **Unique Circumstances.** Describe the unique circumstances peculiar to the property that exist which are not generally applicable in the area or to other properties in the same zoning district. Please describe features that make it impossible to earn a reasonable return without some adjustment.

- c. **Not Self-Created.** Have the special conditions and circumstances relating to the variance request resulted from the actions of the applicant or the applicant's predecessors or are they self-created?

- d. **Capacity of Roads, Infrastructure and Public Services.** Will the capacity and operations of public streets and other facilities be compromised?

e. **Character of Neighborhood.** Will the variance, if granted, alter the essential character of the area? Explain.

f. **Minimum Variance Necessary.** Is the variance requested the minimum amount necessary to permit reasonable use of the land? Explain, provide specific figures if necessary.

9. Section 9. Completing the BZA Application

In order to start the review process the applicant must submit a complete application. The following checklist includes all documents required for the Zoning official to declare the application complete and begin the review process:

_____ **A. Application, Fees and Copies.** Complete the preceding application form, as directed, and sign and date the application in the blanks provided below. Deliver this form, the filing fee, 9 sets of drawings or prints, and one each of any letters, maps, photographs or supplementary information to the City of Farmington Building Department. The City will require 14 days to process the completed application.

_____ **B. A completed Elevation Plan.** For any applicant requesting a variance when a structure, fence, sign, remodeling, addition and/or any construction will be above grade, the following information must be included on plans drawn to a scale of at least 1/4" to 1" on a sheet or sheets that are at least 24" x 18":

_____ The elevations of all proposed new structures including all portions above grade level

_____ The elevations for the entire structure of any building to be added to or remodeled including all portions above grade level

_____ All doors, windows, roof lines, outdoor mechanical equipment, chimneys, porches, overhangs, signs, fences and other structural or permanent components of the building(s)

A copy of the complete legal description of the property and proof of property ownership should accompany this application.

I, Kateo A. King, IDA DIRECTOR (applicant), do hereby swear that the above statements are true.

Kateo A. King, IDA DIRECTOR
Signature of Applicant _____ Date _____ Signature of Property Owner _____ Date _____

I, _____ (property owner), hereby give permission for City of Farmington officials, staff, and consultants to go on the project property for purposes of verifying information provided on the submitted application.

Zoning Board Appeal or Interpretation: _____ Applicable
_____ Not Applicable
Approved/Denied: _____
Date: _____
By/2nd: _____
Conditions of Approval: _____

This Agreement, between the Farmington Downtown Development Authority, a Michigan municipal corporation ("the DDA"), and Jeera Properties, LLC., whose address is 23623 Farmington Road ("Owner").

R E C I T A L S:

- A. The Owner owns the following property located in the City of Farmington, Michigan: 23623 Farmington Road ("the Property").
- B. DDA has requested authorization from the Owners to permit the installation of a mural on the Property to be installed and maintained by the DDA for a period of at least five (5) years.
- C. The Owners agrees to authorize this proposed work under the conditions set forth in this Agreement.

IT IS AGREED between the parties to this Agreement as follows:

1. The Owner hereby licenses and permits the DDA to place a mural on the Property, at the DDA's expense on the north wall of the existing building in the location shown on Exhibit A. The content of the mural shall be determined by the DDA, but shall be reviewed and approved by the Owner prior to the installation. A draft of the proposed mural design is attached as Exhibit B. The mural shall be substantially similar to the proposed design attached. The DDA shall install the mural at its own expense and shall maintain the mural so that it remains consistent with the installation throughout the term of the License.
1. This license is personal to the DDA and the DDA acknowledges that DDA, under Michigan law, acquires no prescriptive rights by virtue of this license. At the end of the initial five (5) year period of this license, if the Owner chooses not to renew this License, the mural must be removed by the DDA and the DDA will re-paint the location of the mural and repair any damage caused by the removal and upon DDA's failure to timely remove same, the DDA shall be responsible for all costs associated with such removal, including any costs and attorneys' fees incurred by the Owner in securing such removal or collecting from the DDA the costs associated with such removal. The Owner may agree to extend the license for additional successive terms of five (5) years at the end of the initial license term under the same conditions as the initial license upon both parties approving an extension.
2. No installation, maintenance, repair or removal may be performed that would interfere with the operation of the business at this location.
3. A certificate of insurance from all contractors working on the mural, and the DDA must be provided to the Owner prior to any work starting. The certificate is to name the Owner as additional insured as to damages or injuries resulting from the installation of the mural.
4. The Owner shall not be liable for any injuries, property damage, or loss of life or property caused by, arising out of, or occurring in connection with the mural by DDA(s) on the Owner's building.

- 5. If any portion of the structure located on the Property containing the mural is ever demolished or destroyed, this license shall terminate and be of no further force or effect.
- 6. Grantee (DDA) shall not expand or modify any portion of the mural located on the Property without the expressed written consent of the Owner.

THE OWNER

Pawina Evancoe

By:

STATE OF MICHIGAN)
) SS
 COUNTY OF OAKLAND)

On this 28th day of July, 2022, personally appeared before me, a Notary Public, the above-named PAWINA EVANCOE

known to be the same person(s) described herein, and who executed the within instrument, and who acknowledged to be his/her act and deed. Sworn to and subscribed before me:

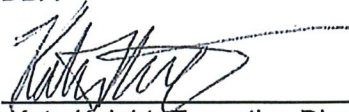
<p>MARY J. MULLISON Notary Public, State of Michigan County of Oakland My Commission Expires Aug. 5, 2028 Acting In the County of _____</p>

Mary J. Mullison

 (Notary Public)
OAKLAND, County

My Commission expires: 8/5/2028

DDA



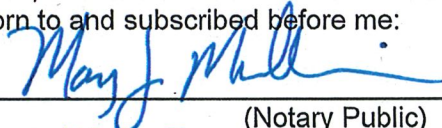
Kate Knight, Executive Director

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

On this 28th day of July, 2022, personally appeared before me, a Notary Public, the above-named KATE KNIGHT

known to be the same person(s) described herein, and who executed the within instrument, and who acknowledged to be his/her act and deed. Sworn to and subscribed before me:

MARY J. MULLISON
Notary Public, State of Michigan
County of Oakland
My Commission Expires Aug. 5, 2028
Acting In the County of



(Notary Public)
OAKLAND County

My Commission expires: 8/5/2028

From: [Kevin Christiansen](#)
To: [Lisa McGill](#)
Cc: [Jolene Leitner](#); [Jeffrey Bowdell](#)
Subject: FW: ZBA Mural Application
Date: Tuesday, July 19, 2022 9:26:10 AM

FYI 1 – as we discussed. Thanks.

From: Kate Knight <kknight@farmgov.com>
Sent: Friday, July 15, 2022 9:30 AM
To: Kevin Christiansen <kchristiansen@farmgov.com>
Subject: ZBA Mural Application

Hi Kevin,

Here is information (with some gaps-Sidwell, etc.) for the ZBA public notice. Thank you for helping nudge this along.

Location:

23623 Farmington Rd, Farmington, MI 48336

Sidwell:

Zoning: CBD, Commercial Business District

Owner:

Pawina and David Evancoe
Wina's Thai Massage
23623 Farmington Rd, Farmington, MI 48336

Appeal:

*Sign Graphic -Mural is more than 10% of wall, exceeding maximum 100 sq ft.

Kate Knight, MUP

Executive Director
Farmington DDA
248-474-5500, ext 2214
www.downtownfarmington.org

From: [Kevin Christiansen](#)
To: [Lisa McGill](#)
Cc: [Jeffrey Bowdell](#); [Jeffrey Bowdell](#)
Subject: FW: Mural
Date: Tuesday, July 19, 2022 9:27:10 AM

FYI 2 – as we discussed. Thanks again.

From: Kate Knight <kknight@farmgov.com>
Sent: Friday, July 15, 2022 4:17 PM
To: Kevin Christiansen <kchristiansen@farmgov.com>
Subject: FW: Mural

More photos of the elevation at Wina's. This north side is approximately 1,400 square ft. I would submit, (subtracting area for windows and doors) that we should ask for a mural square footage of 1,000 square feet, so we're covered. We will be well below that.

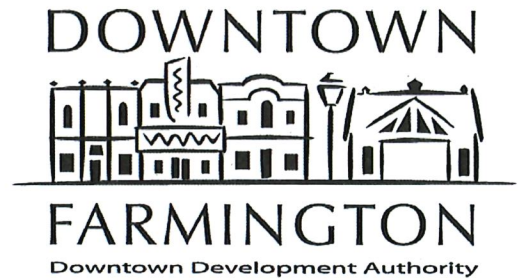
Thanks, Kevin.

Kate Knight, MUP

Executive Director
Farmington DDA
248-474-5500, ext 2214
www.downtownfarmington.org

From: Kate Knight <kateknight500@gmail.com>
Sent: Friday, July 15, 2022 4:14 PM
To: Kate Knight <kknight@farmgov.com>
Subject: Mural

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.



July 29, 2022

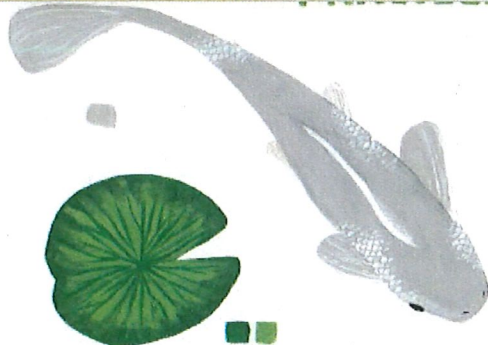
TO: Zoning Board of Appeals
FROM: Kate Knight, Executive Director
SUBJECT: Mural at Wina's Thai Massage 23623 Farmington Road

BACKGROUND:

The DDA has developed a mural design by Farmington resident, artist Kate Aren for the north elevation of 23623 Farmington Road, Wina's Thai Massage. The owner, Pawina Evancoe, of Jeera Properties, LLC, and the DDA have executed an agreement to create a mural in support of the Public Art Blueprint in Downtown Farmington. Aren has submitted the following proposal (attached) and schematic drawings (below) for the mural. Installation will be August 2022.



North Elevation 23623 Farmington Road



Mural Detail Example

Downtown Development Authority
Farmington, Michigan 48335 248-473-7276

www.DowntownFarmington.org





Sent from my iPhone



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals for the City of Farmington will meet at 7:00 p.m. on Wednesday, August 3, 2022 in the Council Chambers, 23600 Liberty, Farmington, Michigan in accordance with Article XVIII of the Farmington City Code. All property owners within 300 feet of the site in question are notified.

- LOCATION:** 23623 Farmington Road
- SIDWELL:** 20-23-28-278-013
- ZONING:** CBD, Commercial Business District
- APPLICANT:** City of Farmington Downtown Development Authority
23600 Liberty Street
Farmington, MI 48335
- OWNER:** Jeera Properties, LLC
23623 Farmington Road
Farmington MI 48336

- APPEAL:** Applicant requests permission for:
 1. A variance to Sec. 25-9, Sign Regulations for Nonresidential Properties, Table 25-09, Wall Sign (A), Maximum Area in Downtown Farmington to allow a 1000 sq. ft. graphic on the north wall along an access drive off of Farmington Road. Ordinance allows 10% of the wall up to maximum 100 sq. ft. (1000 sq. ft. – 100 sq. ft. = 900 sq. ft. variance). In addition, the applicant requests a variance to Number Permitted (i) of allowing 1 wall sign per parcel as this graphic is for community purpose-not for a tenant.

Sec. 25-9, Sign Regulations for Nonresidential Properties

<i>Table 25-09, Wall Sign (A)</i>	
<i>Maximum Area</i>	<i>In Downtown Farmington 10% of the wall, up to maximum of 100 sq. ft.</i>
<i>Number Permitted</i>	<i>(i) 1 per parcel</i>

This is a Public Hearing and comments may be directed to the Board during the meeting. When replying by mail, write your comments on the attached sheet of this notice and address it to the **City of Farmington, Zoning Board of Appeals, 23600 Liberty Street, Farmington, MI 48335**. All written comments will be read at the meeting and become part of the record.

Dated: July 19, 2022

JAKACKI, MICHELE B
33431 GRAND RIVER AVE
FARMINGTON, MI 48335-3521

ALLORE HOLDINGS LLC
23609 WARNER ST
FARMINGTON, MI 48336-2358

TYJORMAC, L.L.C.
6040 TURNBERRY DR
COMMERCE TWP, MI 48382-4806

MIHAJLOVSKI, DRAGO
MIHAJLOVSKI, JADRANKA
38075 RIVER BND
FARMINGTON HILLS, MI 48335-3646

JANICE L. KONJAREVICH LIVING TRUST
37684 N LAUREL PARK DR
LIVONIA, MI 48152-2663

COWLEY INVESTMENTS, LLC
JOHN COWLEY & SONS IRISH TAVERN
33338 GRAND RIVER AVE
FARMINGTON, MI 48336-3124

GRAND FARMINGTON, LLC
45798 FERMANAGH DR
NORTHVILLE, MI 48168-1810

CITY OF FARMINGTON
FARMINGTON CIVIC THEATER
23600 LIBERTY ST
FARMINGTON, MI 48335-3529

LAR PROPERTIES, LLC
32892 ROBINHOOD DR
BEVERLY HILLS, MI 48025-2518

AZAR BROTHERS, LLC
28882 KENDALLWOOD DR
FARMINGTON HILLS, MI 48334-2638

P & E PROPERTIES, LLC
33314 GRAND RIVER AVE
FARMINGTON, MI 48336-3124

CHANG COMPANY LIMITED LLC
33954 COTSWOLD ST
FARMINGTN HLS, MI 48335-1442

DAMKCAT REAL ESTATE HOLDINGS, LLC
C/O MID-AMERICA REAL EST MICHIGAN
38500 WOODWARD AVE STE 100
BLOOMFIELD HILLS, MI 48304-5048

23534 FARMINGTON RD LLC
23534 FARMINGTON RD
FARMINGTON, MI 48336-3106

RHINOJOE LLC
23366 FARMINGTON RD
FARMINGTON, MI 48336

CVS PHARMACY INC #8048-02
AFFINITY RE, LLC
4512 S SHORE ST
WATERFORD, MI 48328-1162

33505 STATE LLC
33505 STATE ST STE 101
FARMINGTON, MI 48335-3569

CITY VIEW PROPERTIES LLC
33515 STATE ST
FARMINGTON, MI 48335-3555

CAST HOLDINGS, LLC
22045 BECK RD
NORTHVILLE, MI 48167-3312

SACKLLAH, FRED
SACKLLAH, MONICA
23607 FARMINGTON RD
FARMINGTON, MI 48336-3109

JORGENCA, LLC
34212 CONROY CT
FARMINGTON, MI 48335-4123

JEERA PROPERTIES, LLC
23623 FARMINGTON RD
FARMINGTON, MI 48336-3109

THE FARMINGTON COMMUNITY
LIBRARY
32737 W 12 MILE RD
FARMINGTON HILLS, MI 48334-3302