

## **BOARD OF ZONING APPEALS MINUTES**

A regular meeting of the Farmington Board of Zoning Appeals was held on Wednesday, August 5, 2020 via Zoom remote technology. Notice of the meeting was posted in compliance with Public Act 1976.

Vice Chairperson Aren called the meeting to order at 7:04 p.m.

### **ROLL CALL:**

**PRESENT:** Aren, Bertin (arrived 7:46 p.m.), Crutcher, Pitluk, Schiffman, Westendorf

A quorum of Commissioners was present.

**CITY OFFICIALS PRESENT:** Director Christiansen, Building Inspector Bowdell, Recording Secretary Murphy, Brian Golden, Director of Media Services.

### **APPROVAL OF AGENDA**

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

Motion carried, all ayes.

### **MINUTES OF PREVIOUS MEETING OF DECEMBER 4, 2019**

Building Inspector Bowdell asked that this item be deferred to the next Zoning Board of Appeals Meeting.

### **MINUTES OF PREVIOUS PLANNING COMMISSION MEETING OF JULY 8, 2019**

The minutes of the previous Planning Commission meetings of December 9, 2019, January 13, 2020, February 10, 2020, March 9, 2020, and May 11, 2020 were received and filed.

### **ELECTION OF OFFICERS**

- A. Chairperson**
- B. Vice Chairperson**
- C. Secretary**

Discussion was held regarding maintaining the current slate of officers. Chairperson Bertin not being present to accept the nomination, this Agenda Item was deferred to the next scheduled Zoning Board of Appeals Meeting.

MOTION by Crutcher, supported by Pitluk, that the Election of Officers be deferred to the next scheduled meeting of the Zoning Board of Appeals.  
Motion carried, all ayes.

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

**Craig and Betsy Grace**  
  **33250 Grand River Avenue**  
  **Farmington, MI 48336**

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 400 sq. ft. mural on the west wall along an access drive off of Grand River Ave. Ordinance allows 10% of the wall up to maximum 100 sq. ft. (400 sq. ft. – 100 sq. ft. = 300 sq. ft. variance). In addition, the applicant requests a variance to Number Permitted (i) of allowing 1 wall sign per parcel as this mural is for community purposes – not for a tenant.

Kate Knight, Executive Director of the DDA, presented this request to the Commission. She stated it is her understanding that their application would require a variance based on the fact that we would treat this mural as signage based on a communication from the City attorney and because it would exceed the percentage of square footage which would require a variance and also the number of signs allowed by an individual business. This is a little different because this is a mural, it is public art, and though it's classified as signage the ordinance says it has to be presented and considered by the ZBA, so they are asking for a variance. The mural is described in the packet, the final version which is different than what was presented to the DDA by MaryLou Stropoli, local Farmington resident, art educator and muralist, is actually approximately 6 feet by 15 feet which would be significantly smaller, about 90 square feet versus up to 400 square feet and that was just the artist's decision at the time. So, the percentage of elevation covered would be smaller than originally indicated in our packet submission.

Director Christiansen stated that Ms. Knight's comments were correct and didn't know if Mr. Bowdell wanted to give some overview.

Building Inspector Bowdell stated if this was a municipal owned building we would not need a variance because we're not subject to our own zoning ordinance. Because we're going to ask private property owners and we have asked, the DDA has asked, to put this public art on their building. Their building has to get a variance because they're only allowed what the ordinance would allow, up to X amount of square foot of wall signage and only one sign. And this has happened in the past, some of you may recall, just as I started in September of 2018, there was a variance request to put the public art on the north side of the CVS building. And the same variance was requested at that time. Each individual building needs its own variance, so there's two requests for sign variances, and the Zoning Board has to decide if that's a good idea or not, to allow that additional signage. They can put additional conditions on it such as the signage variance goes away if it's not public art, in other words if the art came down, they can't decide to put a great big sign of their own on that spot because they have a variance.

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Bowdell then asked if the Commissioners had any questions, it's two individual buildings, two individual variances. It's a DDA request to put additional signage on a privately owned building. Variances usually run with the land forever. You would want to condition any variance to the ordinance that this variance is only good for public art that's provided and approved by the DDA.

Crutcher asked if we limited that it only be public art, should we also limit it to the size of whatever is proposed, so that another work, a replacement for it wouldn't be larger?

Knight commented that because the ZBA would be required to review every single application, even if another piece of art was re-selected, this is a site that's been selected as part of a public outreach and prioritizing areas downtown where the community would like to see public art. Even if it was exactly the same dimension, it would have to come back to the ZBA, so at that point you would have the option to make that call. Would it complicate things to one, limit the size to the exact same dimensions of this mural, and if this artist gets going and she's projecting it and decides to do the border and her international flags and it goes out an extra eight inches, I'm not sure what the procedure would be to make sure it's precise. But the original application in the package was 400 square feet and this is significantly smaller just based on her final schematic design.

Director Christiansen stated that as advertised, if you go to your agenda packet, if you'll go to the notice and if you look at the identification on the agenda and in the letter for this evening, the notice indicated that there was a maximum of 400 square feet, that's what the number was determined to be in the notice, and that the maximum allowed signage is 100 square feet, so there's a variance of 300 square feet that would be necessary. As Kate is indicating, based upon this rendering you see here in front of your, which I'm correct, Kate, what was the final size on this one here?

Knight replied approximately 6 feet tall by 15 feet long, a little better wiggle room.

Christiansen went on to say that it is much less than what was being proposed initially which was up to 400 square feet. So, because it was advertised at 400 but is less than, the notice applies so you don't need to do anything different. This sign falls within the notice. If it was more than, that would be different. Since it's less, then it meets the criteria and that is fine. It would be the same with the other sign, it's the same thing there, too. Again, what you're being asked tonight is for consideration of a proposed mural by the Downtown Development Authority on the wall of a nonresidential building, a commercial building in the downtown, and the maximum signage that's allowed on any side of a building based upon the lineal front footage in this case for this side, is 100 square feet, and the number of signs that are permitted are also limited, so they're asking for a variance for more than one wall sign, they already have their one wall sign. Those are the two variances that are being requested.

Bowdell said he heard Knight say something that he doesn't necessarily agree with. Once this variance is granted for DDA for whatever square footage is picked, the

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DDA can put art in that footage without coming back to the Zoning Board. The owner of the property can never use this square footage for signage for themselves. So, if in eight years the artist decides they want to put a new one up and the DDA approves that, it's a DDA sign on the side of a private building and as long as it doesn't exceed the square footage, would be allowed. I agree with Kevin who said right now it's noticed at 400 feet. If it never exceeds 400 feet, that gives the artist the ability to make it 100 or 90 as they've chosen here, or the next one might be 150 or up to 400. If they wanted to go over 400, they would have to come back to the ZBA.

Pitluk asked if use of this variance is subject to approval of the DDA?

Bowdell stated he believes that could and would be prudent because they're the ones, it's their sign that's going on this building. It's only approved for DDA signage that is for public art.

Pitluk stated then that condition would cover everything, they can't put a sign up without DDA approval, they can't go and get a grant from some other public use in the future to put up some sign here that the DDA hadn't approved, they have to get the required DDA approval for the use, I think that would cover everything.

Bowdell said he agrees with that, but he would also say if the DDA wanted to use the sign not as public art, they wouldn't be able to do that either, it has to be public art because that's how it was advertised.

Crutcher stated so it would just be for DDA to use only, so not necessarily for their approval because they're the ones proposing it but that space is only for DDA and only for public art so the DDA couldn't put any other signage up there other than public art.

Bowdell replied that's correct, that's the way he believes this is intended.

Crutcher said he has a question about the ordinance, it says that it's 10% of the wall, is that 10% of each wall of the building for all the signage or is it 10% per wall?

Bowdell replied there's some wide interpretation that has been used over the years, the way the words read, you get the signage on the front main address street. So, if you have X amount of square footage in the front you get 10% of that and you can use it in other places pursuant to the ordinance. In other words let's say you had 100 allowable footage that you could use in the front, but you also have a parking lot in the rear, you could choose to use 60 percent in the front and 40% in the rear and not going over your total but you still can't go over our 100 feet in our example that is on the front façade, the main address street.

Crutcher said so adding this art to the building doesn't reduce the amount of signage available to the building owner without them asking for a variance. Within the ordinance, they could still get another sign and Bowdell replied that's correct.

Aren asked Knight about finding the artist and the creation of the mural.

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Knight stated this was a grant that was awarded the DDA. Planning Commissioner Cathy Waun entered into consideration a placemaking grant at this site with the Greater Metropolitan Association of Realtors. And they awarded us a grant for \$5,500.00, which would be matched in part by DDA public art budget, to facilitate a mural. And our original artist was professional muralist Chris Pavilk, who is based in Louisiana and has extensive public arts grants, he's an instructor at an art school there. Due to Covid-19, Chris was unable to commit to traveling north, he had personal impact of Covid-19 and not being able to commit this year or next year in helping us install this mural, so with the consensus of all those involved, Cathy reached out to the owners of the Sunflour Bakehaus, Jeff and Becky, and asked if there might be a local artist they would consider that we would be able to realize this grant. So, they immediately thought of MaryLou Stropoli, who is a local artist, they have a relationship with Mary and are well aware and appreciative of her work. She is a former downtown merchant, everyone remembers Mother Mary's Toffee, and MaryLou had that business with her mother. MaryLou is gearing up for a fall schedule with art curriculum, she's a teacher locally. She had anticipated initially bringing in some of her talented students, high school level art students, who could potentially help with this. So those are just extra steps that the artist is willing to go through to really make this a meaningful project for the community. The owners of the Sunflour Bakehouse, Jeff and Becky, stipulated that they would like a couple things to be schematic, one of them sunflowers which you can see on the other side there's a nod to sunflowers, a big part of our heritage in downtown Farmington. And then also they wanted to talk about the diversity of the community, that was very important and to focus on children art. So, this mural is really representative of Stropoli's style, it's influenced by artist Mary Blair, the iconic Disney artist from the 1940s whose work is still prevalent. Her work "It's a small world", is still seen at Disneyworld, it's part of their brand. So, we're really excited to have something inspired by downtown and that will be appreciated by the community. You can see the field in the background is our local architecture, the Cook Building, the Farmington State Bank Building, the different places of worship, the Masonic Lodge, the gazebo there is a nod to Riley Park, Sunquist Pavilion, First Methodist Church there, The Winery, chimney sweeps, the Farmington Civic Theater, so it's really just nice community energy. And then the foreground will be on the patchwork quilt, it's just a simple vignette showing music and art and games and just a lot of different activities that we typically enjoy. It looks like a great slice of our Farmington community demographic. The Public Art Committee has reviewed the vignette and was very excited about it. We've had some local media coverage, and no one has seen them until right now so you're seeing the final version of this that's in your packet tonight. Also, we do have two time lapse cameras mounted in gracious coordination with Farmington Hills Special Services, their department has been very, very helpful. They've loaned a camera, they've had one camera dedicated to the filming of the hawk construction site for security reasons, it's the same camera that they graciously loaned us to film the time lapse of the mural being installed on the Farmington Civic Theater but it will be much the same with our artist working and capture the work being done on the site. The DDA purchased additional equipment because we're able to capture that content to share with the greater community, and Kickstart our nonprofit art presence in town. Farmington Hills Special Services has a little campaign going on right now with the greater community served by the Farmington/Farmington Hills area Arts

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Commission and we see this as a really positive placemaking project during a really strange pandemic time.

Aren then asked it will be paint on masonry, it's not going to be a movable piece like the one on CVS and Knight replied correct, it will be a traditional mural, paint on masonry. Aren then said she thought a site across the street was also slated for a mural and Knight replied that is the next agenda item tonight. She spoke about the event in February where they partnered with Legato Salon in downtown Farmington called "Heart the Art" and attended by many of you here. It was ticketed, we had bingo, we had live music, we talked about different sites downtown that we would like the community to consider prioritizing as locations. We had vetted five locations and presented those, we allowed the public to provide feedback, prioritized those, and both the Sunflour Bakehaus and The Vines across the street were in the top three priority locations. We talked about the kind of art that we would like to entertain systematically, and the public suggested some of the themes you're seeing here tonight. We had to stop that conversation, we were thinking about potentially a crowd funding campaign, we do have a public art budget through DDA that we'd like to see go towards these projects. We're constantly looking forward to thinking about what kind of projects we'd like to see downtown and this is just a really nice milestone that we might have the opportunity to install two pieces of public art which provide long term value for the community and are really a good cultural and economic investment that we feel during a time where we're looking for reasons to celebrate in the community and we believe it will attract some traffic of interest to support our downtown businesses as well.

Crutcher asked if there was a reason for the limitation on size, was that by design or is it possible that the artwork could take the entire wall of the building?

Director Christiansen stated he can help with this answer because Kate and he coordinated on that and with Mr. Bowdell on their interest in size. There's only so much you put on one wall and that was the interest then, to maximize the wall in the beginning so we advertised it as such because they were looking at utilizing as much of the wall space as possible. But through all their work they made the decision to create a mural which is less than that maximum size because it met with their vision, the DDA's vision was for this mural on that wall. So, it was advertised at the maximum knowing we might have something smaller and hence you do. They could have went to that maximum which pretty much would have been the whole wall, but again, decisions were made.

(Chairperson Bertin joined the Zoom meeting at 7:46 p.m.)

Chairperson Bertin allowed Aren to maintain the gavel in chairing the meeting. He stated he is glad he got in on time to see the mural, that it's quite extraordinary and a wonderful asset to downtown and he agrees that he'd like to see more murals around town in places where it's appropriate.

Vice Chairperson Aren opened the floor for comments from the Commission.

Crutcher stated that this piece of art has a certain size it's going to be, but he wouldn't want to see where we would restrict the size of other art to anything other

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than the wall or if we have a goal to cover the entire wall if necessary, because depending on the artist, the whole wall may be appropriate for some other installations so would we have to then come back with another variance for a different installation or could we allow this to capture the entire wall if it's replaced with something else.

Building Inspector Bowdell replied that the way this is advertised, if we made a motion to approve a variance of 400 square feet, which is what was advertised, even though they only chose to use 90 on this mural, a future mural could go up to with a 400-square foot variance that was approved. So, going outside of the 400-square foot, that would be outside of what was advertised. So, you can go less, you can't go more.

Crutcher then asked if they wanted to come back with a mural that would take up the entire wall, they would have to come back for another variance and Bowdell replied anything more than 400-square feet.

Bertin asked if it was the portion of this particular mural that is either the height or the length that have met the outer limits, is that the reason it can't be any larger, or can it be proportionately made larger to take up more of the wall space?

Bowdell replied the variance request is because of a square footage requirement in the ordinance, therefore it was advertised as a variance of up to 400-square feet. Now this particular mural happens to be only 90-square feet, so if they chose to proportionately make it bigger, they could make it bigger and bigger until they got to 400-square feet and then it can't be any bigger.

Bertin indicated he understands that and that's his question. He's not sure he'd like to see two murals on the same wall, that it might create some type of conflict or competition between the two. I think if you can enlarge it proportionately up to but stay under the 400-square feet, I think it's important to take up as much of this wall with the mural.

Bowdell said he agreed and all they would have to do is condition the variance that the variance is for a single sign in the allowable footage, that would take care of the issue there.

Crutcher said limiting it to one piece per wall, but this particular installation is less than the 400-square feet, but if in the future replacing it with something else, I wouldn't want to make the variance too restrictive. And we're talking about just one piece being installed now, even though they used less than the requirement, they couldn't put a second piece just to fill up the 400-square feet, it would have to be just one piece of art.

Christiansen said everyone's points are well taken but just for clarification and to add on to what Mr. Bowdell said, when variances are considered, they're considered on a case by case basis based upon their own merits. So, the Zoning Board considers a request for variance and they act accordingly on what's presented to them, the plans that they have in front of them. So as Mr. Crutcher just indicated if there was a desire to do something more or different than what is

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being presented to you tonight and the request before you this evening, that would have to come back to you but certainly has that right to do that. So, you may recall the motion that was made in the similar circumstance, the CVS request, is pretty much the same. It is for a mural on a side wall on a nonresidential, a commercial piece of property that is privately owned. And that was back in 2018 and I gave Mr. Bowdell a copy of those minutes and there were five reasons that that variance was granted and there was also a condition and the condition was that the mural will be built and constructed with the materials and size specifications as presented in the Applicant's request for variance application. So, you conditioned that approval based upon what was presented to you, the application and the details of the sign and if it was to be anything different, it would have to come back to you to be reconsidered. For example, if the Board was inclined to support this request and were to approve it and the mural was installed, if there's a decision at a time to remove the mural, paint over it with another mural, it would just have to come back and go through the same thing and get your approval again based upon it.

Bowdell said as long as it had that condition. Without that condition they could put a different mural up to 400 feet and Christiansen said they couldn't because it has to be specific to the plan presented, the mural itself.

Christiansen stated that private properties are restricted under the sign regulations with number of signs, size of signs, and location of signs. This is a private property. It's restricted by number of signs, type of signs, size and location, whether it's municipal or not, that's why this is before you this evening because it's on a wall, it's bigger than what's allowed and it's more than the number. But it's very similar to what you, the Zoning Board, considered as requested by the DDA for the CVS to promote the purpose that Kate has elaborated on, so it's pretty much the same thing. So, again, if you looked, and I hope you have because it's fantastic on the Civic Theater, that mural is on public property, it's a public mural on a public property and isn't subject to the restrictions. But if you were to make a change with the condition in place it would have to come back to you, whether it's a year, five years, or whatever, because it would be a different sign in the same spot, it would just be different. So that's for your clarification so you know so your responsibility is consider the request, if you're supportive to make the findings to make the request and then to place any conditions that you feel are reasonable as you did with the CVS request and approval for this particular sign.

Bertin said except not for a change in the size.

Christiansen replied you've got a size that was proposed to you this evening, you can tie it to that size, 6' x 15'.

Schiffman stated he believes on the request this was presented larger than 6' x 15' and Christiansen replied yes.

Schiffman said essentially they'd be approving a canvas, if you will, for the future is really how this should be envisioned because it is important, and it is important to do the right thing to allow for future artists to contribute to the canvas.



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Christiansen stated what you're going to look to act on is the sign presented to you. If you get something that's different, if it's removed and a new one proposed, that new one would need to come back to you for your action.

Schiffman then stated if we approved a specific size, even though it's bigger than what it is, could they do that tonight?

Christiansen replied you could do that but you don't have anything in front of you in terms of the actual sign itself and/or if it would still be a painted/print sign, again there's some intangible that with whatever may happen in the future may be similar or not similar. That's why typically what you would look to do at the Zoning Board, is act on what is presented to you, anything different than that now or into the future, would just come back to you on its own merits for its own consideration.

Bowdell said he thinks what Schiffman is getting at is without that condition, when you put that condition on there, what you've said is exactly correct. But without the condition, the variance is for square footage and a second sign owned by the DDA that they could put any sign on the building without that condition. But if you condition it then it has to come back. That's the Zoning Board's choice.

Christiansen said that's correct. In listening to discussions with the municipal attorneys regarding the first approach, I think they would be more inclined for the City to have specificity with the sign, the materials, its size and what its appearance is and act on that instead of just having it open, fill in the wall as much as you want. And I'm not saying I don't advocate that, I think it's great, I think we're going to see that more because we have this momentum going with these kinds of requests, art. This is a process, though, and typically variances are granted on what is presented and that is a specific plan, not just an openness to it. That way there's some definitiveness to it and people understand what's been approved and what is going to move forward. And again, anything different can come back and go through the process again and there's also a lot of change in sign regulations also, we're not going to get into that right now, that's going to go into the future. If this could have been an administrative process, we would have done it that way like with the Civic but in dialogue with the municipal attorneys, because it's private, it can't. If you left it open and said anything can happen on the 400-square foot canvas, it doesn't give you that this is what is approved, it kind of allows it to be very open and I'm not sure that's what would be recommended.

Schiffman then asked if it would have to be at the direction of the DDA and Christiansen replied no, that the DDA would have to make their presentation, it's their sign. What I'm saying to you is if you act on what's presented to you, then you know definitively what it is and if something different wants to come back, it can come back. Because the DDA could then make that decision when it came back. Schiffman stated that the DDA would then make that decision when it came back and we wouldn't have to pass the variance every time, essentially grant the DDA their canvas and they would be in control of ensuring it's appropriate. Christiansen then replied it is not the DDA's decision to grant a new variance, that's the Zoning Board's decision. So what he is saying if you leave it open as a blank canvas, you don't have any sort of definition or definitiveness with respect to what it is, where it's placed, what the materials are and what the size is, that's your responsibility if you

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support it. And the DDA can come up with the idea but again, you're acting on something that's presented to you that deviates from the zoning ordinance specific to a plan presented. And if it's anything different it really should come back to you as another plan, a new sign, whatever it is in the future and it can come back for your consideration.

Schiffman then asked if the Zoning Board can approve materials or not and Christiansen replied it is in the purview of the Zoning Board and whatever and in achieving the objectives of the community in protecting the health, safety and welfare in considering modifications or deviations in the zoning ordinance requirements, you certainly can place those kind of restrictions or conditions of materials, type, etc. In this case it's a painted wall sign. What you did with CVS is you allowed for that attached sign, so yes, you can go ahead and do that if it achieves the objectives that you have put in place in supporting or granting a request. So, the only thing I'm saying to you is you're considering this sign being done this way at the size it's proposed and that's what you should be focused on and your actions should be accordingly. Anything different, now or in the future, should come back to you based upon what it is on its own merits.

Bertin then asked what determines the length or the width or the height of this particular sign, why, if there was enough to go up to 400-square feet, why was it proposed to be much larger.

Knight clarified Bertin's question on what determined the proportions of this sign and Knight replied that she thinks that the artist was flushing out her initial concept with just different vignettes and sketches and ideas as this painting came together, she's done the painting, she rendered it in marker, painted it in marker and that height and proportion just came to be, so it's her artistic vision. She's an educator, I think she has a window of time that she could execute this and do it well during the season and that potentially influenced the scaling down a bit. As you can see it's a very complex design with a lot of line work and a lot of individual paintings, so it will be a very intricate application just from an artist's standpoint and that may have been part of her consideration and scaling proportionately.

Bertin then asked if we have an area that's 400-square feet in size, how or who has determined where in that field this piece of artwork is going to be located?

Bowdell replied the 400-feet is the size that was advertised and they could put it anywhere on that wall and again, you can condition this on the piece of art that you've seen in size, with the condition on the variance. And they can put it anywhere on that wall, quite frankly, the 400 was advertised because we knew it wasn't going to be a 500-square foot mural, it was going to be 400 or smaller. So, it's 90-square feet, so whether they put it in the upper left or the upper right or the bottom, they can put it wherever they need to put it, the location is not specific. The ordinance is dictated as a second wall sign which normally wouldn't be permitted, and then the amount of footage is over the footage for the total that that building can have. So, you're granting a variance that they can have this mural in addition to what they have as their main building sign.

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Bertin asked if another artist came along and wanted to add another mural to the leftover space on that wall, they would have to come back to the ZBA?

Bowdell replied with the condition they have to come back. Without the condition it's footage that would be allowed to be used, therefore like Kevin was stating the way it was done in the past, they conditioned it on what was specific in the plans before you.

Further discussion was held and Pitluk raised the question of transfer of ownership of the property and what would happen with the variance and Christiansen replied that the variance would run with the property.

Christiansen clarified with Bowdell whether the first variance request was still required due to the change in size and Bowdell replied yes, due to the square footage of sign on the front of the building, they would still need a variance for the mural.

MOTION by Pitluk, supported by Schiffman, to approve 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 400 sq. ft. mural on the west wall along an access drive off of Grand River Ave. Ordinance allows 10% of the wall up to maximum 100 sq. ft. (400 sq. ft. – 100 sq. ft. = 300 sq. ft. variance). In addition, the applicant requests a variance to Number Permitted (i) of allowing 1 wall sign per parcel as this mural is for community purposes – not for a tenant; **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 in the downtown depicting the history and architecture of Farmington.
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.

MOTION carried, all ayes.

Commissioner Schiffman left the meeting at 8:20 p.m.

## BOARD OF ZONING APPEALS MINUTES -12-

(The gavel was passed to Chairperson Bertin at 8:21 p.m.)

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

**Dr. Donald Wingard**  
**33245 Grand River Avenue**  
**Farmington, MI 48336**

2. 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 400 sq. ft. mural on the west wall along an access drive off of Grand River Ave. Ordinance allows 10% of the wall up to maximum 100 sq. ft. (400 sq. ft. – 100 sq. ft. = 300 sq. ft. variance). In addition, the applicant requests a variance to Number Permitted (i) of allowing 1 wall sign per parcel as this mural is for community purposes – not for a tenant.

Kate Knight, Executive Director of DDA, presented this request to the ZBA. She stated this item is directly in duplicate across the street from the prior variance and the second selection location the Art Committee has selected, the Vines Flower and Garden Shop. There is a botanically themed mural created by local Farmington artist Mac Harthun, a Farmington High School graduate and a student at Oakland Community College. This is her first mural and she brings her own style to this mural. She said they are hoping this mural will be a full 400 feet and will have design precedence to share. The building was the recipient of a DDA Façade Improvement Grant which went toward masonry repair of the site and eventual realization of the west elevation as a great site for public art. We used that DDA grant as match money to apply for a Flagstar Placemaking Grant in partnership with Mainstreet Oakland County, so we were awarded that grant as well and that helped pay for a good portion of the repair and recoating of the building. This has been a multi-step process and the renovation and restoration all in preparation for the successful installation of the mural.

Aren asked if there were several submissions for this mural and Knight replied that the Public Art Committee approached these mural projects differently. The first was a grant specifically for placemaking which was required in the artist's submission. This was a different approach for the Public Art Committee. We had been talking about this project with the building owner and the long-time tenant there, The Vines Flower and Garden Shop, and developed an idea just based on that we wanted a local artist. They had a woman in mind that they had a relationship with, they wanted a botanical them which aligned with one of the priorities that was established through community outreach. So, the way this particular project came together, it all worked, through the guidelines of the Public Art Committee was operating under and it's been really interesting to work on each individual project. This will be our fourth mural downtown and each one has been very different. So, we're learning a lot about that, the Public Art administration piece of that. We didn't do a public posting for art the way we did on the first two times which doesn't mean

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that the Public Art Committee won't return to that process. This is a longer process in that we've been applying layers of grant application towards improving of property downtown and for the benefit of the public and the whole business district, so this was just the route for this particular project.

Christiansen stated that the picture of the mural is on page 88 of the packet. He said this is the proposed mural location, the building, its size, its scale, the 400-feet, the location and what's being proposed.

Knight said she'd be happy to answer questions about it, it's a painting, and the background color of the painting is very close to the actual paint color on the building, so the background color, everything was selected with this future mural in mind, all neutral, just ready to receive approval.

MOTION by Pitluk, supported by Aren, to grant 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 400 sq. ft. mural on the west wall along an access drive off of Grand River Ave. Ordinance allows 10% of the wall up to maximum 100 sq. ft. (400 sq. ft. – 100 sq. ft. = 300 sq. ft. variance). In addition, the applicant requests a variance to Number Permitted (i) of allowing 1 wall sign per parcel as this mural is for community purposes – not for a tenant; **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 in the downtown depicting the history and architecture of Farmington.
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.

MOTION carried, all ayes.

Crutcher asked Knight if there will be a camera on this as well and she replied in the affirmative. She then thanked the Commission.

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Director Christiansen informed Bertin that the Election of Officers agenda item has been moved to the next Zoning Board of Appeals meeting.

**PUBLIC COMMENT**

None heard.

**ADJOURNMENT**

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

The meeting adjourned at 8:37 p.m.

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Matthew Shiffman, Secretary