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Zoning Board of Appeals
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AGENDA

A Regular Meeting of the Zoning Board of Appeals – **Wednesday, January 11, 2017** at **7:30 p.m.** in the Warren Community Center Auditorium, 5460 Arden, Warren, MI 48092.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPTION OF THE AGENDA
5. APPROVAL OF THE MINUTES OF THE **Regular Meetings of December 14, 2016.**

6. PUBLIC HEARING: **APPLICANT: Outfront Media–USE–**
(Rescheduled from: 12/14/2016)
REPRESENTATIVE: Caren Burdi, Attorney
COMMON DESCRIPTION: **28219 Mound**
LEGAL DESCRIPTION: 13-17-278-016
ZONE: C-1

VARIANCES REQUESTED: Permission to–USE–

- 1) Allow the edge of the billboard to be 15 feet from the south property line along Elmer Avenue.
- 2) Allow a billboard on property that abuts residential property to the west.
- 3) Allow a billboard in a C-1 zone.

ORDINANCES and REQUIREMENTS:

Section 4A.51: Billboard setbacks: Off-premise signs and billboards shall be set back pursuant to the setback regulations of the zoning district where the sign is located.

Section 13.06: Setbacks: The width of a side yard abutting upon a street shall be not less than fifteen (15) feet when rear yards abut rear yards. However, in the case of a rear yard abutting a side yard of an adjacent residential lot, the side yard abutting upon a street shall be not less than twenty-five (25) feet.

Section 4A.48 Paragraph (a): Except as regulated by the Highway Advertising Act, billboards of a size not exceeding four hundred (400) square feet are allowed in M-3 and M-4 industrial zones, provided that the billboard is located no closer than five hundred (500) feet from any residential use.

Section 4A.53: Off-premise signs prohibited. Off-premise signs and billboards shall be prohibited in the following districts: a) Residential districts; b) Parking districts; c) Professional business districts; d) Office districts; e) Special services districts; f) Commercial business districts; g) M-1 and M-2 industrial districts.

7.	PUBLIC HEARING:	APPLICANT: Kaiser Real Estate <i>(Rescheduled from: 09/14/2016; 11/16/2016)</i>
	REPRESENTATIVE:	Imad Potres
	COMMON DESCRIPTION:	27333 Van Dyke
	LEGAL DESCRIPTION:	13-16-480-021
	ZONE:	C-1

VARIANCES REQUESTED: Permission to

Petitioner requests to:

- 1) Allow a south side yard of 6' 8" along Hartsig for a new building.
- 2) Allow a north side yard of 4' 2" near existing building for parking.
- 3) Allow a decorative structure (arch) 18 feet tall and 38 feet wide over parking ingress/egress to within 5 feet of the front (Van Dyke) property line.
- 4) Allow hard surfacing to within 13'6" from the front (Van Dyke) property line.

ORDINANCES and REQUIREMENTS:

Section 13.04: Front Yard setback. A fifteen (15) foot front yard setback shall be provided by all commercial buildings in a C-1 District, measuring from the proposed right-of-way line established by the City's Master Thoroughfare Plan.

Section 13.06: Side yard setback. The width of a side yard abutting upon a street shall be not less than fifteen (15) feet when rear yards abut rear yards.

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8.	PUBLIC HEARING:	APPLICANT: Dustin Howes
	REPRESENTATIVE:	Dustin Howes
	COMMON DESCRIPTION:	11409 Metter
	LEGAL DESCRIPTION:	13-27-231-013
	ZONE:	R-1-C

VARIANCES REQUESTED: Permission to:

Retain a (16' x 12') 192 sq. ft. shed that projects beyond the existing building lines of the principal building on the lot.

ORDINANCES and REQUIREMENTS:

Section 4.20 Paragraph (a): All detached accessory buildings shall conform to and shall not project beyond the existing building lines of the principal building on the lot.

Section 4.20 Paragraph (a) Item (5): That all accessory structures, excluding garages, will not exceed a total of 120 square feet.

9. PUBLIC HEARING: **APPLICANT: Christopher T. Jenkins**
 REPRESENTATIVE: Same as above
 COMMON DESCRIPTION: **11036 & 11052 Hudson**
 LEGAL DESCRIPTION: 13-34-253-005& 033
 ZONE: R-1-A

VARIANCES REQUESTED: Permission to:

Retain a detached garage as follows: 22.27' x 22.25' = 495.51 sq. ft. in addition to a detached garage 18.3' x 24.3' = 444.69 sq. ft. Total accessory space is 940.20 sq. ft.

ORDINANCES and REQUIREMENTS:

Section 5.01 Paragraph (i): ...All garages and/or accessory building shall not contain more than seven hundred (700) square feet of floor area. Only one (1) private garage for each residential lot is allowed.

10. PUBLIC HEARING: **APPLICANT: THRIFTY FLORIST of Warren**
 REPRESENTATIVE: Ms. Nicole Agbay
 COMMON DESCRIPTION: **29010 Schoenherr Road**
 LEGAL DESCRIPTION: 13-12-353-010, -027 & -025
 ZONE: C-1 & P

VARIANCES REQUESTED: Permission to:

Conduct a SEASONAL **outdoor sales operation in a "P" District** from March 31, 2017 through January 8, 2018, (788 sq. ft.) to no less than 16 feet from the Schoenherr Road property line and 50 feet from the north property line per site plan and same as last year.

ORDINANCES and REQUIREMENTS:

Section 4.46 Paragraph (a): The goods, items or articles sold or activities conducted as part of any outdoor retail sale must be consistent with the zoning district where the parcel is located.

Section 16.01: Uses Permitted. In all P Districts, no land shall be used for any other use than automobile parking of private passenger vehicles.

11. PUBLIC HEARING: **APPLICANT: THRIFTY FLORIST of Warren, #2**
 REPRESENTATIVE: Ms. Nicole Agbay
 COMMON DESCRIPTION: **30975 Ryan Road**
 LEGAL DESCRIPTION: 13-07-227-013
 ZONE: C-1 & P

VARIANCES REQUESTED: Permission to:

Conduct a SEASONAL **outdoor sales operation 20' X 30' (600 sq. ft.)** from March 31, 2017 through January 8, 2018, to no less than 58 ft. from the Ryan Road property line and 45 feet from the 13 Mile property line. To waive five (5) parking spaces in connection with outdoor sales per site plan and same as last year.

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (h) Item 22: Off-street parking. One (1) parking space required for each 150 sq. ft. of building and outdoor sales area combined.

Section 4.52 Paragraph (d): No sales activity or display of shall be permitted in the area designated for required off-street parking for the existing or temporary use.

12. PUBLIC HEARING: **APPLICANT: Phillips Sign and Lighting Inc.
Representing MJR Theaters**
- REPRESENTATIVE: Ed Phillips
COMMON DESCRIPTION: 28600 Dequindre
LEGAL DESCRIPTION: 13-18-101-013
ZONE: C-2 & P

VARIANCES REQUESTED: Permission to:

Install two (2) additional wall signs 8' 1" x 11'7" = 93.64 sq. ft. each (at the North and South entrances) in addition to the 282.94 square foot sign at the west entrance (allowed from 2009 variance) Total wall signage requested for this address = 3 signs at 470.22 sq. ft.

While relinquishing the following previously granted signs:

Cinemark 16 Theatre 2.5' x 26.5' = 66.25 sq. ft. – west elevation (7/22/09 card 6)

Cinemark 2 wall signs 13.33' x 4.5' = 60 sq. ft. each–north and south elevation (7/22/09 card 9)

Cinemark 2 wall signs 24' x 3.17' = 76 sq. ft. each – north and south elevation (7/22/09 card 9)

Total signs relinquished five (5) signs at 498.25 sq. ft.

ORDINANCES and REQUIREMENTS:

Section 4A.37 Paragraph (c): Shopping centers. Regardless of the zoning district, shopping centers as defined in section 2.67 are permitted the following signage: One (1) wall sign of a size not to exceed forty (40) square feet shall be allowed for each business located in the shopping center.

Section 2.67 – Shopping center. A group of commercial establishments, planned, developed, owned and managed as a unit related in location, size, and type of shops to the trade area that the unit serves; it provides onsite parking in definite relationship to the types of sizes of stores.

Variance from 07/22/2009 Granted variance to “allow one (1) wall sign per address”, based on the linear frontage of each tenant space...

13. PUBLIC HEARING: **APPLICANT: ITC Holdings-~~USE~~**
- REPRESENTATIVE: Neal Bishop
COMMON DESCRIPTION: Ten Mile
LEGAL DESCRIPTION: 13-26-201-001
ZONE: M-3 & R-1-P

VARIANCES REQUESTED: Permission to: ~~USE~~

Allow two (2) ground signs for shipping and receiving areas in an R-1-P.

ORDINANCES and REQUIREMENTS:

Section 8.01: Uses permitted – In all R-1-P Districts, no building or land, except as otherwise provided for, shall be erected or used except for one (1) or more of the following specified uses:

- (a) All uses permitted and as regulated in R-1-C Districts.
- (b) Parking of private passenger motor vehicles as prescribed in Article XVI.

14. PUBLIC HEARING: **APPLICANT: Aver Sign Company**
 REPRESENTATIVE: Tim Brown
 COMMON DESCRIPTION: 32912 Van Dyke
 LEGAL DESCRIPTION: 13-03-101-049
 ZONE: C-1

VARIANCES REQUESTED: Permission to:

Install three (3) awning signs as follows:

- 1) 289" x 36" = 72.25 sq. ft. sign on front of building the west elevation.
- 2) 224" x 28" = 43.55 sq. ft. sign on side of building the north elevation.
- 3) 224" x 28" = 43.55 sq. ft. sign on side of building the south elevation.

ORDINANCES and REQUIREMENTS:

Section 4A.35, Paragraph (c): Total wall signage of a size not to exceed forty (40) square feet shall be allowed for each business in commercial business and industrial districts zoned C-1, C-2, C-3, M-1, and M-2.

15. PUBLIC HEARING: **APPLICANT: Speedway, LLC**
 REPRESENTATIVE: Jonathan A. Ziegan, P.E.
 COMMON DESCRIPTION: 5950 Ten Mile & 24900 Mound
 LEGAL DESCRIPTION: 13-28-101-001 & -035
 ZONE: M-2

VARIANCES REQUESTED: Permission to:

Petitioner seeks to have the following sign package:

- 1) Ground sign 21'3" x 8' 2" = **173.55 sq. ft.** – six (6) feet from the north property line (10 Mile) and five (5) feet from the west property line (Mound), 29'5" tall with an eight (8) foot under clearance.
- 2) Wall Signs – on Canopy:
 - a. 2 signs "Speedway" 3' x 15'9" = 47.25 sq. ft. each **Totaling 94.5 sq. ft.**
 - b. 2 signs "S" Logo 3' x 3'8" = 11 sq. ft. each **Totaling 22 sq. ft.**
 - c. 2 signs Architectural Design Only (north & south) 28' x 4' = 112 sq. ft. each **Totaling 224 sq. ft.**
 - d. 1 sign Architectural Design Only (west) 193' x 4' = 772 sq. ft.
 - e. 1 sign Architectural Design Only (east) 9' 8" x 4' = 38.67 sq. ft.

Total on canopy (excluding Architectural Design) 4 totaling 116.5 sq. ft.
Total Architectural Design Only on Canopy 4 totaling 1034.67 sq. ft.
- 3) Wall signs – on canopy supports:
 - a. 8 signs "S" Logo 11" x 9.5" = .73 sq. ft. each **Totaling 5.81 sq. ft.**
 - b. 22 signs directional / informational 1'4" x 10" = 1.12 sq. ft. each **Totaling 24.44 sq. ft.**

Total on canopy supports 30 totaling 30.25 sq. ft.
- 4) Wall signs – on building reader board 5' x 8' = **40 sq. ft.**
- 5) Wall signs – on dispensers:
 - a. 16 signs Special message (top of pump) 4' x 8.75" = 2.92 sq. ft. each **Totaling 46.67 sq. ft.**
 - b. 16 signs "S" Logo 1' x 1'3" = 1.25 sq. ft. each **Totaling 20 sq. ft.**
 - c. 16 signs Promo Toppers 1' 9.5" x 1'2" = 2.10 sq. ft. each **Totaling 33.44 sq. ft.**
 - d. 16 signs Promo Sider 1' x 4" = .34 sq. ft. each **Totaling 5.33 sq. ft.**

Total on dispensers 64 totaling 105.44 sq. ft.

Total wall signs (excluding Architectural Design) 99 totaling 292.19 sq. ft.

Petitioner also seeks to allow:

- 6) Hard surfacing to within 15 feet of the front property lines along 10 Mile and Mound.
- 7) An accessory structure (canopy) to within 44 feet of the front property lines along 10 Mile and Mound.

The petitioner will relinquish all previous variances for both parcels. The petitioner will also be combining both parcels.

ORDINANCES and REQUIREMENTS:

Section 4A.18 Paragraph (b): Freestanding signs. The height of all freestanding signs shall not exceed twenty (20) feet.

Section 4A.17 Paragraph (b): All freestanding or ground signs shall be set back from the right-of-way line a minimum distance equal to the height of the sign.

Section 4A.17 Paragraph (c): Within any required front or corner side yard on any corner lot, no sign or other obstruction to visibility shall be permitted between the heights of two and one-half (2 ½) feet and ten (10) feet above the existing street grade within the triangular area formed by the street property lines and line connecting there at points twenty-five (25) feet from the intersection of the street lines of their extension.

Section 4A.35 Paragraph (b): One freestanding on premise sign or advertising display of a size not to exceed seventy-five (75) square feet shall be allowed.

Section 4A.35; Paragraph (c): Total wall signage of a size not to exceed forty (40) square feet shall be allowed for each business in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.

Section 17.02 Paragraph (a): In M-2 zones, yards fronting on a major thoroughfare as defined by the Master Thoroughfare Plan for the City of Warren or front yards facing a residential district shall be fifty (50) feet.

Section 4.23: On double-frontage lots a front yard, as prescribed for the district as herein established, shall be provided on both streets.

16. NEW BUSINESS

17. ADJOURNMENT

Sherry Brasza
Secretary of the Board