

**MINUTES
CITY OF FARMINGTON HILLS
SPECIAL MEETING OF ZONING BOARD OF APPEALS
VIA VIDEO/TELECONFERENCE
August 18, 2020**

Due to the COVID-19 pandemic, the August 18, 2020 City of Farmington Hills Zoning Board of Appeals meeting was held via Zoom platform video/teleconference in compliance with Executive Orders issued by Governor Whitmer, for the temporary authorization of remote participation in public meetings and hearings. Members of the public body and members of the public participating electronically were considered present at the meeting and could participate as if physically present, as outlined on the City website, the agenda, and posted per Open Meetings requirements.

CALL MEETING TO ORDER

Chair Vergun called the video/teleconference meeting to order at 7:38 p.m., and explained the process for public participation during the public comment portion of the meeting. Calls would be taken in the order received, and those wishing to make public comments must state their name and the name of their street.

SITE VISIT August 16, 2020

Chair Vergun noted when members of the Zoning Board of Appeals members visited the site.

ROLL CALL

The Recording Secretary called the roll.

Members Present: Barnette, King, Lindquist, Masood, Rich, Seelye, Vergun

Members Absent: None.

Others Present: City Attorney Morita, Zoning Representative Grenanco, Recording Secretary McGuire

APPROVAL OF AGENDA

MOTION by King, support by Rich, to approve the agenda as published.

Roll call vote:

Barnette:	Aye
King	Aye
Lindquist	Aye
Masood	Aye
Rich	Aye
Seelye	Aye
Vergun	Aye

MOTION carried 7-0.

NEW BUSINESS

A. ZBA CASE: 8-20-5670

LOCATION: 29154 Grand River Avenue
PARCEL I.D.: 23-36-303-022
REQUEST: In a B-3 Zoning District, in order to install a 701 square foot wall sign, a 631 square foot special exception is requested.
CODE SECTION: 34-5.5.3.B.i.f.
APPLICANT: Quinten Harper for Blood Line Dynasty
OWNER: Peter Ansara, Pete's Plaza, L.L.C.

Member Masood read the case.

Utilizing a PowerPoint presentation shown on the Zoom screen, Zoning Representative Grenanco gave the location and facts for this case. The applicant proposed to install a 701 square foot mural/sign on the western façade of the building as shown, covering the entire western wall. As advertised, a 631 square foot special exception is requested, since in the B-3 zoning district, only 10% of the wall is permitted to be used for a sign.

Quinten Harper and Kristen Woodhouse, Blood Line Dynasty owners, 29154 Grand River Avenue, were present on behalf of this application for a special exception in order to install a 701 square foot wall sign. They made the following points:

- The proposed mural would attract the attention of people headed east on Grand River – a high speed roadway – who often drove past their building and had to circle back in order to find it.
- They opened their tattoo parlor in 2016. Since then their team had grown, and the newer artists relied on walk-in business.
- Blood Line Dynasty would like to bring more artistic attention to the physical building, thereby attracting more clientele and helping newer artists grow their business.
- An experienced Detroit mural artist would paint the mural, which would be good for the surrounding community, and add vibrancy to this area. The applicants showed examples of the artist's work.
- Blood Line Dynasty attracts clientele from a wide geographic area; other small businesses in the area would also benefit from the people attracted to the mural.
- Having a landmark mural on the building would create a destination for social media users and would bring attention to the surrounding area.
- In 2017 Blood Line Dynasty brought in \$23,000. As more artists were added, in 2018 the amount went up to \$45,000, and in 2019 they brought in \$150,000. The more Blood Line Dynasty could attract clients to the business, the more the business would add back to the surrounding community.
- The applicants were requesting the special exception in order to have the art on their building as presented. The mural would attract people who would visit just to see the mural, to take pictures of it and post on social media, and the mural would draw attention to their business.

Chair Vergun opened the meeting to Board discussion.

Member King asked what would be done with the window in the center of the mural. The applicants said the window would remain.

Member Masood noted that the proposed mural was not a traditional sign. Was a mural or other painted artwork defined as a sign?

Zoning Representative Grenanco said the company logo was part of the mural design.

City Attorney Morita read the definition of *sign* as found in Article 34-2.0 Definitions:

Sign means any words, numerals, figures, devices, designs, pictures or trademarks, painted upon or otherwise affixed to a building, wall, board, plate or any other structure for the purpose of making anything known.

Since the purpose of the mural was to let people know about the business, it fell under this definition.

In response to a question from Member King, the applicants said their business logo would be directly in the center of the mural.

Chair Vergun opened the public hearing. Seeing that no public indicated they wished to speak, Chair Vergun closed the public hearing and brought the matter back to the Board.

Member Masood reported that there was an affidavit of mailing: 48 letters had been mailed with no returns.

Saying he was inclined to support this request, Member King asked if the City had previously had cases where large graphics were interpreted as a sign. City Attorney Morita said she did not remember any similar cases, and Zoning Representative Grenanco said she also did not know of any similar requests.

City Attorney Morita explained that the City had received applications for large signs, and the Board had denied sign exception requests that were for smaller signs than this one and that had exceeded the limits by much less than what was being requested this evening. Because the question involved signage, the Board and the City could not look at content, but only at whether an exception should be granted under the four requirements listed in the Zoning Ordinance.

Member King asked if a mural could be approved, rather than granting a special exception for a large sign. Was it possible to weigh in on a specific design?

City Attorney Morita said that if the Board felt the sign met the four requirements for a sign exception, it could condition an approving motion on the sign being consistent with what was presented this evening.

Member Rich said he also would like to see this mural, which he found beautiful. However, the ordinance as it was written indicated that a sign includes anything *for the purpose of making anything known*, which was a broad definition. Tonight's application was for a special exception, not for an interpretation to determine whether this mural constitutes a sign. City staff had made the determination that it was a sign, and again, the Board had not been asked to give an interpretation as to whether or not the City was correct in its determination. There was evidence that the mural intended to convey the nature of this particular business because the business logo was included in the mural. The specific measurements of the logo portion were not given, so it was unknown if just the logo would meet the 10% wall coverage requirement. In any event, that question was not a part of this application.

Member Rich pointed out that the City had an Arts Commission, and other cities, including the City of Farmington, had approved wall murals, such as those representations of old movie stars, etc., outside the Farmington Civic Theater. If the Board was inclined to deny this application, he would strongly urge the applicant to reach out to the City's Arts Commission to see if the Commission could provide a path forward for the installation of this mural. Because of the wording in the Ordinance, he could not find that the mural is not a sign, at least to the extent that it includes the business logo. While he thought the

request met 3 of the 4 requirements to grant the special exception, it did not meet the first requirement: *There are circumstances or features that are exceptional or unique to the subject property and that are not self-created.* Clearly the problem is not self-created, but he could not find circumstances or features that are exceptional or unique to the subject property. There were a lot of structures in the City that have large buildings with non-attractive walls that would truly benefit from this type of artwork, but because this particular building is not unique in that regard, he could not support a motion to grant the special exception. That being said, he really liked the artwork, and believed there might be a way that it could be approved within the City, but he would not be able to support a motion for the special exception for the reasons just stated.

In response to a question from Member Masood, Mr. Harper said he had not reached out to the Arts Commission; this was the first he had heard of this possibility.

Member Masood agreed with Member Rich, that the City needs these types of murals, but with the definition of sign in the ordinance, he would not be able to find that the application meets the four requirements for granting a special exception.

Member King said that relative to the first requirement, there were features that were unique to this property. The building did not sit perpendicular to the road, and the side wall angled fairly significantly toward Grand River, which made it more visible to the roadway. As the applicant had indicated, Grand River was a reasonably high speed roadway in both directions at this location, and the ability to have more than just a side wall does demonstrate a unique aspect to this property that is not self-created. While the applicants were tenants, they were renting space in an existing building.

Chair Vergun said that he agreed with Members Rich and Masood. Despite any positive personal opinions regarding the addition of the proposed artwork to the building, with the definition in the ordinance, and the very large over-run of what would otherwise be allowed per the Ordinance, along with the back and forth regarding whether this problem is self-created, he was reluctant to support this request.

Member King said he was ready to offer a motion.

MOTION by King, in the matter of ZBA Case 8-20-5670, 29154 Grand River Avenue, that the petitioner's request for a 631 square foot special exception in order to install a 701 square foot wall sign in a B-3 Zoning District, be GRANTED, because the petitioner did demonstrate that the requirements for a special exception existed in this case in that they set forth facts which show that:

1. There are circumstances or features that are exceptional or unique to the subject property and that are not self-created, such as the unique configuration of the building and its side wall facing on Grand River Avenue, a reasonably high speed roadway.
2. That failure to grant relief would result in substantially more than mere inconvenience or financial expenditures and that the application of the regulations in Section 34-5.5.3.B.i.f without a special exception would unreasonably prevent or limit the effective use of the property or would reasonably preclude the visibility or identification of a non-residential building on the property.
3. That the special exception will not result in a condition that is incompatible with or unreasonably interferes with adjacent or surrounding properties, rather it will considerably enhance the neighborhood, and will result in substantial justice being done to both the applicant and adjacent or surrounding properties, and is not inconsistent with the spirit and intent of this chapter, and

4. When taken on its own, or in combination with other existing conditions on the property or in the area, the special exception will not result in a condition that has an adverse effect on the essential character or aesthetics of the establishment or surrounding area, is detrimental to or negatively affects the character of surrounding residential development, or compromises the public health, safety or welfare.

Additionally, Member King said he finds the definition of sign in the ordinance makes it difficult to interpret murals of this type to be exactly the same as a sign, and the purpose of the Board's consideration of a special exception are for the very purpose of addressing these kinds of special circumstances.

Chair Vergun noted that a motion must have four affirmative votes to be successful, and should the application be denied, the applicant can appeal the decision to Circuit Court.

The motion died for lack of support.

Member Masood said he would make a motion to deny this request.

MOTION by Masood, support by Seelye, in the matter of ZBA Case 8-20-5670, 29154 Grand River Avenue, that the petitioner's request for a 631 square foot special exception in order to install a 701 square foot wall sign in a B-3 Zoning District, be **DENIED**, because the petitioner did not demonstrate that the requirements for a special exception existed in this case in that they set forth facts which do not show that:

1. There are circumstances or features that are exceptional or unique to the subject property and that are not self-created.
2. That failure to grant relief would result in substantially more than mere inconvenience or financial expenditures and that the application of the regulations in Section 34-5.5.3.B.i.f without a special exception would unreasonably prevent or limit the use of the property or would reasonably preclude the visibility or identification of a non-residential building on the property.
3. That the special exception will not result in a sign or condition that is incompatible with or unreasonably interferes with adjacent or surrounding properties, will result in substantial justice being done to both the applicant and adjacent or surrounding properties, and is not inconsistent with the spirit and intent of this chapter, and
4. When taken on its own, or in combination with other existing conditions on the property or in the area, the special exception will not result in a sign or condition that has an adverse effect on the essential character or aesthetics of the establishment or surrounding area, is detrimental to or negatively affects the character of surrounding residential development, or compromises the public health, safety or welfare.

Member Masood further commented that there are places in the City where such a mural could benefit the City, but as he reads the definition of a *sign*, and when the proposed mural/sign is around 900% of what is allowed, he felt the Board must deny this request.

Roll call vote:

Barnette:	Aye
King	Nay
Lindquist	Aye
Masood	Aye
Rich	Aye
Seelye	Aye
Vergun	Aye

Motion to DENY carried 6-1.

Member Rich again encouraged the applicants to reach out to the Arts Commission to see if there was a way forward for the creation of the mural. The Zoning Board of Appeals had specific legal requirements when granting special exceptions, and this application did not meet those requirements.

Chair Vergun agreed that there might be a way to move this project forward, but in this instance, the application was denied. He thanked the applicants for their time.

PUBLIC QUESTIONS AND COMMENTS: None.

APPROVAL OF MINUTES: July 14, 2020

MOTION by Rich, support by Barnette, to approve the Zoning Board of Appeals minutes of July 14, 2020 as presented.

Roll call vote:

Barnette:	Aye
King	Aye
Lindquist	Aye
Masood	Aye
Rich	Aye
Seelye	Aye
Vergun	Aye

Motion carried 7-0.

In response to a question from Chair Vergun, City Attorney Morita explained that the new set of bylaws given to the Board tonight should replace the old set that was in the Members' binders.

Chair Vergun again recognized Mr. Harper, who asked if the mural could be approved if the logo were removed from the design. City Attorney Morita said any questions should be directed to staff. She reiterated that the mural represented beautiful artwork, and staff had spent a good amount of time discussing this application. Again, questions regarding whether a new design would constitute a sign would need to be discussed with staff.

ADJOURNMENT

MOTION by Barnette, support by Rich, to adjourn the meeting at 8:32 p.m.

Roll call vote:

Barnette:	Aye
King	Aye
Lindquist	Aye
Masood	Aye
Rich	Aye
Seelye	Aye
Vergun	Aye

Motion carried 7-0.

Respectfully submitted,
Azam Masood, Secretary

/cem