

**MINUTES  
CITY OF FARMINGTON HILLS  
ZONING BOARD OF APPEALS  
FARMINGTON HILLS CITY HALL  
31555 W. ELEVEN MILE ROAD  
FARMINGTON HILLS, MI  
DECEMBER 12, 2023 – 7:30 PM**

**1. CALL MEETING TO ORDER**

Chair O’Connell called the meeting to order at 7:30pm and made standard introductory remarks explaining the role of the ZBA and the formal procedures of the meeting.

Board Members scheduled a site visit on December 10, 2023, and may also have visited the site independently. No action was taken at the site visit.

**2. ROLL CALL**

Members Present: Collins, Irvin, Khan, King, Lindquist, O’Connell, Rich

Members Absent: Vergun

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

Member Irvin acted as ZBA Secretary.

**3. APPROVAL OF AGENDA**

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

**Motion carried unanimously by voice vote, 7-0.**

**4. NEW BUSINESS:**

**A. ZBA CASE: 12-23-5731**

LOCATION: 37611 W. Twelve Mile Road

PARCEL I.D.: 23-18-200-067

ZONE: B-3

REQUEST: In a non-residential district: A special exception to the maximum number of wall signs per façade to permit four (4) façade wall signs where the maximum allowable wall signs per façade is two (2).

CODE SECTION: 34-5.5.3.B.ii

APPLICANT: Anthony Ansara

OWNER: Fred Scott IV, President, Star Company Inc., P.O. Box 2230, Howell, MI

Zoning Representative Grenanco described the facts of the case. The property is located on 12 Mile west of Halsted; a site plan and background documentation was in the packets.

Jonathan Townsend, Veres Signs, Commerce Township, was present on behalf of this request for a special exception to allow four façade wall signs where two are permitted.

Mr. Townsend made the following points:

- The applicant was requesting a variance for two additional signs, for a total of one main sign and 3 smaller signs. The three smaller signs would define the three types of food service (breakfast, lunch, brunch) being provided at Daily Jam, the new restaurant at this location.
- Due to the existing insets in the wall the applicant was proposing three smaller signs that fit into the insets, instead of a single sign floating awkwardly across the entire space.
- The three signs would not have internal illumination. They would be simple, dimensional aluminum panels with dimensional lettering.
- The panels and lettering would be painted.

In response to questions, Mr. Townsend gave the following further information:

- This was the previous location of Panera Bread. He did not know if the restaurant space was originally designed for multiple tenants.
- The sign for the barber shop at the west end of this building did not count toward the signage for this business.

Zoning Representative Grenanco explained that each business was allowed two signs on their façade, and noted that the applicant was not requesting a variance to the square footage allowed for signs.

#### Public Comment

None.

Member Irvin reported that there was an affidavit of mailing, with two returns.

#### Board discussion and/or motion

**MOTION by King, support by Irvin**, in the matter of ZBA Case 12-23-5731, 37611 W. Twelve Mile Road, Parcel I.D. 23-18-200-067, that the petitioner's request for a special exception be granted because the petitioner did demonstrate that the requirements for a special exception exist in this case in that he set forth facts which show that:

- i. The request is based on circumstances or features that are exceptional or unique to the property and that are not self-created.
- iv. 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
- v. 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.

With the following condition:

- The signage be specifically as submitted.

**Motion passed unanimously by voice vote, 7-0.**

**B. ZBA CASE: 12-23-5732**

LOCATION: 27745 Orchard Lake Road

PARCEL I.D.: 23-15-201-015

ZONE: ES

REQUEST: In an ES Zoning District, in order to construct an addition to the rear of an existing gas station, the following variances are requested: 1. A fifteen (15) ft. variance from the minimum required twenty (20) ft. western/rear yard setback; 2. A fifteen (15) ft. variance from the minimum required twenty (20) ft. southern/side yard setback; 3. A variance to not provide a loading and unloading space where one is required.

CODE SECTION: 34-3.1.27.E.; 34-5.4

APPLICANT: Faiz Simon

OWNER: Faiz Simon, Three Orchards Real Estate, L.L.C.

Zoning Representative Grenanco described the facts of the case. The property is located on the Southwest corner of 12 Mile and Orchard Lake; a site plan and background documentation was in the packets. Variances for this property had previously been approved by the ZBA, but the permits had expired.

City Attorney Morita explained that the site plan had changed since the last variances were granted. The applicant was requesting the same variances and setbacks, but changes to the site plan included a larger building with different square footage, and removal of one of the two entryways on Orchard Lake Road.

Ghassan Abdelnour, GAV & Associates, 24001 Orchard Lake, Farmington Hills, was present on behalf of this request to construct an addition to the rear of an existing gas station. Faiz Simon, owner, was also present.

Mr. Abdelnour made the following points:

- At the request of the Fire Marshal, one access on Orchard Lake Road had been removed; the property now shared an entrance with the new neighboring senior living facility to the southwest, and the restaurant to the south.
- The size of the building had been enlarged to include the 5'x7' "box" that had been attached to the rear of the building. The height of the building had been modified so that the addition and the original portion of the building were the same height.
- The dumpster was moved to a location that was less visible from Orchard Lake Road, and was buffered by landscaping.
- The site plan updates did not change the requested variances.

In response to questions, Mr. Abdelnour gave the following further information:

- The existing building would be demolished, and rebuilt in the same location as shown.
- Trucks would be unloaded on the driveway side of the building.
- There would be room for gas station traffic to circulate around any delivery trucks.
- Most deliveries would happen before 7:00am.
- The second floor mezzanine area would be used for storage.

City Attorney Morita said that the existing loading spot would be replaced with a driveway in order to accommodate the new south common entryway.

Public Comment

Yubao Chen, representing the ShiangMi restaurant to the west, said that with the new driveway configuration some parking spaces would be lost. How would this be addressed? Also the expansion would bring the building closer to the ShiangMi restaurant. What was the purpose of the expansion, and would there be any additional safety concerns due to storage at the rear of the building?

Faiz Simon, owner, described his family's history in the petroleum business, and their desire for the gas station redevelopment to be a nice addition to the area. Parking changes were created when the applicant followed the City's recommendation to close one of the Orchard Lake entrances, but the number of parking spaces would not decrease. There would be no outside storage.

Member Irvin reported that there was an affidavit of mailing, with no returns.

**MOTION by Rich, support by Lindquist**, in the matter of ZBA Case 12-23-5732, 27745 Orchard Lake Road, Parcel I.D. 23-15-201-015, that the petitioner's request for a variance be granted 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.
2. That granting the variance as requested would do substantial justice to the petitioner as well as to other property owners in the district, and that no lesser relaxation is available.
3. That the petitioner's plight is due to the unique circumstances of the property, its location and its orientation, and the general layout of the property itself.
4. That the problem is not self-created. The issue of the loading space was not self-created, but came about because of the request of the City to open up the property to the south.

With the following condition:

- The building will be constructed as submitted and in accordance with the site plan approved by the Planning Commission.

**Motion passed unanimously by voice vote, 7-0.**

**5. PUBLIC QUESTIONS AND COMMENTS:**

None.

**6. APPROVAL OF MINUTES October 10, 2023**

**MOTION by Rich, support by Khan, to approve the October 10, 2023 meeting minutes as submitted.**

**Motion passed unanimously by voice vote 7-0.**

**7. APPROVAL OF 2024 ZBA CALENDAR**

**MOTION by Collins, support by Rich, to approve the 2024 ZBA calendar as submitted.**

**Motion passed unanimously by voice vote 7-0.**

As this was Member King's last meeting, Members of the ZBA and City Attorney Morita thanked Member King for his service on the ZBA.

**8. ADJOURNMENT**

**MOTION by Collins, support by Irvin, to adjourn the meeting.**

**Motion passed unanimously by voice vote 7-0.**

The meeting adjourned at approximately 8:30pm.

Respectfully submitted,  
Daniel Vergun, Secretary

/cem