

**MINUTES
CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS
CITY HALL – COUNCIL CHAMBER
AUGUST 14, 2018**

CALL MEETING TO ORDER

Chair Seelye called the meeting to order at 7:30 P.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: **Barnette, King, Rich, Seelye, Vergun, Irvin (alternate)**

Members Absent: Lindquist, Masood

Others Present: **Attorney Morita and Zoning Division Representative Grenanco**

SITE VISIT August 12, 2018

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

Zoning Division Representative Grenanco advised that Case B, 8-18-5645, 34505 Twelve Mile Road, was removed from tonight's agenda.

MOTION by Irwin, support by Barnette, to approve the agenda as amended.

MOTION CARRIED 6-0.

NEW BUSINESS

A. ZBA CASE: 8-18-5644
 LOCATION: 29970 W. Twelve Mile
 PARCEL I.D.: 23-11-452-024
 REQUEST: In a B-1 Zoning District, a variance is requested to permit on-site consumption in a carry-out restaurant.
 CODE SECTION: 34-3.1.23; 34-2.2 – Restaurant carry-out
 APPLICANT: Lighthouse Landing, L.L.C. (d/b/a Farmhouse Coffee & Ice Cream)
 OWNER: Jamil Brothers Investment, L.L.C.

Zoning Division Representative Grenanco provided background relevant to the appeal. She noted that the address was listed as 29970 12 Mile Road, which was the address of the main building, but the building had four individual units, all with separate addresses. Tonight's application was for the unit known as 29936 12 Mile Road, the 1200 square foot far eastern unit of the building.

The property, located at the northeast corner of 12 Mile and Rollcrest, was in the B-1 Zoning District. The B-1 District allowed carry-out restaurants, defined as *for consumption off the premises*. Therefore there was no consumption allowed on the premises.

Applicants Deanna, Tim, and Amanda Yow, Lighthouse Landing, L.L.C., 29193 Northwestern Highway, Ste 506, Southfield, MI, were present to represent the request.

Deanna Yow explained that they had had a location in Franklin with approximately the same square footage. That location was closed and they were seeking to open their business in Farmington Hills.

They were requesting a variance for limited on-site consumption due to the nature of their business. It was important for people to be able to eat their ice cream cones before driving away. While they were primarily a carry-out restaurant serving coffee and ice cream, they would like to have a few tables and chairs so people could sit when waiting to order and when consuming their ice cream. They believed allowing limited on-site consumption would fit with the other businesses in the building and with the neighborhood. They did not have a drive-thru or other accoutrements of a fast-food restaurant.

Chair Seelye asked how many tables and chairs they would have. Ms. Yow said they would have 10 tables, 2 tops, and 25 seats.

Chair Seelye asked if the ice cream store would have its own dumpster.

Ronnie Jamil, 29970 W. 12 Mile Road and building owner, said that he was happy to have Farmhouse Coffee and Ice Cream as tenants; they provided the type of business he was looking for in his building. Currently Mr. Jamil had a gated dumpster area with one dumpster. They would be adding another dumpster for the Farmhouse Coffee and Ice Cream restaurant.

Chair Seelye asked if there were lights in the back parking lot. Mr. Jamil said there were lights there. They were currently redeveloping the back parking lot. There were lights on the pole, and they would probably be adding lights on the back of the building. Customers were unlikely to be eating ice cream cones there.

Member King asked the applicants what the impact would be on their business if the variance were not granted. Ms. Yow said that the nature of their family-oriented business required limited on-site seating. If the variance were not granted, they would not bring their business to this location. Seating was especially important for children waiting for their parents to order, and then eating their ice cream. They did not want children running loose in the parking lot, etc.

Chair Seelye opened the public hearing.

John Anhut, 23155 Farmington Road, Farmington, Chair of the Economic Development Corporation for Farmington/Farmington Hills, spoke in support of this variance request and of the Farmhouse Coffee and Ice Cream restaurant generally. There would be no negative impact for granting this variance, and he urged the Board to support small businesses such as this one.

A letter in support of the variance request had been received from Terri L. Renshaw, 29870 W. 12 Mile Road, No. 707, Farmington Hills.

Member Vergun confirmed that there was an affidavit of mailing on file with 17 returned.

Seeing that no one else came forward to speak, Chair Seelye closed the public hearing and brought the matter back to the Board for further discussion and a motion.

Alternate Irvin said he had visited this restaurant when it was in Franklin and he found it to be a beautiful small cafe with a warm community feeling. He thought the requested seating was necessary for the restaurant's success.

Chair Seelye said he was also in favor of this request.

MOTION by Irvin, support by Barnette, that in the matter of ZBA Case 8-18-5644, 29936 W. 12 Mile Road (main building address 29970 W. 12 Mile Road), the petitioner's request for a variance to permit on-site consumption in a carry-out restaurant in a B-1 Zoning District be granted because the petitioner did demonstrate practical difficulties exist in this case in that the applicant set forth facts which show that on site consumption is a necessity for their business, and will help sustain their business. The applicant also stated concerns regarding children walking around the parking lot outside the restaurant.

The applicants did show that:

1. Compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose or 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.
4. That the problem is not self-created.

MOTION CARRIED 6-0.

B. ZBA CASE: 8-18-5645
LOCATION: 34505 Twelve Mile
PARCEL I.D.: 23-16-104-013
REQUEST: In order to install a 14.5 foot tall, 84 square foot tenant sign next to a thoroughfare in an OS-4 Zoning District, the following special exceptions are requested:
1. A 8.5 foot special exception to the 6 foot height limit;
2. A 68 square foot special exception to the 16 square foot sign area limit for an additional sign.
CODE SECTION: 34-5.5.3.A.iii.e., 34-5.5.3.A.iv.
APPLICANT: Friedman Management Company c/o Warren Hudson
OWNER: Arboretum II, L.L.C.

As noted above, this item was removed from tonight's agenda.

PUBLIC QUESTIONS AND COMMENTS

There were no public questions or comments.

City Attorney Morita led a short discussion on what constituted a conflict of interest. If a Board Member was aware that they had a conflict of interest, they should advise the Chair before the meeting. If a Board Member discovered during the meeting that they had a conflict of interest, they should immediately stop the meeting and disclose the conflict.

APPROVAL OF JULY 10, 2018 MINUTES

MOTION by Rich, support by Barnette, to approve the Zoning Board of Appeals meeting minutes of July 10, 2018.

MOTION CARRIED 6-0.

ADJOURNMENT

MOTION by Vergun, support by Irwin, to adjourn the meeting at 7:50 p.m.

MOTION CARRIED 6-0.

Respectfully submitted,
Daniel Vergun, Acting Secretary

/cem