

**MINUTES  
CITY OF FARMINGTON HILLS  
ZONING BOARD OF APPEALS  
CITY HALL – COUNCIL CHAMBER  
DECEMBER 9, 2014**

**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: Barringer, Masood, Paramesh, Rich, Seelye, Stevens, White

Members Absent: Lindquist and Vergun

Others Present: Attorney Morita, Zoning Division Supervisor Randt

**SITE VISIT DECEMBER 7, 2014**

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

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 White, to approve the agenda as published.

**MOTION CARRIED 7-0**

**NEW BUSINESS:**

A. ZBA CASE: 12-14-5548  
LOCATION: 37602 E. Meadowhill  
PARCEL I.D.: 23-31-276-038  
REQUEST: A 7.2 foot variance to the required 35 foot rear yard setback in order to build a 12x14 foot sunroom in an RA-1 Zoning District.  
CODE SECTION: 34-3.1.4.E.  
APPLICANT/OWNER: Mr. & Mrs. Craig Bowles

Zoning Supervisor Randt discussed the location of the property and presented overhead views of the property, site plans showing the proposed sunroom including orientation and elevations and sample photos of the completed project.

Diane Bowles, applicant, explained that she and her husband Craig are requesting a variance in order to construct a sunroom that would replace their existing deck. She stated that the sunroom is smaller than the existing deck, but a variance would be needed to the rear yard setback requirement.

Member Masood inquired if the existing deck had required a variance when built. Supervisor Randt explained that a variance was not required for the deck, but would be required for the sunroom as there was a change in the ordinance with regard to setback requirements.

Member Stevens inquired if this is a proposed 4-season sunroom. Mrs. Bowles answered that it would be a 3-season sunroom.

Member Rich inquired if the side yard setback would also require a variance. Mr. Randt responded that the Planning Department indicated that only the rear yard setback required a variance.

Chair Seelye opened the public portion of the meeting.

Bruce Reuter, Glenwild, stated that the rear lot line for the homes that back to the commons area are all jagged and the homes are on a curve so he does not feel neighbors would even notice the sunroom addition. He was in favor of the proposed project.

Chair Seelye closed the public portion of the meeting as there were no further comments.

**MOTION** by Rich, support by Barringer, in the matter of ZBA Case 12-14-5548, to GRANT the petitioner's request for a 7.2 foot non-use variance to the required 35 foot rear yard setback in order to build a 12x14 foot sunroom in an RA-1 Zoning District 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 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 in that the proposed sunroom would encroach less into the rear yard setback than the existing deck.
3. That the petitioner's plight is due to the unique circumstances of the property as the layout and orientation of the home is such that in order to have a useful sunroom space, there is a need to encroach into the setback area; and also acknowledge that the previous setback requirement in the code used to be 30 feet.
4. That the problem is not self-created due to facts presented above.

**SUBJECT** to the following conditions:

- That the sunroom is built per representation made to the Zoning Board of Appeals this evening
- Complementary materials to the home are used in the construction of the sunroom
- Removal of the existing deck

**MOTION CARRIED 7-0**

B. ZBA CASE: 12-14-5549  
LOCATION: 38345 Ten Mile  
PARCEL I.D.: 23-30-127-039

**REQUEST:** Special exceptions are requested in order to legitimate two temporary for rent/sale/lease banner signs. 1. A 132 square foot exception to the limit of 12 square feet for rent/sale/lease signs 2. An exception to the requirement that a for rent/sale/lease sign shall be limited to one for each road the zoning lot has frontage in order to place two 72 square foot banners on two facades.

**CODE SECTION:** 34-5.5.

**APPLICANT:** Prosign and Awning

**OWNER:** AJY Commercial, L.L.C.

Zoning Supervisor Randt discussed the location of the property and presented photos of the building, the current for lease signs and an overview of the property.

Scott Najor, representing AJY Commercial, explained that they are requesting a special exception to allow for two For Lease signs to remain on the building. He stated that the property is landlocked and there is not much visibility to the building. He stated that the ordinance requires a 12 square foot sign, which would not be sufficient for their purposes. He noted that the building is 41,000 square feet and the larger banners would help to fill their 9 empty units. Mr. Najor stated that the sign would not pose a health, welfare or safety concern or be adverse with regard to aesthetics as this is not a residential area.

Sam Sardous, Prosign and Awning, stated that he attempted to comply with the ordinance requirements and provide for a banner that was 12 square feet, but that was blocked by a neighboring business and had no impact in helping to rent out the space. He feels the larger signs would help attract business as they could be seen from M-5.

Mr. Najor added that almost half of the building is still vacant and in order to stay in business, they need to fill the remaining units and signage is important to help do that.

Member White inquired the time frame for the banner or if it would remain until the building was fully leased.

Mr. Najor stated that their end goal is to see all of the units occupied so they would want the banners to remain until at least most of the units were rented.

Member Masood inquired about the size of the sign. Mr. Sardous confirmed that the sign is 4' x 18' or 72 square feet. He stated that due to the size of the building, he feels this is proportionate and would make a greater impact.

Member Rich inquired if the applicant believed the building would ever be fully occupied. Scott responded that they believe they could eventually get full occupancy. He stated that the owner is actively seeking tenants as he is also a broker. The problem is that the building was run down when it was first acquired and they have been making improvements to gain tenants. In answer to Mr. Rich, he stated that he is unsure of the vacancy rate of the surrounding buildings.

Mr. Rich expressed concern with the banners remaining up forever if the building is never fully occupied.

Discussion was held on the ordinance requirements for permanent signs on buildings versus temporary signs.

Attorney Morita cautioned that the request is for a temporary sign and there are different standards for permanent signs.

Mr. Randt noted that permanent signs were allowed at 10% of the total façade of a building and would be permitted on two facades. He added that there are no time limits in the ordinance for temporary signs and they would be permitted until a building is leased or sold.

Member Barringer inquired if the applicant has advertised the vacancies through the media. Mr. Najor stated that the units are listed with a broker and on the internet. He indicated that the signs have been up for a couple of months and they have only received a few calls.

Member White questioned when the building was acquired by the applicant. Mr. Najor responded that they have managed the building for 1 year and acquired the building about a month and half ago.

Chair Seelye inquired about the occupancy rate a year ago. Mr. Najor indicated that he does not have those exact figures. He stated that since managing the building they have increased occupancy and made improvements and are now actively seeking tenants. He feels they could fill the building within a year.

Member Masood inquired about the improvements that have been made. Mr. Najor responded that they have put money into the aesthetics of the building and commons area and have money set aside in funds to offer to prospective tenants for improvements so that tenants could build to their use. He stated that they also have a cleaning service and manage 10 other parcels and have contractors and staff available to address any issues.

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

Secretary Stevens noted that there was an affidavit of mailing with no mailings returned.

**MOTION** by Stevens, support by White, in the matter of ZBA Case 12-14-5549, to GRANT the petitioner's request for the following special exceptions in order to legitimate two temporary for rent/sale/lease banner signs: 1) A 132 square foot exception to the limit of 12 square feet for rent/sale/lease signs and 2) An exception to the requirement that a for rent/sale/lease sign shall be limited to one for each road the zoning lot has frontage in order to place two 72 square foot banners on two façade, because the proponent has met the following requirements necessary for an exception in this case per the Zoning Ordinance :

- The Proponent has demonstrated that the property is unique in that it has limited access off Research Drive and not from Ten Mile Road, yet the majority of traffic and visibility is from Ten Mile Road; and the requested size of the signs are reasonable in relationship to the size of the building.

**SUBJECT** to the following conditions:

- The temporary sign is limited to a time period of one (1) year or 80% occupancy of the building based on square footage as determined by the Building Department, whichever occurs first.
- The signs are maintained in good condition and as presented to the Zoning Board of Appeals this evening.

**MOTION CARRIED 7-0**

- C. ZBA CASE: 12-14-5550  
LOCATION: 22043 Lujon  
PARCEL I.D.: 23-31-132-017  
REQUEST: In order to construct a new home in an RA-1 Zoning District, the following variances are requested: (1) A 5 foot variance to the required 35 foot rear yard setback requirement. (2) A 3.2 foot variance to the required minimum combined totals of 20 feet side yard setback. (3) A 1.5 foot variance to the required 35 foot front yard setback.  
CODE SECTION: 34-3.15; 34-3.1.4.E., 34-3.1.5.E.  
APPLICANT/OWNER: Adorno and Paula Piccinini

Zoning Supervisor Randt discussed the location of the property and presented an overview of the property and site plan and photos of the proposed home. He noted that this request was before the Zoning Board of Appeals in October at which time it was denied. The proponent has since made some changes to the orientation and dimensions of the home to address concerns presented at that time.

Adorno Piccinini, applicant, stated that they listened to the concerns of the Zoning Board of Appeals and worked with the neighbors to address their concerns. He explained that they worked with their architect to change the dimensions to the back of the home that encroached into the rear yard setback while still trying to maintain the size and style of the home they wanted. He added that this was not simply changing the dimensions of the back of the home, but required many changes to the interior of the home. He noted that both homes on either side of their proposed home would be 33 or 34 feet from their home. Mr. Piccinini added that the curvature of the road allows for a sight line to the road with no negative impact on the neighbors.

Mr. Piccinini stated that the ordinance requirements for the rear yard setback had changed at one point from 30 to 35 feet and at the last meeting the Board indicated that they would consider a 30 foot setback. Mr. Piccinini provided letters from surrounding neighbors approving of the proposed project and noted that a few of the neighbors were here this evening.

Member Stevens inquired if the applicant had plans to build a deck in the future and if so, have they researched the ordinance requirements.

Mr. Piccinini responded that they do plan to build a deck and have researched the requirements and they would not require a variance.

Mr. Stevens expressed concern with the storm sewer in the rear yard and possible conflicts with an easement on the property if the structure will be encroaching into the setback area. Zoning Supervisor Randt stated that he had no information on the storm sewer in the area.

Mr. Piccinini stated that he researched this and there is no easement on his property.

Paul Beaubien, Heatheridge, stated that he and his neighbor Jack Lowry were present at the last meeting and took exception to the structure encroaching so far into the rear yard setback at that time. He stated that both he and Mr. Lowry are pleased with the proposed revisions and have addressed their concerns. He noted that Mr. Lowry has also submitted a letter for the record. Mr. Beaubien stated that the storm drain easement is on his property. He encouraged the Zoning Board to approve the request and noted that he is speaking for the 3 neighbors that live behind the proposed home

Steve Lange, President of Meadowbrook Forest East Subdivision, commented that 54 homes were built to the east for their subdivision and they worked closely with that subdivision to make sure that the area

remains a nice neighborhood. He commented that this lot has been empty for some time in their subdivision and often the weeds would get overgrown and require cutting, etc. He stated that he wrote a letter on October 1, 2014 I favor of this request and is still in favor. Mr. Lange stated that he feels the construction of this home will enhance the neighborhood and urged the Zoning Board to approve the request.

Zoning Supervisor Randt suggested that he resubmit his letter since this is a new case. Mr. Lange provided the Board with a copy of his letter from October 1, 2014.

Todd Hallett, Architect from TK Design and Associates, noted that since the last request, plans were revised to move the home 4.5 feet further from the rear yard setback and the interior was completely redesigned. He added that the new design is also further away from the neighboring homes.

Chair Seelye closed the public portion of the meeting as there were no further comments.

**MOTION** by Rich, support by Masood, in the matter of ZBA Case 13-14-5550, to GRANT the petitioner's request for the following variances in order to construct a new home in an RA-1 Zoning District: 1) A 5 foot variance to the required 35 foot rear yard setback requirement, 2) A 3.2 foot variance to the required minimum combined totals of 20 feet side yard setback and 3) A 1.5 foot variance to the required 35 foot front yard setback, because the petitioner did demonstrate practical difficulties exists 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 and the proponent has now reduce the encroachment into the rear yard setback, which is substantially further from the tree line than when the request was previously brought before the Zoning Board of Appeals.
2. That granting the variance requested would do substantial justice to the petitioner as well as to other property owners in the district as testified by the neighbors and Homeowner's Association who have indicated that they are in favor of the proposed home and want to see a home built on this site.
3. That the petitioner's plight is due to the unique circumstances of the property in that the location of the property is at a bend in the road and the orientation of the neighboring properties affects the orientation and layout of the proposed home.
4. That the problem is not self-created due to factors noted above.

**SUBJECT** to the following conditions:

- That the dimensions of the property, footprint and exterior of the home are built as represented to the Zoning Board of Appeals this evening.

**MOTION CARRIED 7-0**

Member Rich stated that he has some concerns with regard to the turning radius in the driveway and cautioned the applicant to confirm the layout and confirm there is sufficient room to easily get cars in and out of the garage.

Secretary Stevens noted there was an affidavit of mailing with no mailings returned.

**APPROVAL OF NOVEMBER 11, 2014 MINUTES**

**MOTION** by White, support by Paramesh, to approve the November 11, 2014 Zoning Board of Appeals as submitted.

**MOTION CARRIED 7-0**

**PUBLIC QUESTIONS AND COMMENTS:**

There were no public comments.

**ADJOURNMENT**

**MOTION** by Stevens, support by White, to adjourn the meeting at 8:35p.m.

**MOTION CARRIED 7-0**

Respectfully submitted,

James Stevens, Secretary  
Zoning Board of Appeals

/pbs