

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
May 25, 2016

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, May 25, 2016 at 7:30 p.m. in the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

Roman Nestorowicz, Chairman
Judy Furgal, Vice-Chairwoman
Sherry Brasza, Secretary
Jeremy Fisher, Asst. Secretary
Henry Brasza
Charles Anglin
Jeremy Wallace

Members of the Board absent:

Ann Pauta
Albert Sophiea

Also present:

Roxanne Canestrelli, City Attorney
Everett Murphy, Chief Zoning Inspector

1. **CALL TO ORDER**

Chairman Nestorowicz called the meeting to order at 7:32 p.m.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Motion:

Board Member H. Brasza made the motion to excuse Board Member Pauta and Board Member Sophiea; Supported by Board Member Fisher.

Voice Vote:

A voice vote was taken on the motion. The motion carried (7 – 0).

4. **ADOPTION OF THE AGENDA**

Motion:

Board Member H. Brasza made the motion to adopt the agenda as written; Supported by Board Member Fisher.

Voice Vote:

A voice vote was taken on the motion. The motion carried (7 – 0).

5. APPROVAL OF THE MINUTES OF the **Regular Meeting of May 11, 2016.**

Motion:

Board Member Furgal made a motion to approve the minutes of May 11, 2016; Supported by Board Anglin.

Voice Vote:

A voice vote was taken on the motion. The motion carried (7 – 0).

6. PUBLIC HEARING:

**APPLICANT: X-Finity Freight Systems, Inc/
Jane Neuman**

(Rescheduled from 4/27/16 and 5/11/16)

REPRESENTATIVE:

Mr. Kerm Billette PCP

COMMON DESCRIPTION:

25585 Sherwood

LEGAL DESCRIPTION:

13-21-326-006

ZONE:

M-3

VARIANCES REQUESTED: Permission to

Waive the required greenbelt or masonry wall along the rear (west) property line.

ORDINANCES and REQUIREMENTS:

Section 17.02 (c): Greenbelt – Along all zoning district boundary lines which border on a more restrictive zoning district.

Section 2.26 (a): Greenbelt – An eight (8) foot greenbelt shall be maintained in a healthy growing condition by either the occupant or owner of the property.

A decorative masonry wall may be substituted for the above greenbelt, upon approval of the Planning Director, and shall be maintained in an attractive condition and structurally sound.

Chairman Nestorowicz asked the individual at the podium to state her name and address for the record along with the reasons for the petition.

Jane Neuman, 27240 Ryan, Warren; appeared before the Board and stated, the reason she is present is that in 1976, her father came to the Board and asked for a fence and that was approved; six (6) foot fence with three (3) strands of barbed wire. At that same time, the wall or greenbelt was not waived and because of that, she is present today asking for the wall or greenbelt to be waived and her reasons are as stated. The wall or greenbelt would jeopardize her tenants' usage of the property; the turnaround area for the trucks would be reduced—making it harder to maneuver their trucks; it will also reduce the parking spaces on the south and north side. If a concrete wall is instructed, the foundation of the wall would force them to cut a lot of the major roots on the trees and making them very weak; they could die or get a lot of disease or just from a wind, push them over. The concrete wall—if it is brought out from the trees and out from the original fence line—would also create the same problem for the truck company, that it would not be able to use the area to their benefit for the trucks to be able to turn around properly in the yard. The greenbelt is put the ability to keep the shrubs alive, but almost impossible due to the vigorous wild-grape vine. They have a wild grape vine that grows in the fence line and it is a lot on her property, she has cut down as much as she could possibly do, but she has residents on the other side that do not take care

of that, so it is up in the trees, it is in the ground and she had talked to Fitz and Sons Landscaping; they had given her a letter also to present to the Board, that states that if they put a row of any type of shrubs in there, within a year or two, it is going to be killed by this vine and the only way they could possibly get rid of that vine, is if they take a backhoe and dig all of her side out, all of the neighbor's side out and if any part of that root is still left, it is going to grow right back again.

Chairman Nestorowicz thanked Ms. Neuman and stated this is a public hearing...

Ms. Jane Neuman stated she had some pictures of the fence line if the Board liked to see them, of how close the trees are?

Chairman Nestorowicz stated sure, if she would like to pass them up, that would be great. He stated this is a public hearing, were there any members of the public who would like to speak on this item? He called on Mr. Murphy, if he had a comment to make.

Everett Murphy, Chief Zoning Inspector stated yes, he just wanted to let the Board know that Ms. Neuman did come in, made an appointment and a matter of fact she has been there 2 or 3 times since now. It is really complex and he is not sure that she understands hundred percent (100%), but he thinks she is confident that they were right, that this was required—the greenbelt or wall was required—and that in fact if she wanted to waive it, it was appropriate to come before the Board and ask for that. Just to clear up the other two times they were present.

Chairman Nestorowicz thanked Mr. Murphy. He turned the matter over to the Board.

Board Member Anglin stated he had one question. The property to the north—and he is assuming that is the north, that looks like it is a trucking station also; this is the one they are dealing with right now and then there is one...Sherwood runs pretty much north and south. Does that piece of property has a cyclone fence in the back or does it have a retainer wall?

Everett Murphy, Chief Zoning Inspector stated actually the petitioner would know that better than he would.

Ms. Jane Neuman stated they did have a fence and then for some reason or another—she does not know if they have come before the Board or asked for anything, but now it is a vinyl fence and the one neighbor—a resident—that half on his property and backs up to her property, is half on her property, half on his property; he said there has already been a hole put into the fence or somebody crawled through and had taken some of their property over there and they are accusing him of it, because the hole is right by his property and it is very common to see, she guesses, he said that kids are always trying to get over in there and take things.

Board Member Anglin stated okay, so it is a vinyl fence?

Ms. Jane Neuman stated yes, it is a vinyl fence.

Board Member Anglin thanked Ms. Neuman.

Everett Murphy, Chief Zoning Inspector stated that did jog his memory because that is a Code Enforcement issue they are working on.

Secretary S. Brasza stated she would like to mention first that the Board received letters—three signed letters—by residents in favor; the Board did receive the petitioner’s verbiage on her hardship and also a letter from Fritz and Sons Landscaping, which the petitioner mentioned earlier. But, the question to the petitioner is the following: In the letter from Mr. Thomas Smith, it says, “Jane has agreed to pull the gravel away from the fence where it is pushing the fence into my yard. She has also offered to put chain link fence slats in the fence to add privacy to both yards”. Could she expand on that?

Ms. Jane Neuman stated yes, she would like to put the slats in the fence; she told him as far as pulling the gravel back from the fence, she would have to first talk to Planning in order to do that, but she would like to alleviate some of that if that is hurting his property...

Secretary S. Brasza stated well and she could understand because it is all in the drainage system that has already been established...

Ms. Jane Neuman stated right and she understands that and she is willing to work with him on that and definitely get that taken care of.

Secretary S. Brasza stated right now she has a six (6) foot chain-link?

Ms. Jane Neuman stated yes.

Unidentified individual with the petitioner stated: With three lines of barb wire.

Secretary S. Brasza stated she is going to ask if she would take that barb wire down and leave with the chain-link and put the slats in and she will eliminate the greenbelt and the wall.

Ms. Jane Neuman asked just on that back corner or all the way around?

Secretary S. Brasza stated west...west...

Ms. Jane Neuman stated the west...the west wall?

Secretary S. Brasza stated but all of the barbed wire.

Ms. Jane Neuman asked on the west wall only or on all of it?

Secretary S. Brasza stated yes, they do not do barbed wire in Warren anymore and she could understand at one time they did, but they absolutely no longer.

Ms. Jane Neuman stated they agree.

Secretary S. Brasza stated and with that she wonders if she then could go ahead and...

Board Member Anglin asked if they wanted to make a motion to receive the letters and file.

Secretary S. Brasza stated sure...

(Inaudible)

Secretary S. Brasza stated no they do not have to make a motion to do that; she thanked Mr. Anglin.

Motion:

Secretary S. Brasza made the motion to approve the petitioner's request to: Waive the required greenbelt or masonry wall along the rear (west) property line, along with: **Removing all barbed wire from the premises and to add slats in the chain-link fence along the west property line.**

Reasons being: Property is Unique and it is Not a Detriment to the Area.

Board Member Anglin Supported the motion.

Chairman Nestorowicz stated there is a motion by Secretary S. Brasza and Support by Board Member Anglin to approve the petitioner's request with the **conditions** added of: **Removing the barb wire and putting the slats into the fence.** Roll Call.

Roll Call:

A roll call was taken on the motion to **Approve** and the motion carried (7 – 0).

Secretary S. Brasza	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Fisher	Yes, for the reasons stated in the motion.
Board Member Wallace	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petition is **Granted.**

Secretary S. Brasza thanked the petitioners for their patience.

Ms. Jane Neuman thanked the Board.

REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 8121 Marian
LEGAL DESCRIPTION: 13-15-102-021
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Construct an awning over the existing front porch to no less than 24 feet of the front property line.

ORDINANCES and REQUIREMENTS:

Section 7.05: Each lot in R-1-C Districts shall have a front yard of not less than twenty-five (25) feet from the front property line.

Chairman Nestorowicz asked the individual at the podium to state his name and address for the record along with the reasons for the petition.

Mr. Jason McFall from Wayne Craft Incorporated, 13525 Wayne Road, Livonia; appeared before the Board and stated that Dorin could not be present this evening.

Secretary S. Brasza asked if Mr. McFall had a letter or anything stating that he is the representative for Ms. Campbell.

Mr. Jason McFall stated not with him; he has the contracts and everything but...

Secretary S. Brasza asked if he had the contracts with him...

Chairman Nestorowicz asked if he had the contracts with him that the Board could see...

Mr. Jason McFall stated yes.

Chairman Nestorowicz stated and by any chance he may have maybe one of his business cards that could be turned over to the Board?

Mr. Jason McFall stated he does not know if he had one with him...he left most of them in the office when he came this evening, but he has done about three or four variances for the City of Warren, just due to front yard setbacks in the last couple of years.

Chairman Nestorowicz stated before he begins—just one thing—because he knows he turned in a business card he believes and they are able to see his contract, but could he just ask Ms. Dorin to do a follow-up letter or email...

Mr. Jason McFall stated yes, certainly.

Chairman Nestorowicz stated to show that he is actually representing her.

Mr. Jason McFall stated correct.

Chairman Nestorowicz thanked Mr. McFall and stated he could continue.

Board Member Wallace	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Secretary S. Brasza	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petition is **Granted.**

Mr. Jason McFall thanked the Board and stated would they like the letter sent to the Zoning Board or to the Building Department, for being the representative that she is not...

(Mr. McFall was handed the information for the letter to be sent)

Mr. Jason McFall asked if they wanted the letter to be notarized or...

Chairman Nestorowicz stated no.

Mr. Jason McFall thanked the Board.

Chairman Nestorowicz thanked Mr. McFall.

8. PUBLIC HEARING: **APPLICANT: Rev. Alberto P. Bondy**
REPRESENTATIVE: Rev. Alberto P. Bondy, Pastor
COMMON DESCRIPTION: 32000 Mound Road
LEGAL DESCRIPTION: 13-04-151-001, -003, -004 & -005
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Conduct annual Parish Festival on the Church property during the following:

- 1) September 23, 2016 (Friday) From 5:00 p.m. to 11:00 p.m.
- 2) September 24, 2016 (Saturday) From 12:00 noon to 11:00 p.m.
- 3) September 25, 2016 (Sunday) From 12:00 noon to 10:00 p.m.

ORDINANCES and REQUIREMENTS:

Section 4.35: Festivals require the approval of the Zoning Board of Appeals.

Father Alberto Bondy, 32000 Mound Road, Warren, Michigan; appeared before the Board and stated he is requesting a variance for their annual festival for the 23rd, 24th, and 25th of September.

Chairman Nestorowicz stated this is a public hearing, are there any members of the public who would like to speak on this item? (No responses) Not seeing any, he turned the matter over to the Board. He actually just wanted to say two comments. Since he has been on this Board a number of years that is great that there are no audience participants like there were a number of years ago...

Father Alberto Bondy stated yes.

Chairman Nestorowicz stated they are doing an excellent job. He just wanted to reiterate, he knows in the past they had just that one condition that the music on the rides was turned off at 10:00 o'clock...

Father Albert Bondy stated yes.

Chairman Nestorowicz asked if that was okay to have that again this year.

Father Alberto Bondy stated yes, that was fine.

Board Member H. Brasza stated unless anyone else had any comments, he would like to make a motion.

Motion:

Board Member H. Brasza made the motion to approve the petitioner's request to:
Conduct annual Parish Festival on the Church property during the following:

- 1) September 23, 2016 (Friday) From 5:00 p.m. to 11:00 p.m.
- 2) September 24, 2016 (Saturday) From 12:00 noon to 11:00 p.m.
- 3) September 25, 2016 (Sunday) From 12:00 noon to 10:00 p.m.

With the Condition: That the music is turned off by 10:00 p.m.

Reasons being: Needs Approval of the Board and it is Not Detriment to the Area.

Board Member Anglin Supported the motion.

Chairman Nestorowicz stated there is a motion by Board Member H. Brasza and Support by Board Member Anglin to approve the petitioner's request for the reasons stated in the motion; Roll Call.

Roll Call:

A roll call was taken on the motion to **Approve** and the motion carried (7 – 0).

Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Fisher	Yes, for the reasons stated in the motion.
Board Member Wallace	Yes, for the reasons stated in the motion.
Secretary S. Brasza	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petition is **Granted.**

Chairman Nestorowicz wished the applicant good luck with their festival this year.

Father Alberto Bondy thanked the Board.

9. PUBLIC HEARING: **APPLICANT: Art Van Furniture-USE-**
REPRESENTATIVE: Mr. Dennis Davis
COMMON DESCRIPTION: 13855 Eight Mile Road
LEGAL DESCRIPTION: 13-36-351-010
ZONE: C-2 & P

VARIANCES REQUESTED: Permission to-USE-

1. Conduct one (1) outdoor "tent" sale operations in an area 40' x 60' (2400 sq ft) in front parking area of the store, as per the plan, from July 26 through August 23, 2016.
2. Waive thirty-two (32) parking spaces (16 for the sale and 16 for the spaces that the tent occupies) in the front parking lot of the store in order to operate the outdoor "tent" sales operation.

ORDINANCES and REQUIREMENTS:

Section 16.02 Uses permitted in P Parking Districts, Paragraph (a): Parking areas shall be used for parking of private passenger vehicles only.

Section 4.32 Paragraph (h) Item 22: One (1) parking space required for each 150 square foot of floor space and outdoor sales areas combined.

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

Mr. Robert Pishko stated he is not Dennis Davis.

Chairman Nestorowicz asked Mr. Pishko if he had a business card showing that he is from Art Van.

Mr. Robert Pishko stated he does.

Chairman Nestorowicz stated if he could just state his name and address and the reason for the petition.

Mr. Robert Pishko, 13855 Eight Mile, Warren, Michigan; appeared before the Board and stated they are just petitioning to get a tent sale for the dates of July 26 through August 23rd.

Chairman Nestorowicz stated this is a public hearing, are there any members of the public who would like to speak on this item. (No responses) Not seeing any, he turned the matter over to the Board. Basically, this is the exact same dimensions and everything they have had in the past, correct?

Mr. Robert Pishko stated correct; they are actually currently running right now.

Secretary S. Brasza stated oops.

Mr. Robert Pishko stated no; they have already been approved for that one.

Chairman Nestorowicz stated this is their next one.

Mr. Robert Pishko stated correct; second annual.

Board Member Fisher stated if nobody else on the Board has anything, he would like to make a motion.

Motion:

Board Member Fisher made the motion to approve the petitioner’s request to:

1. Conduct one (1) outdoor “tent” sale operations in an area 40’ x 60’ (2400 sq ft) in front parking area of the store, as per the plan, from July 26 through August 23, 2016.
2. Waive thirty-two (32) parking spaces (16 for the sale and 16 for the spaces that the tent occupies) in the front parking lot of the store in order to operate the outdoor “tent” sales operation.

Reasons being: Needs Approval of the Board and it is Not Detriment to the Area.

Board Member H. Brasza Supported the motion.

Chairman Nestorowicz stated there is a motion by Board Member Fisher and Support by Board Member H. Brasza to approve the petitioner’s request for the reasons stated in the motion; Roll Call.

Roll Call:

A roll call was taken on the motion to **Approve** and the motion carried (7 – 0).

Board Member Fisher	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Wallace	Yes, for the reasons stated in the motion.
Secretary S. Brasza	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petition is **Granted.**

Mr. Robert Pishko thanked the Board.

10. PUBLIC HEARING:

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

ZONE:

APPLICANT: Patrick E. Sulaka/Larry Farida

Patrick E. Sulaka

24800 Hoover Road

13-26-101-020

M-2

VARIANCES REQUESTED: Permission to

1. Waive 99 required off street parking spaces.
2. Retain 18 foot long parking spaces.

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (h) Item (17): Off-street parking requirements. One (1) parking space for each one hundred (100) square feet of floor area, plus one (1) parking space for each four (4) employees.

Section 4.32 Paragraph (h) Item (22): Off-street parking requirements. One (1) parking space for each one hundred fifty (150) square feet of floor area.

Section 4.32 Paragraph (i): Off-street parking requirements. All spaces that abut a continuous curb required in accordance with Section 16.07 of this Ordinance or a common property line shall be laid out in the following dimensions, including off-street maneuvering lanes: for 90 degree parking; 9 feet wide, 22 feet long and a 22 foot maneuvering lane.

Section 4.32 Paragraph (i): Off-street parking requirements. All spaces that do abut a continuous curb required in accordance with Section 16.07 or a common property line shall be laid out in the following dimensions: for 90 degree parking; 9 feet wide, 20 feet long and a 22 foot maneuvering lane.

Chairman Nestorowicz asked the individual at the podium to state his name and address for the record along with the reasons for the petition.

Mr. Patrick Sulaka, 5223 Bush, Warren, Michigan; appeared before the Board and stated due to a late development about some parking lot striping issues, he would like to ask the Board to Table this item. After speaking with Mr. Murphy, suggested they Table this so he could get a new Site Plan done and new prints done and bring it back to the Board.

Secretary S. Brasza asked if June 8th be too soon.

Mr. Patrick Sulaka stated no, it is going to have to go through in front of Planning, so it is going to need....

Secretary S. Brasza asked the 22nd?

Mr. Patrick Sulaka stated no; he thinks probably about six (6) months maybe four (4) months.

Chairman Nestorowicz stated okay.

Secretary S. Brasza stated okay.

Mr. Patrick Sulaka stated it has to go through Planning and then back to have the...

Chairman Nestorowicz stated okay; it would have to be reposted, so he would just say to Table it to date unknown.

(Inaudible)

Chairman Nestorowicz stated it would be Tabled to a Date Unknown.

Motion:

Chairman Nestorowicz made a motion to **Table** this item to a Date that would be determined after it goes to Planning; Supported by Board Member Anglin.

Voice Vote:

A voice vote was taken on the motion. The motion carried (7 – 0).

Chairman Nestorowicz stated the Item has been **Tabled** and thanked Mr. Sulaka.

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| 11. PUBLIC HEARING: | APPLICANT: Patrick E. Sulaka/Larry Farida |
| REPRESENTATIVE: | Patrick E. Sulaka |
| COMMON DESCRIPTION: | 24800 Hoover |
| LEGAL DESCRIPTION: | 13-26-101-020 |
| ZONE: | M-2 |

VARIANCES REQUESTED: Permission to

1. Conduct a seasonal outdoor sales operation in an area of 30' x 30' (900 square feet) from June 23, 2016 through July 6, 2016 from 9 am to 9 pm.
2. Waive 12 additional off-street parking spaces for the outdoor sale and where the tent is located.

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (h) Item (22): One (1) parking space required for each 150 square feet of floor space and outdoor sales areas combined.

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

Chairman Nestorowicz asked the individual at the podium to state his name and address for the record once more and the reason for the petition.

Mr. Patrick Sulaka, 5223 Bush, Warren, Michigan; stated he would like to conduct an outside sales permit for fireworks from June 23rd to July 6th; he has been there for many years now and he would just like to do it again.

Chairman Nestorowicz stated this is a public hearing, are there any members of the public who would like to speak on this item. He asked if Mr. Murphy had a comment on this item.

Mr. Everett Murphy, Chief Zoning Inspector stated he is coming up because he promised him he would. He was a little bit concerned that if he Tabled the first item that it may be a problem with the second variance, but he assured him it is a temporary variance that is for a limited amount of time and it expires, so it is really not affected by the first one.

Mr. Patrick Sulaka thanked Mr. Murphy.

Chairman Nestorowicz stated he now turns the matter over to the Board.

Motion:

- Board Member Furgal made the motion to approve the petitioner's request to:
1. Conduct a seasonal outdoor sales operation in an area of 30' x 30' (900 square feet) from June 23, 2016 through July 6, 2016 from 9 am to 9 pm.
 2. Waive 12 additional off-street parking spaces for the outdoor sale and where the tent is located.

Reasons being: Property is Unique and it is Not Detriment to the Area.

Secretary S. Brasza Supported the motion.

Chairman Nestorowicz stated there is a motion by Board Member Furgal and Support by Secretary S. Brasza to approve the petitioner's request for the reasons stated in the motion; Roll Call.

Roll Call:

A roll call was taken on the motion to **Approve** and the motion carried (6 – 1).

Board Member Furgal	Yes, for the reasons stated in the motion.
Secretary S. Brasza	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Fisher	No, he thinks it is a detriment to the area.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Wallace	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petition is **Granted.**

Mr. Patrick Sulaka thanked the Board.

12. PUBLIC HEARING:

**APPLICANT: Phillips Sign & Lighting Inc. for
The Salvation Army**

REPRESENTATIVE:	Phillips Sign & Lighting Inc.
COMMON DESCRIPTION:	24140 Mound Road
LEGAL DESCRIPTION:	13-28-152-017
ZONE:	M-2

VARIANCES REQUESTED: Permission to
Erect the One (1) "directional" sign 18" x 36" = 4.5 square feet.

ORDINANCES and REQUIREMENTS:

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

Section 4A.11 Paragraph (20): Monument sign. A sign mounted directly to the ground with a maximum height not to exceed five (5) feet.

Chairman Nestorowicz asked the individual at the podium to state his name and address for the record along with the reasons for the petition.

Mr. Bill Siewert, 40920 Executive Drive, Harrison Township, Michigan; appeared before the Board.

Board Member Furgal asked Mr. Siewert if he could speak into the microphone; it was a little bit hard to hear him.

Mr. Bill Siewert stated the reason for the petition is they have a new program that Salvation Army is putting on and they have a directional sign out front—Multi-tenant—they have a vinyl that was approved to put on that signifies as the new program and they would like to put up a sign at the entrance of the building so that the people that are coming in locate this; it is quite an extensive building/property, easily to get confused as to which was to go and which way to go and where the entrance to this program is.

Chairman Nestorowicz stated this is a public hearing, are there any members of the public who would like to speak on this item? (No Responses) Not seeing any, he turned the matter over to the Board.

Board Member Anglin stated he needs to abstain from voting on this issue, he sits on the Salvation Army Advisory Board, so he is going to abstain from this vote.

Motion:

Secretary S. Brasza made a motion for Board Member Anglin to abstain from voting on this item; Supported by Chairman Nestorowicz.

Voice Vote:

A voice vote was taken on the motion. The motion carried (7 – 0).

Chairman Nestorowicz stated this item is now turned to the Board for any comments.

Motion:

Board Member Furgal made the motion to approve the petitioner's request to:
Erect the One (1) "directional" sign 18" x 36" = 4.5 square feet.

Reasons being: Lack of Identification.

Chairman Nestorowicz Supported the motion.

Chairman Nestorowicz stated there is a motion by Board Member Furgal and Support by Chairman Nestorowicz to approve the petitioner's request for the reasons stated in the motion; Roll Call.

Roll Call:

A roll call was taken on the motion to **Approve** and the motion carried (6 – 0).

Board Member Furgal	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Fisher	Yes, for the reasons stated in the motion.
Board Member Anglin	Abstained
Board Member Wallace	Yes, for the reasons stated in the motion.
Secretary S. Brasza	Yes, for the reasons stated in the motion.

The petition is **Granted.**

13. PUBLIC HEARING:

**APPLICANT: Phillips Sign & Lighting Inc. for
Subway – Mr. Robert Cordaro**

REPRESENTATIVE:

Mr. Ed Phillips – Phillips Sign & Lighting Inc.

COMMON DESCRIPTION:

28950 Van Dyke Avenue

LEGAL DESCRIPTION:

13-15-101-001

ZONE:

C-2

VARIANCES REQUESTED: Permission to

1. Allow a previously approved free standing sign with the following areas:

- a) "SUBWAY" 12' 0" x 3' 0" = 36 square feet.
- b) "DRIVE-THRU" 8' 0" x 1' 6" = 12 square feet.
- c) 3 line of changeable copy 6' 1" x 3' 2" = 19.264 square feet.

TOTAL signage on ground sign = 67.264 square feet.

2. Allow three (3) additional ground signs 20" x 25.25" = 3.507 square feet each = 10.521 square feet as per the plan:

- a) "Subway Enter" no closer than 4' 10" to the property line.
- b) "Subway Enter" no closer than 4' 10" to the property line.
- c) "Subway Drive Thru" near building.

TOTAL signage on ground signs = 77.785 square feet.

ORDINANCES and REQUIREMENTS:

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

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-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 or their extension.

Section 4A.11 Item (22): Monument sign: A sign mounted directly to the ground with a maximum height not to exceed five (5) feet.

Section 4A.35 (b): One freestanding on premise sign of a size not to exceed seventy-five (75) square feet shall be allowed in M-2 districts.

Chairman Nestorowicz asked the individual at the podium to state his name and address for the record once again along with the reasons for the petition.

Mr. Bill Siewert, 40920 Executive Drive, Harrison Township, Michigan; stated the reason is that he stopped there on the way to the meeting, it is a pretty small lot; there is a lot going on there. He believes that the entrance signs will help people get through there. The hardship is the lack of inadequate and safe signage for the general public from the two major roads coming in; you kind of get turned around in there and if you are not paying attention... there is a very inadequate area to maneuver and turn around, so he thinks that with this signage, this will help people get through there without causing somebody to have an accident. The sign for the changeable copy; customers are looking for better advertising, legibility and putting on specials of course and other reasons stated.

Chairman Nestorowicz thanked Mr. Siewert and stated this is a public hearing; he turns the matter to the public if anyone would like to speak on this item? (No response) Not seeing any, he turned the matter over to the Board.

Secretary S. Brasza stated in regards to the items in number 2...maybe this would go to Mr. Murphy...Does the Board have to specify, she means there is like ten (10) square feet difference in change, do they have specify the sign dimensions for the Subway Enter and the Subway Drive Thru, in the motion?

Mr. Everett Murphy, Chief Zoning Inspector stated he believes he actually did; it is on top...

Secretary S. Brasza stated oh, yes, 3.507 square feet each, okay.

Mr. Everett Murphy, Chief Zoning Inspector stated he just sort of did it on top instead of each one.

Secretary S. Brasza stated to the petitioner, which he is not, he is the sign company; in Warren, they try to state through their motions that the copy does not change but every five...

(Inaudible)

Secretary S. Brasza stated changeable copy...is this LED or...when they say changeable copy...there is three lines...

(Inaudible)

Mr. Everett Murphy, Chief Zoning Inspector stated that would the sign where they manually put the letters up.

Secretary S. Brasza stated okay.

Mr. Bill Siewert stated it is a little bit change of pace here, normally it goes the other way; they take one of those down and put electronic up.

Board Member H. Brasza asked Mr. Siewert for his name once more.

Mr. Bill Siewert stated his name.

Board Member H. Brasza stated he does not see his name on the petition; is he mistaken?

Mr. Bill Siewert stated he has a business card.

Secretary S. Brasza stated with Phillips Sign?

Mr. Bill Siewert stated yes.

Secretary S. Brasza stated good.

Board Member H. Brasza asked if anyone else had any questions.

Mr. Bill Siewert stated that is the owner, he was a little detained today.

Chairman Nestorowicz stated he understands he has the Subway Sign and so much money is spent on renovating that building; they are getting 3 lines of changeable copy, do they honestly need such a live big sign for drive thru? Most people could easily see that building is a drive thru on the corner there; just seems...because they are getting 3 lines of changeable copy on top of all of that, it is like they are asking for 77 square feet, which is almost double to 40 square feet they would normally allow.

Mr. Bill Siewert stated the changeable copy is for the advertised specials that they would put on the radio...

Chairman Nestorowicz stated he knows what that is for. It is just that along with the big drive thru sign, it is still a lot of signage, he means....

Board Member Furgal stated he is allowed 75 square feet.

Mr. Bill Siewert stated he thought he was only 10...but he is right, there is a lot there.

Chairman Nestorowicz thanked Board Member Furgal for pointing that out.

Board Member Furgal stated the pole signs are...40 is on the building.

Chairman Nestorowicz thanked Board Member Furgal.

Board Member H. Brasza asked if anyone else had any comments.

Mr. Bill Siewert stated they are just looking for 12 square feet in an increase.

Motion:

Board Member H. Brasza made the motion to approve the petitioner's request to:

1. Allow a previously approved free standing sign with the following areas:

d) "SUBWAY" 12' 0" x 3' 0" = 36 square feet.

e) "DRIVE-THRU" 8' 0" x 1' 6" = 12 square feet.

f) 3 line of changeable copy 6' 1" x 3' 2" = 19.264 square feet.

TOTAL signage on ground sign = 67.264 square feet.

2. Allow three (3) additional ground signs 20" x 25.25" = 3.507 square feet each = 10.521 square feet as per the plan:

d) "Subway Enter" no closer than 4' 10" to the property line.

e) "Subway Enter" no closer than 4' 10" to the property line.

f) "Subway Drive Thru" near building.

TOTAL signage on ground signs = 77.785 square feet.

Reasons being: Lack of Identification and Not a Detriment to the Area.

Board Member Anglin Supported the motion.

Chairman Nestorowicz stated there is a motion by Board Member H. Brasza and Support by Board Member Anglin to approve the petitioner's request for the reasons stated in the motion.

Roll Call:

A roll call was taken on the motion to **Approve** and the motion carried (7 – 0).

Board Member H. Brasza

Yes, for the reasons stated in the motion.

Board Member Anglin

Yes, for the reasons stated in the motion.

Board Member Furgal

Yes, for the reasons stated in the motion.

Board Member Fisher

Yes, for the reasons stated in the motion.

Board Member Wallace

Yes, for the reasons stated in the motion.

Secretary S. Brasza

Yes, for the reasons stated in the motion.

Chairman Nestorowicz

Yes, for the reasons stated in the motion.

The petition is **Granted.**

Mr. Bill Siewert thanked the Board.

14. NEW BUSINESS

Chairman Nestorowicz stated he has one item to bring up under new business. They received the request to see who from the Board would like to represent the ZBA on the Council of Commissions. It is a Commission in the City of Warren that has one representative from all the various Boards and Commissions that exist. He knows that Judy has sat on it in the past, if she would like to make any comments about what the...

Board Member Furgal stated there are usually 3 or 4 meetings a year. One like pretty soon, they do it right after the event that they have—the dinner—and then later on in the year, when they start planning the next year's dinner and then one just like right before the dinner; so it is like 3 meetings and usually they last about an hour, hour and a half and sometimes they talk about things that are currently happening in your commission and this particular board really there is not much to say because it is a different thing than the other commissions, but it was interesting.

Chairman Nestorowicz thanked Board Member Furgal and stated if anybody has any interest in joining that.

Motion:

Secretary S. Brasza made the motion to nominate Board Member Wallace to be the ZBA representative in the Council of Commissions.

Board Member Wallace stated he would like to accept.

Voice Vote:

A voice vote was taken on the motion. The motion carried (7 – 0).

Board Member Wallace thanked the Board.

Chairman Nestorowicz stated what he will do is email Jeff Cutter and him tomorrow morning, giving Jeff his name and information.

Secretary S. Brasza stated just a couple of reminders. They have the ZBA Training Session coming up June 1st, 7:00 p.m. Conference Room A; hope everyone attends and she wanted to also thank the City of Warren, Council of Commissions; they did the 21st annual dinner appreciation night, Monday May 23rd, at the Ukrainian Cultural Center and it was just lovely. They had a speech by the Mayor was tremendous and the City Council was there and they got a little gift and...a certificate. She thanked the Council of Commissions.

Chairman Nestorowicz thanked Secretary S. Brasza and asked if there was any other new business?

(No response)

15. ADJOURNMENT

Motion:

Board Member Anglin made the motion to adjourn the meeting and supported by Board Member H. Brasza.

Voice Vote:

A voice vote was taken on the motion. The motion carried (7 – 0).

The meeting was adjourned at 8:12 p.m.

Sherry Brasza
Secretary of the Board

APPROVED