

BOARD OF ZONING APPEALS MINUTES

A regular meeting of the Farmington Board of Zoning Appeals was held on Wednesday, September 5, 2018 in Council Chambers, 23600 Liberty, Farmington, Michigan. Notice of the meeting was posted in compliance with Public Act 1976.

Chairperson Bertin called the meeting to order at 7:00 p.m.

ROLL CALL

PRESENT: Bertin, Craft, Crutcher, Perrot, Schiffman

ABSENT: Aren

A quorum of Commissioners were present.

CITY OFFICIALS PRESENT: Building Inspector Bowdell, Director Christiansen, Recording Secretary Murphy

APPROVAL OF AGENDA

MOTION by Crutcher, supported by Schiffman, to approve the agenda as presented.

Motion carried, all ayes.

MINUTES OF PREVIOUS MEETING OF AUGUST 1, 2018

MOTION by Crutcher, supported by Schiffman, to approve the minutes of August 1, 2018.

Motion carried, all ayes.

MINUTES OF PREVIOUS PLANNING COMMISSION MEETINGS

The minutes of the July 9, 2018 Planning Commission Meeting were received and filed.

APPEAL OF: **Dinesh Potluri, Owner/Applicant**
Potluri Group, LLC
37085 Grand River Avenue
Farmington, MI 48335

1. Request for variance to Sec. 25-9, Sign Regulations for Nonresidential Properties, Table 25-09, Wall Sign (A)(ii) to allow two tenants in the multi-floor, multi-tenant office building to have an additional wall sign on exterior of building when there is only communal access into and out of building.

Chairperson Bertin introduced this item and turned it over to staff.

Director Bowdell stated the Applicant is requesting to put a sign above the first floor level of the building and the Zoning Ordinance, as it is written, prohibits signs of that nature and it only allows signs for people on the first floor that have doors that go directly to the outside. So, the medical office building with forty doctors wouldn't have

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forty signs, they would have one sign that said medical office building. In this case the Applicant has requested to have a sign for a tenant that is not on the first floor and doesn't have the door directly to the outside.

Bertin stated that basically he sees two tenants in the building right now, one in the lower level, probably taking up $\frac{3}{4}$ of the space; and one on the second level, which is a law firm and that neither one of them is taking the majority of the space in the building. He expressed concern with what would happen to the next tenant that comes in and the precedent is set that it is not by a major tenant that is leasing more than 50 percent of this building and expecting to get the same concession.

Crutcher asked for clarification of the variance, if it is for one sign or two signs.

Dan Blugerman, Thomas Duke Company, came to the podium. He stated that the architect and the building manager were present to answer any technical questions, and that he is basically the sales guy putting the deal together and trying to keep the building paid for and occupied. He indicated that the original plan came through, it was just conceptual, and they thought they would put Digital Terrain on the building so there was one sign on the PUD and that was two years ago. Moving forward, they have the Herzel law firm that is a major tenant on the second floor and then there is AOU which is a Tier I Supplier from South Korea that is moving from Northville and as part of their requirement they need a presence, a visibility. So that would mean two signs, one on either end of the third story of the building and that is the request for the variance. They are not a direct entrance to the building. So the variance is requesting to have a sign on each end of the building, just book-ended and very similar to the building across the street.

He went on to state there was a question if there was a criteria as to how much of the building they were going to use and he indicated right now AOU has about half of the top floor in the front section and they plan to grow into it, that's their expectation, and one of their requirements and that is why they are asking the City for the variance. He stated Herzel would be on one end and AOU would be on the other side instead of Digital Terrain, they would sub it out, as tenants turn over they would substitute that same allocated square feet of space for a substitute sign.

Bertin asked how much of the building the law firm would occupy when it is fully occupied and Blugerman called John Bridges from the Thomas Duke Company to the podium.

John Bridges, Thomas Duke Company, came to the podium. He stated the law firm is taking up about 3,300 square feet originally and since then they have grown and are taking up the remaining 5,700 feet which goes across the top. They have a Right of First Refusal on the space to the south on both sides, should it be available, they have the option to take on that space. So they're growing rapidly and will probably take up the entire second floor.

Bertin asked about the third floor and Bridges responded the third floor is AOU and they also want to grow and continue to expand from east to west and they are asking also for a Right to First Refusal.

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Bertin asked if there was any chance that anyone else would come in and demand signage for their space.

Bridges responded by saying they are not asking for any additional sign locations on the building besides these two corner locations.

Bertin asked how those other tenants will be identified. He went on to state that most buildings will put in a pylon sign up near the entrance that would list all the tenants in the building and has there been any consideration given to doing that.

Bridges responded that they had discussed that with them and that the tenants want the image and the look, the owner of the building likes the clean look of having just the signs for the retailers coming in, and there are there are three other tenants on the first floor which they think will be great signage. He stated he can't predict the future but that's how they're going with it now, that they want to be visible. They want to be seen up there and provide visibility.

Bertin stated there is plenty of room at the entrance on the plan to accommodate that concept of the pylon sign.

Bridges responded in the affirmative, there is room on the plan but unfortunately they are trying to accommodate them with their name on the façade the way they want it.

Schiffman stated that there is a building that is almost mirrored across the street and Blugerman replied in the affirmative and stated that is in Farmington Hills. Schiffman stated there are buildings that oftentimes have these signs to identify their significance in the area and asked if the Petitioner was asking for one sign or multiple signs.

Blugerman responded that they are asking for two, it would be the same as in Farmington Hills, and he did look up the sign ordinance and it is allowed by ordinance to have the two signs on the office building in Farmington Hills.

Schiffman confirmed that the building that the Petitioner has right now has multiple signs on it and if this variance was granted it would not be out of character with the neighboring properties and Blugerman responded it would not be out of character and further discussion was held.

Chairperson Bertin asked Director Christiansen to come to the podium.

Director Christiansen came to the podium and stated he would be happy to answer any questions the Board may have, that he is very familiar with the project and the site and he would be happy to provide any information that he has to the Board.

He then welcomed the new Building Inspector, Jeff Bowdell, to the City and stated he is happy to provide input on this variance during the transition.

Crutcher asked Christiansen to provide background on the PUD and the difference in the signage requested on the variance and the original PUD plan.

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Craft then asked if two signs were requested in the original PUD, would it have been approved.

Christiansen responded to both inquiries by saying this property's redevelopment was a PUD, Planned Unit Development, it went through that process, and as such, it had to go through Planning Commission, Council, and there is a PUD plan for the entire site's redevelopment, and a PUD Agreement that spells out all of the elements of the project and that's agreed to between the owner, the developer of the property, and that signage shall be in accordance with City of Farmington Sign Ordinance Regulations. That language is in that PUD as recorded.

Each individual use on the site has its own final site plan so this particular facility, this building, this three-story building we're talking about this evening at Freedom Plaza, has its own final site plan in February 2015 as does The Tile Shop on the site as does Suburban Collection.

In the PUD plans and in the final site plan there was a representation conceptually and that was mentioned earlier of signage in concept on the buildings. I think this particular building and The Tile Shop, however, it wasn't specific, it wasn't detailed, and it wasn't part of any approval of the Planning Commission, nor was it in the PUD and the PUD spells out that signage has to meet the requirements. So, what is being requested here this evening are variances, a variance, each one individually, but for two signs as proposed on the building and as Mr. Bowdell indicated, the ordinance when you have multi-story, multi-tenant buildings and where those upper levels don't have individual access from grade, that signage, wall signage isn't permitted. What is permitted by ordinance is a monument sign, I think a pylon sign was mentioned, a monument sign, a ground sign, there's a certain size that's allowed, multiple tenants are certainly permitted, a directory type sign, if you will, so it will be a ground based, monument based, directory type sign would be permitted there. That has been discussed but nothing has been proposed to date, certainly anything that meets ordinance can be administratively approved. What I can tell you is all of the first level tenants, all of the grade level tenants in this building that have individual access are entitled to a wall sign by ordinance and if they go ahead and apply for proposed signage that meets ordinance requirements, then that can be approved administratively as well.

In this case the signs as proposed this evening can't be approved administratively and that's why they're here before you this evening.

Chairperson Bertin then inquired of Christiansen about the current signage on the building and the precedent that would be set by granting this variance and that it seems to him that the pylon sign would be a reasonable way to accommodate the request and eliminate the requests of tenants for signage.

Schiffman responded to Bertin's statement by saying that he is involved in the commercial real estate world and that he spends many hours and days and nights negotiating deals and in a typical office lease, a typical office building, the smaller tenants had interior directory signs. He indicated he is in the Travelers Tower office building in Southfield and they've got no less than three large major tenants and that when they are securing major tenants it is very important for them when they are

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entering into a multimillion dollar deal, that they are doing that so they have presence in the area. He stated with this building being so new, this is by far the newest thing that has been constructed in many years in the City of Farmington, that there are tenants that are having these problems, who want to move in and create a presence here, and across the street he sees the same thing. He sees it in Southfield, Farmington Hills and Livonia, that a number of these buildings when large tenants are there, they need some presence and that's why they're coming. If they wanted to go somewhere with pylon signs they could go pay \$5.00 a square foot to be in a converted industrial building but that's not what they want and they're paying high dollar for this and they want the exposure and the presence and he thinks that is important. And when it comes to interior signage, your pylon signage, you're right, they can say Freedom Plaza, he tells people he's in the Traveler's Tower in Southfield, his company's name is not on the outside but it's on the flat screen when you come into the building. He stated that moving in this direction for the City and providing these large firms with the exposure they want, is a step in the right direction for the City of Farmington.

Bertin inquired how much of the lease space would be left and Blugerman responded probably 20 percent, 30 percent left and further stated that if the Board required an additional agreement that just the two façade signs are it, they would be happy to make that agreement in whatever form they want to lock that down. He went on to state that they have a touch screen directory where you come in and you can touch it and spell the company and be able to search for the company in the building that has not yet been installed.

Crutcher expressed concerns for granting the variance as it could potentially lead to setting a precedence and future tenants may ask for signs as well and because of the square footage of the building, there could potentially be requests for six signs.

Schiffman responded that the point he was trying to make is that large, substantial tenants in the building get signage. He stated that it is usually a large anchor tenant that gets signage.

Crutcher stated that large is a subjective term.

Blugerman responded that large doesn't really matter, that AOU is paying a higher rate to secure that so it is part of merchandising, part of the business negotiation.

Crutcher said that someone can come in with a very small space and request a variance for signage.

Craft then confirmed that Crutcher's concern is about setting a precedence and that would open the door for potential more signage and Crutcher responded in the affirmative.

Bertin then stated that the Applicant indicated they were willing to enter into an agreement that there would be no more requests for variances and Crutcher replied that this particular Applicant did, but what about the next one.

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Blugerman stated that part of the reason they're before the Zoning Board is that the ordinance says there are no upper floor tenants that can have signs at any time, so that is the first half of the request for your group to comply with the first sign that was illustrated in the PUD, your approval is required for that respectfully. Even though it says they are supposed to fit within the ordinance, we came in and Kevin pointed out upper floor, and he said it's an old ordinance and doesn't address multi-story buildings and high rises in Farmington. So the Administration could not just grant permission administratively and they are requesting the two bookend signs.

Bertin stated they don't necessarily have to put bookends on the building but he can see both points.

Blugerman indicated there is a certain symmetry to have the two signs and the building is large enough that they are not overdone.

Crutcher asked if the signs related to where the tenants are located in the building and Blugerman responded no.

Schiffman stated that is very typical.

Bertin asked if the tenant was going to occupy any square footage where the sign is placed on the building and Blugerman responded that Herzel is on the second floor and the sign is on the third floor.

Bertin then inquired if the tenant that takes that third floor space is going to look out their window and see someone else's sign and Schiffman stated that is very common and Blugerman replied that there is something called a spandrell that is between the glass and that's where it's mounted to so it's not in the way.

Craft asked what percentage of the building Herzel is occupying and Bridges replied they are occupying 50 percent of the second floor and Craft stated that would equate to 5,000 square feet out of the 30,000 square footage of the building.

Blugerman stated that is currently the percentage but that they also retain a Right of First Refusal to take the two south sections on either side of the lobby and extend that because of their growth and success and hopefully eventually will take all of the second floor.

Craft clarified that would then be 30 percent of the building and Schiffman asked if the 30,000 square foot number included the retail on the first floor Blugerman replied no and Schiffman stated that there is actually 20,000 square feet of office space and not 30,000.

Blugerman thanked the Zoning Board for hearing their request and indicated he would appreciate their help and support in keeping the building full.

Schiffman asked for clarification on the request for variance, whether it was one or two.

MOTION by Schiffman, to grant the variance as requested by the Applicant with the condition that the variance would be for only two signs on the building on the exterior.

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Bertin suggested a Friendly Amendment by addition of the condition that the tenant agrees that no additional signage will be required on the outside of the building.

Schiffman accepted the Friendly Amendment.

Crutcher indicated he had a question for staff as it pertains to the ordinance. He inquired if the variance is granted as stated would Applicants be able to come back and ask for another variance in the future or would another owner be able to ask for a variance in the future.

Christiansen stated that there is a motion on the floor and asked the Chairperson if they were still within that motion and Bertin indicated yes, and Christiansen confirmed that they were asking for clarification on the ordinance and requested his response and Bertin stated yes.

Christiansen indicated that the City Sign Ordinance Regulations, which is Chapter 25 of the Code of Ordinances, provides for all signage in the community. This building and the tenants in this building like any other use, has a right to make application for signage. So anybody can make application for signage, and again, if it meets ordinance requirements it can be administratively approved, and if it doesn't then it gets denied and if somebody wants to do something that the ordinance doesn't provide for, they can seek relief through the Zoning Board of Appeals. Anybody can do that, the application just has to be completed and submitted, fees paid and materials supporting their application provided.

So, if the question is specific to this particular site, any tenant in this building if they choose to could submit a Zoning Board application requesting a variance if that's something that they would seek and that would have to be acted on on a case by case basis on its own merits and he hopes that answers the question raised to him.

He would also like to help clarify, if he could, in listening to the motion made by Mr. Schiffman, is what was noticed from this section of the ordinance, the two signs that are being proposed, and that is specific to the plan that you have that has dimensions and locations and dates on them. And also, there was a comment made by the Chair that no other signage would be requested, but pointed out there are potential retail tenants on the first level and they do have individual entrances are will be entitled to wall signage if it meets ordinance requirements. He then suggested the Board add a condition to include that any of the signage for this building comply with City of Farmington Sign Regulations, ordinance requirements.

Chairperson Bertin then stated if that is part of this motion than anyone who individually wants to come back here, that at least they have that on the record that says only these two signs will be approved so they're fighting an uphill battle.

Christiansen replied then the Board may wish to, for clarification purposes, that the motion on the floor moving forward and the motion as indicated in support of the variance as requested, that they are specific to the plans and variances for these two signs as proposed only and they could go as far as no other variances for additional signage that is not in compliance with the City Sign Regulations will be granted. He also suggested that in the motion that it include the basis for granting the variance, for

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considering the variance, the reasons for your consideration and support of this and further discussion was held.

Christiansen then stated that typically the Zoning Board is entrusted with making findings, giving them a basis for taking the action they're going to take, and that is what he is suggesting to the Board. There are tests the ZBA considers in the case of a nonuse variance like this one here, those tests are typically related to practical difficulty in meeting ordinance requirements, a unique circumstance, etc., that should be included.

Further discussion was held on the language of the variance by the Board.

Inspector Bowdell then spoke to the Board that he hadn't heard a second to the motion so discussion should not be held without the support of the motion on the floor and that he would like to address some issues once the motion has support.

MOTION by Schiffman, supported by Craft, that the request for variance made by Dinesh Potluri, Owner/Applicant, for the building located at 37085 Grand River Avenue, Farmington, MI, to Sec. 25-9, Sign Regulations for Nonresidential Properties, Table 25-09, Wall Sign (A)(ii), to allow two tenants in the multi-floor, multi-tenant office building to have an additional wall sign on exterior of building when there is only communal access into and out of the building, **be granted for the following reasons and findings of fact:**

1. That the Applicant has a unique circumstance in that the ordinance as written predates the existence of multi-story, high rise office buildings in the City of Farmington;
2. That is has no detrimental effect on neighboring properties;
3. That denial of the variance would create a practical difficulty for the Applicant in finding tenants without exterior signage for visibility for that tenant;

FURTHER, that the granting of the variance is based on the following conditions:

1. That the signage will be constructed as presented in the architectural drawings submitted by Siegal Tuomaala Associates, labeled Sheet P1, dated August 13, 2018;
2. That any other office signage requests shall be in compliance with the City's Sign Regulations and ordinance requirements.

A roll call vote was taken on the above resolution made by Schiffman, supported by Craft, with the following result:

AYES: Bertin, Craft, Perrot, Schiffman

NAYS: Crutcher

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The Chairperson declared the resolution adopted.

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

CVS/Pharmacy, Inc. #8048, Owner
Affinity Re, LLC
1681 Maplelane Avenue
Hazel Park, MI 48030

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 288 sq. ft. mural on the north wall along State Street. Ordinance allows 10% of the wall up to maximum 100 sq. ft. (288 sq. ft. – 100 sq. ft. = 188 sq. ft. variance). In addition, the Applicant requests a variance to Number Permitted (ii) of allowing 1 wall sign per business for each tenant in multi-tenant building having an individual means of access as this mural is for community purpose – not for a tenant.

Chairperson Bertin introduced this item and turned it over to staff.

Inspector Bowdell turned the matter over to Director Christiansen.

Christiansen stated through the Chair that it is typically not his practice to appear at the Zoning Board of Appeals meetings, but that during the transition and based upon his knowledge of this matter, he will be happy to provide the Board with background information on this item.

He stated that this item is actually an application that has been submitted by the City of Farmington, Downtown Development Authority, and so as Administrative staff he is present assisting them in their application before you this evening.

As indicated, the City of Farmington Downtown Development Authority submitted an application to the Zoning Board of Appeals for a variance to install or construct a mural sign on the north wall of the building that is located at State Street and Farmington Roads and is currently occupied by CVS. And there is also a second unit currently unoccupied on that site and that building, we'll call it the former DMC that used to be in there quite a few years ago in that space, but the majority of the building is occupied by CVS, they are a tenant in the building, they don't own the site.

So what is being requested is a variance to Section 25-9, Sign Regulations for Nonresidential Properties, (A) in the Maximum Area in Downtown Farmington to allow a 288 square foot mural on the north wall along State Street. The ordinance allows 10% of the wall to a maximum of 100 square feet and 288 square feet, that's the size of the mural being proposed. In addition they are requesting a variance to the Number Permitted, allowing one wall sign per business for each tenant in multi-tenant building having an individual means of access. This mural is actually in addition to what already has been permitted for the site. There is one wall sign per business per street frontage permitted per tenant. There are two street frontages so CVS has a sign on Farmington Road, that's their main street. They also have a sign on the south side

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because the ordinance allows when you have a parking lot, that that parking lot area also has a sign on the building, so they have a sign on that side of the parking lot. And they also have a sign up over their canopy, again because you have a State Street situation and you have another parking lot that's on the Farmington Road side, so all of that was put in place years ago.

The mural sign as proposed is in addition to, so it needs a variance because it's an additional wall sign more than the ordinance provides, and they aren't a tenant in the building and for the size, the maximum size. This application, submitted again by the DDA, an application which is in your staff packet, and the owner of the property has given his permission to go ahead and allow this on his building, and there may be some agreement with CVS as a tenant, with the terms of their lease agreement to be worked out, but the owner has given his permission to allow this mural on the side of the building.

So this is something that the DDA has been working very hard on and has gotten permission from the owner of the property and the variance being requested, the basis for the variance are it is a unique situation, a unique request, intended to promote the City of Farmington as a community in the downtown, in an area that is accessible for all the public to view and to enjoy this mural. The mural itself represents the history of the City of Farmington in part, and is being requested to be placed on this commercial building as it is located prominently in downtown Farmington and there has been an effort made to seek and secure cooperation from a business owner and tenant in the downtown and support has been given. At the same time, Christiansen stated he did receive an email today late from the Downtown Development Authority Executive Director, indicating "Congratulations, we are pleased to inform you your project of the mural on State Street and Farmington Road has been awarded a \$2,150.00 Place-Making Grant from Flagstar Bank and Main Street Oakland County. Grant funds are disbursed through a reimbursement process. Please submit copies of your paid invoices that equal the amount, or in excess of, the awarded grant amount. Overall, twenty applications were received from Twelve Main Street Oakland County Communities representing projects totaling over \$400,000.00 in projected expenses.

We are pleased to have partnered with Flagstar Bank for this inaugural Place-Making Grant Program and congratulations on your successful application and your commitment to make Farmington's historic downtown and corridor through quality place-making."

He stated the DDA has worked very hard in securing this spot, getting approval and support from a private property owner prominent within the downtown, promoting the community and so that's the unique circumstance, the purpose for the variance being requested.

Again, a mural, by definition, is a sign intended to identify and has all of the attributes of a sign and that's why it needs a variance for where it is being proposed and being requested this evening.

Chairperson Bertin asked for an explanation from Christiansen on the meaning of the mural.

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Christiansen put on the screen the rendition of the mural and stated the mural will be 8-feet high and then 36 feet, so it is significant, a substantial mural that will have a presence, it's going to be prominent, and there's been quite a bit of effort to coordinate this project which will be here for a period of time.

He produced a sample of the materials that will be used, a hard, metal fabricated material and the mural was actually designed by an artist and brought to the DDA and they reviewed this and gave it a lot of scrutiny and consideration.

Craft stated there were multiple artists, multiple submissions, maybe twenty-two, twenty-three submissions.

Christiansen went on to state it will be installed, if approved, in sections or panels.

Chairperson Bertin asked how high off the ground it will be and Christiansen responded that he put on the screen the images, graphically, which are representative of the history in the City of Farmington over 200 years.

He then went over the details of the mural and its location and further discussion was held.

Christiansen stated that the uniqueness about its location is several fold. One, obviously it's in the downtown and consideration was given to several locations and this is the one that was secured and permission granted and meets the goals and objectives of the DDA. At the same time it's unique because it's right across from the library where history is stored, so it's a learning tool. So that is unique, too. So if you're looking for a basis this is a unique circumstance in terms of what it's intended for, the scale and mass of the sign are intended to be able to be of such size where they effectively identify and advertise and represent the history of the community and that this site is one in the downtown that provided the opportunity but the building already has the maximum number of signs per ordinance but there aren't any signs on this side of the building.

The practical difficulty is that they are not a tenant of the building, the DDA is not a tenant, therefore they can't meet ordinance requirements and as such that is the practical difficulty they have.

Bertin inquired if the space in the building that is vacant is allowed to have a sign on Farmington Road and Christiansen replied in the affirmative.

Crutcher asked if this variance was to be approved and a tenant moves into that space, would they be allowed to have signage and Christiansen responded they must make a sign application to the Economic Community Development Department, and it would have to be reviewed and approved by the City Building Official, and if it meets ordinance requirements that can be approved. For this particular building since it is in the Central Business District it's one wall sign per business per street frontage per tenant, and if you have a parking lot you'll get an additional sign and if you have a second street, you get an additional sign, they would get a sign upon application if that wall sign meets ordinance requirements and there's a size requirement to match the

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individual business, it's 100 square feet but it's based upon lineal frontage and would not require a variance.

Building Inspector Bowdell clarified that this particular variance is for a sign in addition to what is permitted by ordinance on the building, so this is only for that sign.

Christiansen stated this variance is only for this sign as proposed and relates specifically to this sign and this circumstance and there is no timeline proposed for installation and termination, so there is no end date and the DDA wants you to take that into consideration as well. If approved, it would be placed for as long as they want it to be placed there.

Craft indicated they are doing the mural in panels so it can be moved, if needed to be moved, if we should decide to relocate it somewhere. He stated this is the second of three large projects for the newly formed Arts Committee under the DDA, which was started less than a year ago. The first project was installed in Riley Park, the three sculptures that were borrowed from Novi, and the mural is the second project and they are excited about it and hope the Board is, too.

Bertin inquired if there was a conflict of interest in Commissioner Craft voting on this variance since he is on the DDA.

Christiansen responded that would be something for Mr. Craft in his position on the Zoning Board and knowing his position with the DDA to move forward with disclosure and whatever might be the case and would give that consideration.

Craft stated that it was the Arts Council that worked on this project and other than knowing the specifics he was not involved in the decision-making process of choosing the artist or location or any of that but certainly would recuse himself to avoid perceived conflict of interest.

Schiffman asked if the Board could call up their alternate member, Nathan Pitluk, who was in attendance at the meeting if Craft was stepping down.

Building Inspector Bowdell stated they would still need a majority of the vote, whether it's four or five.

Christiansen stated that in this particular case if a member of a body, in this case the Zoning Board of Appeals, indicates that they feel they have a conflict of interest and they ask to recuse themselves and the Board accepts that and there is that open seat, you can have an alternate sit in that place to have a full complement of Zoning Board of Appeals members.

Commissioner Craft stepped down at 8:00 p.m. to avoid any perceived conflict of interest.

Alternate Zoning Board member Nathan Pitluk was called to sit on the Board for the remainder of the meeting at 8:00 p.m.

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Chairperson Bertin confirmed that Board Member Pitluk was present for the duration of the meeting and aware of the proceedings thus far and Pitluk responded in the affirmative.

Christiansen welcomed Pitluk and stated that he was appointed as an alternate member of the ZBA by Council at a recent Council meeting filling the vacant alternate spot when member Schiffman became a full member of the Zoning Board.

Perrot asked for an explanation on the mural and what it depicts.

Christiansen asked Craft for assistance in detailing the mural.

Christiansen then pointed out the trolley on the mural and stated it was the Inner Urban Trolley and ran from Detroit to and through Farmington from 1899 to when it was disbanded in 1928. It ran into Farmington, it had a junction, two stops, one at Orchard Lake and Grand River and the power that facilitated the Inner Urban was generated by the Power Center, now known as The Winery. After it was no longer the Power Center in 1928, it was bought by Lasalle Wine and there is a lot of history after that.

In downtown, the junction was at Farmington and Grand River and on the southeast corner, the Farmington Savings Bank, that was built in 1922, it replaced the Owen House Motel and that used to be a stop. And the fireplace from the Owen House Motel was built into a mirror and that mirror hangs on a wall at Farmington Brewing Company inside.

He went on to state the Inner Urban went to Northville and actually went from Farmington Junction, The Winery, up to Keego Harbor, Sylvan Lake, and looped and came back into Detroit and the purpose was to provide transportation and also, too, in large part to facilitate bringing farmers' products to market into Detroit.

He pointed to the part of the mural that was representative of the Underground Railroad, Farmington was a host location for the Underground Railroad.

Christiansen then pointed to the graphic that represents the Chimney Swift bird that has migrated to Farmington over a period of time and they roost in the chimney, Farmington having the largest concentration of Chimney Swifts in this area, regionally and beyond that.

He stated the word Farmington is on the mural as well as the word "welcome" in different languages. He said the Ox that is on the mural represents the Ox Roast that used to happen in Farmington in large part with the Founder's Festival. The duck that is depicted represents the duck race that Farmington hosted for many years.

He then pointed to the graphic that depicts Nathan Power and stated that Arthur Power and his two sons migrated from Farmington, New York in 1824 and they settled in Farmington and the greater Farmington area on Power Road on the east side in the house that used to be on the property just north of Alameda and the parking lot and there is a marker that represents that there, where Farmington began. And in the development of Farmington from 1824, the Power settlement happened at Power Road and Eleven Mile Road, where on the northwest corner is the Philbrick Tavern.

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He went on to state when settlements happened back then, they may move their original settlement to a location that could provide resources, and the river was a resource in Farmington which was back down on Shiawassee, Shiawassee was one of three Indian trails that ran through the area and so the settlement moved down to Shiawassee and Farmington Road right next to the river. There were a lot of mills back then and the Power family built a mill in the parking lot that is adjacent to the tennis courts and the pavilion at Shiawassee Park along Power Road. So the center of the town migrated down and was at Shiawassee and Farmington Road where the Baptist Church is at and there is a marker there and also a marker on the west side where the first Post Office was at. They migrated from that point down to Farmington and Grand River because in 1850 they passed The Plank Road Act that allowed for boards and planks to be put up on the roads, hence Grand River Trunk Line and that's where there was a Civil War Post and everything else.

Christiansen then pointed out the icon on the corner of the mural depicting The Lone Ranger, stating that the original Lone Ranger lived in the bluish, grey, slate color house that is in the top of the cemetery when you turn in on Locust and that house is Farmington but beyond that then it's Farmington Hills and back up to the water tower and down into Heritage Park.

He stated that he believes the graphic or icon of the three men was used in early advertisements for Farmington.

He indicated the mural depicts a lot of history and very representative of the community and that the Arts Committee and DDA have worked very hard on this and certainly would be very appreciative of the Zoning Board's support and being able to move forward with the project.

Chairperson Bertin thanked Christiansen for the background of the mural.

MOTION by Crutcher, supported by Schiffman, that the 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 288 sq. ft. mural on the north wall along State Street. Ordinance allows 10% of the wall up to maximum 100 sq. ft. (288 sq. ft. – 100 sq. ft. = 188 sq. ft. variance). In addition, the Applicant requests a variance to Number Permitted (ii) of allowing 1 wall sign per business for each tenant in multi-tenant building having an individual means of access as this mural is for community purpose – not for a tenant., brought by the Applicant City of Farmington Downtown Development Authority, for the mural located at the CVS Pharmacy building at 23391-23415 Farmington Road, **be granted for the following reasons and findings of fact:**

1. That the Applicant has shown a unique circumstance in that the mural will be located in the downtown and meets the goals and objectives of the DDA.
2. That the Applicant has shown a unique circumstance in that the mural will be placed across from the library where the history of Farmington is stored.

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3. That a unique circumstance exists in terms of what the scale and mass of the sign are intended to be of such size that it will effectively identify and advertise and represent the history of the community.
4. And that a practical difficulty exists as the building already has the maximum number of signs per ordinance.
5. And that a practical difficulty exists as the DDA is not a tenant of the building and therefore can't meet ordinance requirements

FURTHER, that the variance be granted with the following conditions:

1. That the mural will be built and constructed with the materials and size specifications as presented in the Applicant's Request for Variance application.

A roll call vote was taken on the foregoing motion by Crutcher, supported by Schiffman, with the following result:

AYES: Bertin, Crutcher, Pitluk, Schiffman

NAYS: Perrot

The Chairperson declared the resolution adopted.

Director Christiansen spoke on the importance of having a full quorum present at the meetings, which gives the applicants their due process, what they're entitled to have and thanked the Board for their accommodation.

He then inquired if everyone had received an email regarding training, and that they are looking to have training for City Management, City Administration, Planning Commission, Zoning Board of Appeals on Thursday, October 4th, 2018 from 4:00 to 8:00 p.m. at City Hall and encouraged all members to participate and spoke on the importance of all Boards and Commissions to follow their procedures, rules that they have in place to conduct their business, whether it's State statute or regulation or ordinance or whatever it might be. He stressed the importance of training and education and ordinances, certainly laws, statutes, are routinely being reviewed and discussed, amended and change created, and in case law it's important for the City as a whole to be in step with what is current for any Board or Commission, including the Zoning Board of Appeals.

He stated there are various organizations, professional groups that provide training. There's training through the Michigan Association of Planning, both Planning Commissioner training, Zoning Board of Appeals members training, there's training through Oakland County, there's training through consultants, there's training through Michigan State University Cooperative Extension, it has a Citizen Planner Program and other training. He welcomed everyone to take advantage of this opportunity and if interested to contact him directly.

Schiffman stated that he will be out of the country that week and will need an alternate for the meeting if held on October 3rd.

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PUBLIC COMMENT

None heard.

ADJOURNMENT

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

The meeting adjourned at 8:22 p.m.

Jeffrey Bowdell, Building Inspector