

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
August 10, 2016

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, August 10, 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
Ann Pauta
Henry Brasza
Charles Anglin
Albert Sophia

Members of the Board absent:

Jeremy Wallace

Also present:

Roxanne Canestrelli, City Attorney
Everett Murphy, Chief Zoning Inspector
Steven Watripont, Zoning Inspector

1. CALL TO ORDER

Chairman Nestorowicz called the meeting to order at 7:31 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Secretary S. Brasza stated that Board Member Wallace called and excused his absence for tonight.

4. ADOPTION OF THE AGENDA

Motion:

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

Voice Vote:

A voice vote was taken on the motion. The motion carried (8 – 0).

5. APPROVAL OF THE MINUTES OF the **Regular Meeting of July 27, 2016.**

Secretary S. Brasza stated just to notate there was a correction made for and there was an adjustment in the date. It was dated July 26, but it was on the July 27th.

Motion:

Secretary S. Brasza made a motion to approve the minutes of July 27, 2016 as written; Supported by Board Member Fisher.

Voice Vote:

A voice vote was taken on the motion. The motion carried (8 – 0).

6. PUBLIC HEARING:

APPLICANT: Wally Hanna, W & B Excel Investments LLC

(Rescheduled from: 06/08/2016)

REPRESENTATIVE:

Wally Hanna

COMMON DESCRIPTION:

2667 Eight Mile Road & 2666 Emmons

LEGAL DESCRIPTION:

13-31-378-050, 13-31-378-008

ZONE:

M-2 & R-1-P

VARIANCES REQUESTED: Permission to

1. Allow hard surfacing in the front yard setback on the north side of the property (along Emmons).
2. Allow a fence in the front yard setback on the north, east and west sides of the property (along Emmons).
3. Waive the required fifteen (15) foot wide greenbelt in the front yard setback on the north side of the property.
4. Waive the required eight (8) foot wide greenbelt in the side yard setbacks on the east and west sides of the property.
5. Allow a six (6) foot fence around the parking area.

ORDINANCES and REQUIREMENTS:

Section 8.05 – Front yard. Each lot in R-1-P Districts shall have a front yard not less than twenty-five (25) feet in depth.

Section 4D.08 – Fences, walls and landscape screens in front yard between building line and front property line. No fence, wall or landscape screen shall be constructed between the established building line and the front property line.

Section 4D.32 – Specifications for residential areas. All fences in residential areas shall be of an ornamental type. Fences in residential areas shall not exceed four (4) feet in height and may be constructed of either metal, iron, chain link, wire, ornamental aluminum, vinyl or solid material construction such as wood, brick, or masonry, except privacy fences allowed as provided in [Section 4D.33](#) may not exceed six (6) feet in height.

Section 16.06 – Protective barrier, (a): When such parking area boundary adjoins property zoned for any residential use, an eight (8) foot wide greenbelt shall be provided and further, provided that a bumper rail of either wood, metal, or concrete shall be established on the inside of the boundary planting as a barrier which shall not be more than twenty-four (24) inches in height.

Section 16.06 – Protective barrier, (b): All street boundaries of such parking areas shall be provided with a fifteen (15) foot wide greenbelt which shall be used for ornamental purposes only, and nothing shall be placed thereon except trees, shrubs, plants, and grass; and provided such greenbelt material shall not exceed two (2) feet in height.

Chairman Nestorowicz asked the petitioner to state their name and address for the record along with the reasons for the petition.'

Ms. Caren Burdi, appeared before the Board and stated she is present on behalf of Mr. Wally Hanna, of Excel Lighting and Electrical Supplies; she asked Mr. Hanna if he would like for her to represent him tonight, because she understands that she is not on the agenda.

Mr. Wally Hanna stated yes, of course.

Ms. Caren Burdi stated this the second time this item has been before the Board, and she wanted to apologize and explain for the confusion of what happened very quickly in the past. This item back in February went before the Planning Commission and Mr. Hanna was representing himself at that time. During the course of that, prior to the Planning Commission Meeting, he was given a list of recommendations; her client assumed that was a checklist that had to be completed before he went back to the Planning Commission. That was why he applied at the ZBA far earlier than he ever should have; he should have completed his Planning work and then come to the ZBA, so there was that confusion. Since then, Mr. Hanna has made contact with her and he has decided that he is really good at putting electrical lights in and selling them but he is not good at the law, so they are going to work as a team tonight and present this item the way it should be. The good news is that this item has been before the Planning Commission, they have recommended the site plan as presented with some minor changes, things that have to be put on the site plan and noted and they are recommending these variances tonight for the plan, so that was the outcome from the Planning Commission. They are present tonight to explain the reasons for their petition. She did provide everyone (Board Members) a packet and if they could use this, it would help possibly quicker. If the Board would turn to the first page, this property is located on Eight Mile and this is the first photograph that is basically the front of the building—a nice looking building—it is not a building that was built or renovated by her client; her client bought this building after it was already renovated and completed with the parking lot; so this is not a situation where her client put that parking lot in themselves and that was confirmed in one of the minutes with Ron Wuerth the first time her client was at the Planning Department in February. Ron made some comments that yes this was renovated by a previous owner and he actually thought the parking lot was approved, but he could not find the approval for it and therefore, her client had to come here and follow through procedurally to bring the property into compliance. This is how it looks on Eight Mile (referring to her packet presentation), it is a nice looking building, if any of the Board Members have had a chance to go over there, when they come in to the building, the whole front of it is a show room, all different lights—they would be amazed the lights that are in there, some of them are really quite unique—and then the back part of the building is a supply window—they could get whatever electrical wiring, switches, et cetera. that they need there—and this property or business is frequented by contractors extensively, so this is the front of the building.

(Ms. Caren Burdi: *Continued*)

With Planning, they have agreed to plant trees along the front, she thinks they have asked them to put three (3) trees in; they are pleased to do it, they want the property to look good and so that was one of the requirements that they are going to be doing. The second photograph is taken from the alley looking out towards Eight Mile. What happens is that people turn off of Eight Mile, they turn in there, and there is a sixty degree (60°) parking there and so it is a one-way parking—the people come in, they park along the side there, they go in to the door there, back here are supplies, up front are the lights, et cetera—she has been to this property repeatedly, part of it is to make sure that her client has done what she has asked him to do and the way he was supposed to do it and every time she has been to this property, there are very few parking spaces in this area; this is the most used parking for his business; suppliers and customers buying already put together lighting. You then could proceed to the alley, so where she is standing taking this photograph is the alley. Along this alley, they have all the businesses that are along Eight Mile and they have on the other side several parking lots for other businesses—the picture she has later would show that—and in addition to that, they have vacant grass lots and in addition to that they have some homes. The garages—and this is important—many of the garages for those homes, their doors open to the alley, so that alley needs to be accessible out of fairness for the neighbors so they could use their garages. The next photograph she took of the storage area and the reason she took this photograph is there was a great deal of discussion about the storage area and what has been going on with that and she would like to take a moment to explain. Mr. Hanna had been before the Zoning Board of Appeals for permission to have outdoor storage, he did complete that process with the Zoning Board, what he failed to do—not knowing—that he needed then to submit a site plan that showed the storage that he had the approval for to the Planning Department; that was what started this whole process. The storage while approved by the Zoning Board was not put on the site plan submitted to the Planning Department and that was what precipitated this whole item. The neighbor to the west is a safe company and he was at the February meeting with the Planning Department and he had several complaints. The good news is February until now is a substantial amount of time, she has met with that neighbor and he is quite frankly very pleased; he is very pleased that things are out of way from the wall; he understood that if the garbage company does any damage to his property, he is free to call them and they have to answer to him about damaging his building, et cetera; what she learned happened sadly was that he had made a complaint to just any employee, he did not even go to the owner and she thinks that was where the animosity started, he felt his complaint was not being answered and her client knew nothing about it. The good news is that neighbor is pleased and things are going well between the neighbors. The next photograph she has for them, shows a close-up of the fence, the reason she did that is this is really a nice looking fence and it is also constructed well, it is in good shape and she wanted to be able to make sure that the Board was able to see the nice slats that are in it; they are actually metal and they are not bendable; they are tough. The following photograph is her trying to give them an overview of the parking lot that is there right now and they could see that same fence going all the way around with all of the slats et cetera. The next photograph is important for the fact that this is the photograph that she took first thing in the morning; these are all of the employees' cars; in the photograph that the Board sees, right at 9:00 a.m., so the photograph before and this photograph are all employee vehicles.

(Ms. Caren Burdi: *Continued*)

In essence, the employees that he employees—which is nice and he is keeping some people working—take up half of that lot that he currently has there. And in the following photograph it is just another view of the lot so they could see it both ways. The next photograph is important, this is out on the side street Emmons and she wanted to point out a couple of things. All of the fences are up near the sidewalk, whether it is a residential house, or whether it is a parking lot they are all right up to the edge and to please note that some of these fences are in great repair. They have a neighbor, the neighbor to their west, he is the one who has the brick wall area with the illegal barbed wire; it is not theirs, theirs is the green one down there (referring to her presentation) and a couple of things that she wanted to point out about this is the approach that would be over on Emmons, through planning, it is their responsibility to remove and they are also agreeing and looking forward to planning two (2) trees there, because they think that will beautify it and make it look nice. What is really important is that they are asking to keep the lot as it is and it takes all of those variances for side yards and setbacks for them to accomplish to keep this lot and one of the things that is most important to her is she has to then go and see how this impacts the neighborhood and she has to speak to the people in the neighborhood, etcetera, and what she found is that most everyone on this street is a renter and she kept getting the same landlord and the landlord is Anthony Shaw and Christa Shaw from Warren Rentals, LLC and she actually checked them out with the Rental Department and they have quite a good reputation, so she was pleased to hear that, and she was able to make contact with them and they wrote a letter—it is the last page—on July 11, 2016; it is made out to Ms. Michelle Katopodes in the Planning Department because obviously they were going before Planning at that time. It is critical to note in this letter that he wants this to be approved and the reason they want it approved is that they like the fences matching, they feel more secure with the fence that is there, they have a beautiful relationship with her client, and they indicate that he keeps that lot in a clear condition. She will say that she was there one of the mornings and someone that night had changed a tire there and had left the old tire; it did not take them 15 minutes and that tire was picked up and disposed of. She would say that anytime anyone would go down there, they are going to find that lot neat and clean. Prior to the involvement with the city and this petition, her client had a work truck that was being parked in there and he did not understand that that would be considered inappropriate for the parking lot; once he knew that, that has been moved and it has not been back since she has been there quite a few times and it is not there and Mr. Hanna understands that truck should not be there. The gentleman who wrote this indicated that he owns the house right next door, the one across the street, the one three doors to the east and the one three more doors down—she thinks 4 or 5 properties he lists in the July 11th letter—and he indicates that he would absolutely like to show his support for this item. She then contacted him after the Planning Commission meeting and she said that they had that approval but they still had to go to Zoning and was she still authorized to use his letter because she did not think it would be appropriate for her to just use the letter without his permission and that was why he sent the August 9th letter dated 2016, in which he indicated that he would like to continue to support this item.

(Ms. Caren Burdi: *Continued*)

Lastly and most importantly, they need this parking badly because this business is doing well; the business is doing and if they do not keep this parking and they lose those additional spaces by putting the setback in, she has several concerns, one—and she will be really quick and she will be done—in June they had two (2) contractors literally get into a fistfight over a parking space—when someone comes in on the side there—the police actually had to be called, they were fighting over parking, so they would like to provide as much parking as they could. The issue then becomes if that back lot is full and the parking along the side is full, this is not something they would condone or want or even encourage, but if someone parks in the alley, they would block people from getting to their garages and she really does not want to see that happen; she thinks that would be so inappropriate. The second place that the park is—if the Board members have been to the site—there are some grass lots down there and people park on those grass lots; they are not participating in any of that; those are not their grass lots, they are not parking in them and their customers because they have this lot, tend to park in this lot because it is closer. They are afraid that if they do not have enough parking in this lot, that customers may park on the grass. The third place they are worried customers may park is on the side street just to the west; they are afraid that if they do not feel they have enough parking and they could not park, they are going to pull onto that side street and start stacking up on that side street and they really do not want to see that happen. She wanted to point out that they do not believe this is a detriment to the neighborhood, they believe they have actually shown the opposite with the letter from the landlord, who owns 4 or 5 houses on this street; they actually would like it and they feel more secure with the fencing and everything matching down the road. Its size and shape of the lot with regards to the parking, they all have to remember on Eight Mile, much of these businesses were created long, long ago back when parking requirements were not what they are today or the means were not what they are today. Her client did not create this hardship, this obviously was in existence when he purchased it and he thought it was approved and even Ron Wuerth thought it was approved—obviously it was not so they are here—and she would ask the Board to please approve these variances and she is available should they have any questions.

Chairman Nestorowicz stated this is a public hearing, are there any members of the public who would like to speak on the item?

Mr. Everett Murphy, Warren Chief Zoning Inspector appeared before the Board and stated they have looked at the plan, they were present once before and he could inform the Board—he does not know if it is in the Board Members' packets, it might be—but the Planning staff placed some notes of recommendation and on one note stated that (Planning Staff could support the variances for waiving the eight (8) foot greenbelt requirement on the east and west side of the property used for parking. The Planning staff does not support the variance to continue the hard surface to the north property line along Emmons Avenue and the Planning Staff would like to see the driveway located along Emmons Avenue removed and replaced with straight street curbing; the parking lot setback twenty-five (25) feet from the right-of-way and two (2) trees planted between the sidewalk and the street.)

(Mr. Murphy *Continued*)

This was basically the exact same thing that Zoning had looked at; they agree that having them put a greenbelt on the east and west sides—an eight (8) foot greenbelt—that would take up sixteen (16) feet of the parking lot, which they would then end up with is a single row of parking then an enormous maneuvering lane that is useless. So they think that they actually do have a valid hardship for the waiving of the greenbelt. As far as the wall goes, he actually likes the idea of a fence itself only because he knows that if he was a homeowner and he lived next to it, he does not think he would really want to stare at a six (6) foot concrete wall right next to his house; so they felt that was also a valid hardship. But Zoning as well, they really would like to see that zoning ordinance followed that requires that twenty-five (25) foot setback with the landscaping and the greenery; they think it is going to make the neighborhood look a little bit better.

Chairman Nestorowicz thanked Mr. Murphy and stated that he turns the matter to the Board for questions.

Secretary S. Brasza to the representative stated she was at the site today, gorgeous; she is excited because there is a new light facility now that she could look at.

Ms. Caren Burdi stated excellent.

Secretary S. Brasza stated but in traveling, not only through the parking lot but through the alley and back around the block and down the alley, she could see where the parking is necessary; just even for safety of travel through the facility. Mr. Murphy was just speaking about the front yard setback and keeping with the neighborhood, the facility itself looks wonderful. They said they are going to plant a couple of trees in the front.

Ms. Caren Burdi stated yes, they are going to plant three (3) on Eight Mile, two (2) on Emmons.

Secretary S. Brasza stated and this is going to sound crazy, where is Emmons? Is that the alley name of the street?

Ms. Caren Burdi stated if they were to go to the north, there is Eight Mile, alley, Emmons and it is the homeowners on Emmons that like the fence coming out there; they said it made them feel more secure. They were afraid that with the setback, that is where people are going to—she does not want to sound like it—but breach.

Secretary S. Brasza stated the parking lot itself was maintained very well; they could hardly...it just blended so well with the green slats. She is in favor of this.

Board Member H. Brasza stated Everett brought up something about a driveway on Emmons; is there a cement approach that is in the grass....

Ms. Caren Burdi stated there is a cement approach that they have the responsibility to remove.

Board Member H. Brasza asked then were they willing to do that?

Ms. Caren Burdi stated yes, they are going to remove that cement approach; they are going to put continuous curbing and then plant two (2) trees.

Board Member H. Brasza stated with all of that, he is in favor of this one too.

Chairman Nestorowicz thanked Board Member H. Brasza. He asked if there were any other questions or comments from the Board.

Board Member H. Brasza stated he would like to make a motion then.

Motion:

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

1. Allow hard surfacing in the front yard setback on the north side of the property (along Emmons).
2. Allow a fence in the front yard setback on the north, east and west sides of the property (along Emmons).
3. Waive the required fifteen (15) foot wide greenbelt in the front yard setback on the north side of the property.
4. Waive the required eight (8) foot wide greenbelt in the side yard setbacks on the east and west sides of the property.
5. Allow a six (6) foot fence around the parking area.

Reasons being: Not a Detriment to the Area.

Board Member Sophiea Supported the motion.

Chairman Nestorowicz stated there is a motion by Board Member H. Brasza and Support by Board Member Sophiea; Roll Call.

Roll Call:

A roll call was taken on the motion to Approve and the motion carried (8 – 0).

Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Fisher	Yes, for the reasons stated in the motion.
Board Member Anglin	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 petitioner's request is **GRANTED.**

7. PUBLIC HEARING: **APPLICANT: Ameer Jameel Abdulahad**
REPRESENTATIVE: Same
COMMON DESCRIPTION: **8275 Essex**
LEGAL DESCRIPTION: 13-27-307-025
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

1. Continue 26 linear feet of four (4) foot high chain link fence on the side (east) property line.
2. Continue 38 linear feet of four (4) foot high chain link fence on the front (south) property line.

RDINANCES and REQUIREMENTS:

Section 4D.08 – Fences in front yard between building line and front property line: No fence shall be constructed between the established building line and the front property line.

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

Mr. Ameer Abdulahad appeared before the Board.

Chairman Nestorowicz asked Mr. Abdulahad his address.

Mr. Ameer Abdulahad stated 8275 Essex Avenue.

Chairman Nestorowicz asked for the reasons for the petition. He asked the individual next to Mr. Abdulahad to state his name and address if he is going to be speaking also.

Mr. Rafid Salem, 101 Hazelcrest Place, Hazel Park; appeared before the Board and stated that he is present just to help the petitioner for language purposes.

Chairman Nestorowicz asked Mr. Salem if they could state the reasons for the petition.

Mr. Rafid Salem stated that Mr. Abdulahad already installed the fence but he was told by the inspector that he needed permission from the Board because of the setback of his house that is all the way to the back and there is a lawn face garden in front of the house and for the safety of his children, he installed this fence but because of the code of the city the old one that is different from the new city code, so he was required to get permission from this Board to keep this fence installed for this and he did it only for the safety of his children; he wanted the fence to be continued because that is the only reason they are here.

Chairman Nestorowicz thanked the petitioners and stated this is a public hearing is there any members of the public who would like to speak on this item? (No responses heard) Seeing none, he turned the matter to the Board for any questions or comments.

Board Member Anglin stated the way he is looking at this is that they built the fence right up to the sidewalk line then but since there are no photos showing it, that is what he is going to have to assume. Is that correct, the fence is right up to the sidewalk?

Mr. Rafid Salem stated the only one he installed is the front side, which is continuous to the old one that already existed according to the old city code.

Board Member Anglin stated the way he is looking at this is that the fence is up against the sidewalk; they have no pictures of the neighborhood to see if everybody's fence...if there is a fence running all the way down that. Is there someone from Zoning that could give him some insight on this?

Mr. Steve Watripont, Zoning Inspector stated what happened was that they bought the house and they had a City Certification and the inspector that went out there noticed that the fence along the side was a wood fence with the chain link up to it and then he wanted the safety and he put the fence up in the front; his house is set back more than the other neighbors. There are no fences around the neighborhood that are continuous or anything. Does that answer his question?

Board Member Anglin stated well to bring this into Code then, he would have to take that old fence and his new fence that he put up and recess it back to twenty-six (26) feet.

Mr. Steve Watripont, Zoning Inspector stated to bring it to Code, he would have to recess it; the old fences—legal non-conforming—unless it is dilapidated, there are some concerns, but it has not really been said that it is dilapidating, so the old fence is allowed to stay—correct—for now because it is not dilapidated.

Board Member Anglin stated but if the Board gave an approval tonight...?

Mr. Steve Watripont, Zoning Inspector stated he would have to have an approval for the front part that he just put in, but when that comes back, he would need to get permission at that point and time as well.

Board Member Anglin thanked Mr. Watripont.

Board Member Pauta stated she thinks that this fence is just too far, she does not know why he is not able to stop the fence at the house line...

Secretary S. Brasza asked Board Member Pauta if her mic was on.

Board Member Pauta stated she thinks the fence goes out too far; she could not see the necessity or the hardship for it to go all the way out to the sidewalk. It is just too far.

Chairman Nestorowicz thanked Board Member Pauta.

Board Member Fugal to Mr. Watripont asked if the drawing the Board had was accurate.

Mr. Steve Watripont, Zoning Inspector stated they have a photo that is very accurate that shows the whole lot...

Board Member Furgal stated right; it is kind of hard to see it though because it is...

Mr. Steve Watripont, Zoning Inspector stated he tries to make them as best he could.

Board Member Furgal stated it is not his fault; she gets it, but...

Mr. Steve Watripont stated the picture that is drawn is close to accurate, yes.

Board Member Furgal stated that was what she wanted to know because according to this, he has six (6) feet from the back of his house—deep fence—he has fourteen (14) feet on one side and eleven (11) feet on the other side, which is not enough room for children to play. It is as simple as that.

Motion:

Board Member Furgal made the motion to approve the petitioner's request to:

1. Continue 26 linear feet of four (4) foot high chain link fence on the side (east) property line.
2. Continue 38 linear feet of four (4) foot high chain link fence on the front (south) property line.

Reasons being: The Property is Unique, the Size and Shape of the House is Unique and he would not get the enjoyment of his property if he was required to put the fence where the ordinance would require it to be.

Board Member H. Brasza Supported the motion.

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

Roll Call:

A roll call was taken on the motion to approve and the motion **failed** (4 – 4).

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 Pauta	No, it is just too long.
Board Member Fisher	No, he agrees to some variance but he could not agree to put it all the way up to the sidewalk.
Board Member Anglin	No, coming right up to the sidewalk is not appropriate.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Secretary S. Brasza	No, for it being a detriment to the area and it is Self Imposed.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request is **DENIED**.

Chairman Nestorowicz stated the petition is not passed based on a 4 to 4 vote; unfortunately, the petition has not been approved. They might speak to the Zoning Department to see if there is something else that could be done, but the petition with the fence as is has not been approved.

Mr. Rafid Salem asked if there was anything that needed to be done, so that...

Secretary S. Brasza stated there are other options; Mr. Murphy would give those options.

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| 8. PUBLIC HEARING: | APPLICANT: St. Louise de Marillac Catholic Church |
| REPRESENTATIVE: | Ms. Shirley Braschayko |
| COMMON DESCRIPTION: | 2500 Twelve Mile Road |
| LEGAL DESCRIPTION: | 13-18-126-007 |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to

Conduct the Annual parish festival/carnival on:

Friday	September 9, 2016	From 5:00 p.m. TO 11:00 p.m.
Saturday	September 10, 2016	From 1:00 p.m. TO 11:00 p.m.
Sunday	September 11, 2016	From 1:00 p.m. TO 7:30 p.m.

ORDINANCES and REQUIREMENTS:

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

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

Ms. Shirley Braschayko, 30080 Merrick, Warren, 48092; appeared before the Board and stated that she is present to ask permission to conduct their annual parish festival.

Chairman Nestorowicz thanked Ms. Braschayko and stated this is a public hearing; is there any members of the public who would like to comment on this item? (No responses) Not seeing any, he turned the matter to the Board.

Board Member Pauta stated she likes their festival but she sees they have shortened their hours from last year.

Ms. Shirley Braschayko apologized and stated she could not hear Board Member Pauta.

Board Member Pauta stated she said that she sees they have shortened their hours from last year.

Ms. Shirley Braschayko stated yes they did; it used to be 12...they used to open up at 12:00 o'clock on Saturday and 12:00 o'clock on Sunday and they went to 1:00 o'clock.

Board Member Pauta stated and in the event of music, they are going to be stopping at 10:00 o'clock?

Ms. Shirley Braschayko stated absolutely.

Board Member Pauta stated she has no problem with this.

Board Member Sophiea stated he would like to make a motion if there are no further comments.

Motion:

Board Member Sophiea made the motion to approve the petitioner's request to:
Conduct the Annual parish festival/carnival on:

Friday	September 9, 2016	From 5:00 p.m. TO 11:00 p.m.
Saturday	September 10, 2016	From 1:00 p.m. TO 11:00 p.m.
Sunday	September 11, 2016	From 1:00 p.m. TO 7:30 p.m.

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

Board Member Sophiea to Ms. Braschayko asked how many years have they been conducting this festival.

Ms. Shirley Braschayko stated 1974.

Reasons being: Needs Approval of the Board.

Board Member Anglin Supported the motion.

Chairman Nestorowicz stated there is a motion by Board Member Sophiea and Support by Board Member Anglin, to approve the petitioner's request for reasons being that it Needs Approval of the Board; Roll Call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (8 – 0).

Board Member Sophiea	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 Pauta	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.
Secretary S. Brasza	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request is **GRANTED.**

Chairman Nestorowicz to Ms. Braschayko stated good luck with a successful festival this year.

Ms. Shirley Braschayko thanked the Board.

- | | |
|---------------------------|--|
| 9. PUBLIC HEARING: | APPLICANT: Parcel Lorna Corporation |
| REPRESENTATIVE: | Mr. Bruce Kopitz, President |
| COMMON DESCRIPTION: | 28505 Lorna Avenue |
| LEGAL DESCRIPTION: | 13-16-201-015 |
| ZONE: | M-3 |

VARIANCES REQUESTED: Permission to

Request the following variances:

1. Allow lot sizes for lot split of –
Parcel 1 (95.56 feet west, 173.43 feet north, 97.02 feet east and 173.99 feet south) 16,719 square feet.
Parcel 2 (97.02 feet west, 262.06 feet north, 99.25 east feet and 262.00 feet south) 25,704 square feet.
2. **Parcel 1** allow a front (east) set back of 70 feet.
3. **Parcel 1** allow a side (south) set back of 18.2 feet (3/12/97 previous variance 18' 8").
4. **Parcel 2** allow a front (east) set back 47.8 feet (2/11/70 previous variance 50').
5. **Parcel 2** allow a side (south) set back of 18.6 feet (6/12/74 previous variance 20').
6. **Parcel 2** allow parking in the front set back along the north entrance of the circular drive.
7. **Parcel 2** waive 2,350 square feet of parking. (previous variance – 6,000 square feet is lost with lot split)
8. **Parcel 2** allow 18.6 foot maneuvering lane for ingress/egress along the south property line.

ORDINANCES and REQUIREMENTS:

Section 17.04: Area and widths: Area and widths of industrial lots shall be, except those lots of record at the time of adoption of this Ordinance, Zone M-3, width 200 feet, area 50,000 square feet.

Section 17.02, Item (a-3): Industrial Standards, Front yards in an M-3 zone are one hundred fifty (150') feet. The front yard may be used for parking or vehicles provided that the front fifty feet of the lot be landscaped and the balance be depressed at least two (2) feet so as to have the parked vehicles completely out of sight or view of the roadway.

Section 17.02, Item (b): Industrial Standards, Side and rear yards in an M-3 zone are one hundred fifty (150') feet. The front yard may be used for parking or vehicles provided that the front fifty feet of the lot be landscaped and the balance be depressed at least two (2) feet so as to have the parked vehicles completely out of sight or view of the roadway.

Section 4.32, Item (h-23): - Off-street parking requirements, Provide upon land owned by such establishment about each industrial building, buildings, or use, other than the front yard, or driveways which shall be sufficient in size to provide adequate facilities for the parking of automobiles and other motor vehicles used by the firm or employees or persons doing business therein, such space shall not be less than one (1) parking space for each four (4) employees, computed on the basis of the greatest number of persons to be employed at any one period during the day or night, and in no case shall the area allotted to off-street parking be less than one hundred (100) percent of the total floor area.

Section 4.32 Item (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 of 20 feet for two way traffic.

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

Mr. Bruce Kopitz, 14447 Knightsbridge, Shelby Township; appeared before the Board.

Chairman Nestorowicz asked the reasons for the petition.

Mr. Bruce Kopitz stated he is splitting the property for the purpose of selling the building to the rear to this fine gentleman sitting in the front row (he pointed to the individual).

Chairman Nestorowicz stated okay; anything else to add as to what he is asking for or a hardship that he has or...

Mr. Bruce Kopitz stated the hardship is that they could not sell the property without the split that is number one. It should be noted that the businesses that have been in these buildings are the same for many years now—Pete's been a residence in that building for a number of years—he has been a resident in the front building for he thinks it is about twenty-five (25) years now. They have never had any problems with the City and they will not have any problems in the future, but in order for Pete to make an investment and he intends to put a lot of money into that building and really put a lot of improvements into it, they have to have the split. Prior to this, when they put the building in the rear the city approved that structure some time ago, about twenty (20) years ago and they anticipated splitting the property at a future date; they did not want to split it at that time only because they were running out of time and had a military contract they had to adhere to the time requirements. They built the property with the idea of the split in the future that common shared driveway on the side is built military spec. It is eight (8) inches thick, it has double utilities underneath, it is fiber and wire reinforced; it is never going to have to be adulterated or changed or repaired—not in several lifetimes—and that means that Pete could come and go at all times without any issue.

Chairman Nestorowicz thanked Mr. Kopitz and 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 to the Board. He has one question because based on how the property would be split, then the property in the back is almost like landlocked; is there some kind of agreement that is signed for access...

Mr. Bruce Kopitz stated yes, and apologized that he did not make that plain. The driveway that he was referencing that he built to military specification. He built it up to about the specification of the road out front one. That was designed to be the shared ingress and egress and they have a document of that they filed with the city that has been approved; the language has been approved and that provides for that ingress and egress to be open to both property owners at all times and as this variance notes, there is a turnaround area for delivery trucks that is also built in, it is just directly behind his building, which is in the front of that property.

Chairman Nestorowicz thanked Mr. Kopitz and stated that was the only question he had. He asked if there were any other questions or comments from the Board.

Board Member Sophia stated is he to understand that the utilities now will be split or if it is all in one set of utilities right now for both parcels; gas electric...

Mr. Bruce Kopitz stated no, they are already split.

Board Member Sophia stated everything is split right now.

Mr. Bruce Kopitz stated yes, they are separate. What he meant by doing delivery is this. To prevent that driveway from ever having to be repaired, which would prevent him from having access to the street, they put double utilities underneath the driveway; there is a set there that is not being used.

Board Member Sophia thanked Mr. Kopitz.

Secretary S. Brasza stated in going to the property, she noticed the address 28517, so he already has an address for this back building?

Mr. Bruce Kopitz stated correct; that was given some twenty (20) years ago.

Secretary S. Brasza thanked Mr. Kopitz.

Board Member Anglin stated the Board has that in June 12, 1974, he had a twenty (20) foot setback on the south side approved and he is requesting an eighteen (18) feet, six (6) inch variance for that. What is the need for that if he already has the twenty (20) foot that was built in from the very beginning of this piece of property?

Mr. Bruce Kopitz stated he thinks it is technical.

Mr. Steve Watrion, Zoning Inspector stated what happened when he came was he went to Planning to get permission for a lot split and after that he needs variances before he could go to City Council. To make sure everything in order, the variances he had were twenty (20) feet from lot line, a survey shows that it is only 18.6 feet, so he is 1.4 feet closer than his variances allowing based on how the building was built and any land shifts or whatever that happened since then. Buildings were....it was just built a little bit too big there.

Board Member Anglin stated then the hardship would be they have to cut off the front of his building in order to make him fix it.

Mr. Steve Watripont, Zoning Inspector stated that was right.

Board Member Anglin stated that would be a hardship.

Mr. Steve Watripont, Zoning Inspector stated there are four previous variances because of the lot split that actually he will lose and have to be re-appointed per parcel that are on this list as well.

Board Member Anglin asked what that meant.

Mr. Steve Watripont, Zoning Inspector stated they are noted on when the previous variances were there.

Board Member Anglin stated right.

Mr. Steve Watripont, Zoning Inspector stated but if he is going to go forward with lot split, there are variances that will be split when the lot gets split; that happens with City Council gives that permission for the lot split, but he has to have all his variances in order, in order to move forward.

Board Member Anglin stated he understood and thanked Mr. Watripont.

Board Member Pauta stated the only hardship she sees with this petitioner is financial and she does not agree with addressing financial hardships.

Chairman Nestorowicz thanked Board Member Pauta and asked if there were any other comments or questions.

Board Member Anglin stated if there were no further questions from the Board, he would like to make a motion.

Motion:

Board Member Anglin made the motion to approve the petitioner's request to:

1. Allow lot sizes for lot split of –
Parcel 1 (95.56 feet west, 173.43 feet north, 97.02 feet east and 173.99 feet south)
16,719 square feet.
Parcel 2 (97.02 feet west, 262.06 feet north, 99.25 east feet and 262.00 feet south)
25,704 square feet.
2. **Parcel 1** allow a front (east) set back of 70 feet.
3. **Parcel 1** allow a side (south) set back of 18.2 feet (3/12/97 previous variance 18' 8").

4. **Parcel 2** allow a front (east) set back 47.8 feet (2/11/70 previous variance 50’).
5. **Parcel 2** allow a side (south) set back of 18.6 feet (6/12/74 previous variance 20’).
6. **Parcel 2** allow parking in the front set back along the north entrance of the circular drive.
7. **Parcel 2** waive 2,350 square feet of parking. (previous variance – 6,000 square feet is lost with lot split)
8. **Parcel 2** allow 18.6 foot maneuvering lane for ingress/egress along the south property line.

Reasons being: Uniqueness of the Property.

Secretary S. Brasza Supported the motion.

Chairman Nestorowicz stated there is a motion by Board Member Anglin 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 (7 – 1).

Board Member Anglin	Yes, for the reasons stated in the motion.
Secretary S. Brasza	Yes, for the reasons stated in the motion.
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 Pauta	No.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner’s request is **GRANTED.**

10. PUBLIC HEARING:

**APPLICANT: 696 & Ryan Mini Mart /
Masoud Shango**

REPRESENTATIVE:

Mr. Matthew Shango

COMMON DESCRIPTION:

3827, 4001 and 4007 Eleven Mile Road

LEGAL DESCRIPTION:

13-18-477-030

ZONE:

C-2 & C-1 & P

VARIANCES REQUESTED: Permission to

Erect signs as follows:

On canopy:

a) East elevation:

i) First 8’ 4” “Mobil” 8’ 4” x 36” = 25 sq. ft.

ii) Remaining 44’ 0.5” x 36” illuminated fascia with no writing = 132.13 sq. ft.

- b) South elevation:
 - i) First 8' 4" "Mobil" 8" 4" x 36" = 25 sq. ft.
 - ii) Remaining 131' 3" x 36" illuminated fascia with no writing = 82 sq. ft.
- c) West elevation 36" x 52' 4.5" non illuminated fascia with no writing = 157.13 sq. ft.
- d) North elevation 36" x 139' 7" non illuminated fascia with no writing = 418.75 sq. ft.

Total wall signage on the canopy 1151.76 sq. ft.

ORDINANCES and REQUIREMENTS:

Section 4A.35 (c): Total wall signage of a size not to exceed forty (40) sq. ft. shall be allowed for each business in C-1, C-2, C-3, M-1 and M-2.

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

Mr. Nick Shango, 4001 East Eleven Mile Road; appeared before the Board and stated they changed brands in their gas station and that is the reason he is present tonight; they had BP and they switched to Mobile.

Chairman Nestorowicz thanked Mr. Shango and 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 to the Board. He actually wants to begin with a question.

Mr. Nick Shango stated sure.

Chairman Nestorowicz stated since he lives in that neighborhood, their gas station is where he gets all of his gas pretty much from; the improvements there are wonderful, the new pumps, it is much cleaner; he loves how all that looks; he has one question. Back in 2015, when he was here and received an approval for the two (2) monument signs—because he knows at that time he thought they were very large, but they approved it—with the Condition that he gave up the pole sign that is 'Dunkin Donuts'; now both monument signs have come up, are in use, that pole sign has never come down yet.

Mr. Nick Shango stated yes, he is going to take it down; he is also going to take down another sign on his wall. He did not change the fascia on it, he did not change the panel, so if the Board notices they have a new imaging...but he will do that, they just have not gotten to it because they are working on the gas station and his welder has to rip that out that is a big project there. He has a welder and he could pull that out and he is also going to take down another sign that is on the side where the Coney Island is—he has a box sign there—there is no use for it and they have to finish the top of the sign too, they did not put that corner sign on top; they have a little crown molding on top of the monument sign. He wants to ask them a question. He wants to take down that tree—it is killing him—could he take that down?

Chairman Nestorowicz stated the tree has nothing to do with the Board, so...

Mr. Nick Shango stated but it is on the other side of the sidewalk.

Chairman Nestorowicz stated it is on the easement?

Mr. Nick Shango stated yes.

Chairman Nestorowicz stated if the tree is in the easement then he would have to cover that with the city.

Board Member H. Brasza stated they might be able to trim it for him.

Secretary S. Brasza stated but he could talk to the City.

(Inaudible)

Chairman Nestorowicz stated he thinks if he talks to the City about the tree, he could probably come to some agreement with the City, but they could not approve that. Because actually that is the only concern he had, because when he saw both monuments—they look great—but then since he is there every week, he said that other pole sign is not coming down.

Mr. Nick Shango apologized and stated he is just being lazy; he will take it down.

Board Member Pauta stated she does not mind the sign changing at all but also when he was granted the signs he was asked to remove all of the advertisement in the windows that have never been done yet.

Mr. Nick Shango stated he thinks they did; they took down the Beer and Wine that was in the window.

Board Member Pauta stated also in 2014, when the Board granted the pylon sign at 13 and Mound, he was supposed to fix the parking lot and never did, that was over 2 years ago. She means the holes are big enough now that the whole tire fits in it.

Mr. Nick Shango stated they are working on something on the corner there now, they just went to site plan approval and they have three out lots going there, so that is all get redone, those up at the corner there, but he will check into that, into the signs at the gas station; he thinks she is right, he thinks there is an ATM sign hanging and they will take those down. And no stickers in the window; those Dunkin Donuts people, they never listen; he took them down...

(Laughter)

Secretary S. Brasza stated this is just a formality. He is Nick Shango?

Mr. Nick Shango stated he is.

Secretary S. Brasza stated but he is not on the application; does he have any identification that would link him with 696 and Ryan?

Mr. Nick Shango stated he is the owner actually, but his brother applied.

Secretary S. Brasza stated okay.

Mr. Nick Shango stated and he could not make it so they sent him.

Secretary S. Brasza stated okay and asked if he had a business card.

Mr. Nick Shango stated he could bring them legal documentation; he is definitely the owner.

Secretary S. Brasza stated it is just he is...

Mr. Nick Shango stated it was okay.

Secretary S. Brasza stated he is in some past, but he is just not on this application.

Mr. Nick Shango stated no absolutely; it states his dad and brother, but he is the owner of this entity.

Secretary S. Brasza stated super, so if in the future, he could just leave a card or something that they could identify.

Mr. Nick Shango stated he could give it to his buddy over there (pointing to Mr. Murphy).

Secretary S. Brasza thanked Mr. Shango.

Board Member Sophiea stated he would just like to make the comment that he lives just down the street from this establishment and he does frequent it also quite a bit and he has always found it to be a very clean and well run business to his estimation.

Mr. Nick Shango thanked Board Member Sophiea.

Secretary S. Brasza stated if there was no further discussion...

Motion:

Secretary S. Brasza made the motion to approve the petitioner's request to:

Erect signs as follows:

On canopy:

a) East elevation:

i) First 8' 4" "Mobil" 8' 4" x 36" = 25 sq. ft.

ii) Remaining 44' 0.5" x 36" illuminated fascia with no writing = 132.13 sq. ft.

- b) South elevation:
 - i) First 8' 4" "Mobil" 8' 4" x 36" = 25 sq. ft.
 - ii) Remaining 131' 3" x 36" illuminated fascia with no writing = 82 sq. ft.
 - c) West elevation 36" x 52' 4.5" non illuminated fascia with no writing = 157.13 sq. ft.
 - d) North elevation 36" x 139' 7" non illuminated fascia with no writing = 418.75 sq. ft.
- Total wall signage on the canopy 1151.76 sq. ft.**

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 Secretary S. 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 (8 – 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 Pauta	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 Sophiea	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request is **GRANTED.**

Chairman Nestorowicz stated to take that pole sign down.

Mr. Nick Shango thanked the Board and stated he will have to take that down and the one at 13 and Mound; they have two (2) to take down.

Chairman Nestorowicz stated his petition was approved.

11. PUBLIC HEARING:

**APPLICANT: Mr. Kevin Baker /
VD Warren Investors, LLC**

REPRESENTATIVE:

Robert Wellert

COMMON DESCRIPTION:

27248 Van Dyke

LEGAL DESCRIPTION:

13-15-351-003, 13-15-351-025 & 13-15-351-026

ZONE:

C-1 and P

VARIANCES REQUESTED: Permission to

Erect signs as follows:

1. On the building:

- a) Sign 1 "CIRCLE K" 152.375" x 5' 0" = 63.5 sq. ft.
- b) 2 – Sign 7 Poster frame 6' x 4' = 24 sq. ft. each
- c) Sign 8 Poster frame 1' 6" x 18' = 27 sq. ft.
- d) Sign 9 striping with no writing 1' x 12' = 12 sq. ft.
- e) Sign 9 striping with no writing 1' x 18' = 18 sq. ft.

Total wall signage on building 168.5 sq. ft.

2. On canopy:

a) West elevation:

- i) Sign 3 first 188" "CIRCLE K" 188" x 41.9375" = 54.76 sq. ft.
- ii) Remaining 143' 4" x 36" illuminated fascia with no writing = 430 sq. ft.

b) South elevation:

- i) Sign 3 first 188" "CIRCLE K" 188" x 41.9375" = 54.76 sq. ft.
- ii) Remaining 27' 4" x 36" illuminated fascia with no writing = 82 sq. ft.

c) East elevation 36" x 159' non illuminated fascia with no writing = 477 sq. ft.

d) North elevation 36" x 43' illuminated fascia with no writing = 129 sq. ft.

Total wall signage on canopy 1227.52 sq. ft.

3. On 10 gas pumps:

1.35 sq. ft. each = 13.5 sq. ft.

Total wall signage = 1409.52 sq. ft.

ORDINANCES and REQUIREMENTS:

Section 4A.35(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.

Chairman Nestorowicz asked if the petitioner could state his name and address for the record along with the reasons for the petition today.

Mr. Kevin Baker, VD Warren Investors, LLC, 27995 Halsted Road, Farmington Hills, Michigan, 48331; appeared before the Board and stated their request this evening is for additional wall signage for over and above what is allowed in the ordinance.

Mr. Rick Schmitt, With Wellert Corporation, 6081 Paisley Drive, North Olmsted, Ohio 44070; appeared before the Board.

Mr. Otis Carter, Circle K, 28334 Walcott Drive, Novi, Michigan; appeared before the Board.

Chairman Nestorowicz asked if there was anything else to state for the reasons or just the...

Mr. Rick Schmitt stated yes; basically they approached Mr. Murphy—he should say Mr. Baker did—in early July with Circle K standard Sign package that they are rolling out globally and they took the recommendations of Mr. Murphy, incorporated it in the package the Board has before them now; to go through real quick if they would like to reference some of the pages S-FB, which starts with the front of the building. Just a brief summary of what the signage package includes is obviously the 'Circle K' logo above the door, which is a 5' x 152.375" Circle K logo; they also have a spanner poster frame that is below that, which is the 1' 6" x 18' poster frame sign; there is some red stripping on either side of it and the snap lock poster frames on either side of it. They also have as they move onto the canopy S-C1 they are looking for identification signs on the northwest corner, the Circle K logo and on the south side—being able to account for traffic at that intersection—and the remaining of the canopy will be illuminated back lit, except for the backside, which will be a graphing. Moving on to the main price sign S-S6 is a 20' high x 10' wide Circle K logo with LED prices for the Unleaded and Diesel and that is also going to be—he believes—at the southwest corner at Vermont and Van Dyke Avenue, total 71 square foot. The dispensers will have a Circle K logo, 1.35 square feet at the valance at the top of the dispensers. That is a summary of the signs they are looking at and all three of them could answer any questions.

Chairman Nestorowicz thanked Mr. Schmitt and stated this is a public hearing, are there any members of the audience who would like to comment on this item? (No response) Not seeing any, he turned the matter to the Board.

Secretary S. Brasza to the petitioner stated she is looking at S-6 and she sees where the Circle K is in the application, but where is she looking at the 4" message by the 21'? Where is she seeing that on their variance request?

(Inaudible)

Secretary S. Brasza asked if it is a previously approved item, Mr. Murphy.

Mr. Everett Murphy, Chief Zoning Inspector asked if they were talking about the pole sign.

Secretary S. Brasza stated the pole sign, the LED underneath, the Circle K was that previously approved?

Mr. Everett Murphy stated honestly, they do not even need a variance for the pole sign.

Secretary S. Brasza stated okay.

Mr. Everett Murphy, Chief Zoning Inspector stated it is less than 75 square feet and it is 20 foot tall and they were setting it back 20 feet.

Secretary S. Brasza stated good enough.

Mr. Everett Murphy, Chief Zoning Inspector stated so he does not think that was originally the plan, but he thinks they did change it and now it complies.

Secretary S. Brasza stated okay.

Mr. Everett Murphy, Chief Zoning Inspector stated he will just add a note that the entire time, they have been very good to work with even when they came in with the original site plans, he made some recommendations so that they did not require any setback or parking variances and they took those to heart and they actually changed their designs a little bit too so that they would not need any variances for the building. He thinks they always knew they were going to have to come in for a sign package, but the pole sign does not require a variance.

Secretary S. Brasza stated super and it seems so excessive but yet a lot of this is basically just stripping.

Mr. Everett Murphy, Chief Zoning Inspector stated exactly and on the building, that number does look a little bit higher, but it is exactly just design elements.

Mr. Rick Schmitt stated actually 81 percent of it is stripping as far as the total.

Secretary S. Brasza stated exactly and thanked the petitioner.

Board Member Anglin stated if there was no other questions from the Board, he would like to make a motion.

Motion:

Board Member Anglin made the motion to approve the petitioner's request to:
Erect signs as follows:

1. On the building:
 - a) Sign 1 "CIRCLE K" 152.375" x 5' 0" = 63.5 sq. ft.
 - b) 2 – Sign 7 Poster frame 6' x 4' = 24 sq. ft. each
 - c) Sign 8 Poster frame 1' 6" x 18' = 27 sq. ft.
 - d) Sign 9 striping with no writing 1' x 12' = 12 sq. ft.
 - e) Sign 9 striping with no writing 1' x 18' = 18 sq. ft.

Total wall signage on building 168.5 sq. ft.

2. On canopy:

- a) West elevation:
 - i) Sign 3 first 188" "CIRCLE K" 188" x 41.9375" = 54.76 sq. ft.
 - ii) Remaining 143' 4" x 36" illuminated fascia with no writing = 430 sq. ft.
- b) South elevation:
 - i) Sign 3 first 188" "CIRCLE K" 188" x 41.9375" = 54.76 sq. ft.
 - ii) Remaining 27' 4" x 36" illuminated fascia with no writing = 82 sq. ft.
- c) East elevation 36" x 159' non illuminated fascia with no writing = 477 sq. ft.
- d) North elevation 36" x 43' illuminated fascia with no writing = 129 sq. ft.

Total wall signage on canopy 1227.52 sq. ft.

- 3. On 10 gas pumps:
1.35 sq. ft. each = 13.5 sq. ft.
Total wall signage = 1409.52 sq. ft.

Reasons being: Lack of Identification.

Board Member Sophiea Supported the motion.

Chairman Nestorowicz stated there is a motion by Board Member Anglin and Support by Board Member Sophiea, 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 – 1).

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
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 Pauta	No, too much signage, 1400 sq. ft. is a lot.
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 petitioner's request is **GRANTED.**

REPRESENTATIVE: William J. Thompson
COMMON DESCRIPTION: **24580 Dequindre**
LEGAL DESCRIPTION: 13-30-101-021 & 13-30-101-015
ZONE: M-2

VARIANCES REQUESTED: Permission to:

Establish a Medical Marihuana facility less than the 500 feet of a restricted zone. A parcel zoned R-1-C to the north east at a distance of 497.54 feet and a parcel zoned R-1-C to the south east at a distance of 278.87 feet.

ORDINANCES and REQUIREMENTS:

Section 17.02 Paragraph (aa) subsection (11): Industrial Standards The facility is located at least five hundred (500) feet from the nearest lot line of any of the following: Residential zoning districts, R-1-A, R-1-B, R-1-C, R-1-P, R-2, R-3, R-3-A, R-4, R-5 and any mixed residential zones including but not limited to a planned unit development and the Downtown Center.

Section 17.02 Paragraph (aa) subsection (12): Industrial Standards – Measurement:
For subsection 11. Measurement shall be made in a straight line from the nearest point on the lot line of the premises containing the principle structure used as a medical marijuana facility to the nearest point on the lot line of the property containing the uses specified in subsections 11. (a), (b), (c), (d), (e) and (f).

Chairman Nestorowicz asked if the petitioner could state his name and address for the record and the reasons for the petition.

Mr. William Thompson, Lehner and Associates, 17001 19 Mile Road, Suite 3, Clinton Township, Michigan; appeared before the Board and stated he is representing the petitioner. He asked if it would be appropriate to give more information.

Chairman Nestorowicz stated yes please.

(Mr. Thompson handed out a packet for each Board Member)

Mr. William Thompson stated the package that was submitted earlier showed a site plan of the site but did not really describe the adjacent area surrounding the site. *(Mr. Thompson displayed a presentation before the Board)* The color rendering the Board has with them right now is a copy an aerial photograph of the site with the zoning superposed on it. The site itself is zoned M-2, located on the left hand side of the drawing. It is totally surrounded by C-3; to the north is C-2, which is the Kmart; to the south is a mixes of only one parcel of land, zoned M-2 and R-1-C—that whole parcel is used as a driving range—behind that is some R-3 zoning; all along 10 Mile they have M-2 zoning. The parcels they are asking for variance for one of them is right here *(referring to display presentation)* that is the small parcel of R-1-C Zoning; it is actually used M-2, everything in front of it is M-2 and it is part of that parcel. The distance from the corner of that parcel to the corner of their parcel is about 470 foot or 97 feet.

(Mr. Thompson continued...)

Currently, they make their measurements from property to property; he understands that there is consideration to change that from property to building; if that were the case, then this variance would not be required. To the south, they have the M-2 zoning, which is the driving range—the back half of which is R-1-C—that R-1-C is shouldered by a C-3 to the north and to the south an R-3 to the east and south—it was M-2 to the west. Those parcels, those notable parcels are fully developed and they box in the R-1-C zoning. It is basically landlocked if they could say; the R-1-C zoning is probably not appropriate for it, period and the distance from their property to that property is about 250 some feet. The request is to get a variance from the 500 foot setback for those parcels to create the development of this site as a Medical Marijuana facility and the site plan shows how that could be done. The reason, the hardship is that everything around it is actually used in a C-3 or an M-2 type zoning and this parcel is just kind of stuck. He would be willing to answer any questions the Board might have.

Chairman Nestorowicz stated this is a public hearing, are there any members of the public who would like to speak on this item?

An unidentified individual at the podium stated: He is not from the public but he would like to add some comments if that was possible.

Chairman Nestorowicz stated he could add it as a public item then, because those comments should have been added, but as part of the public he could make the comments.

Mr. Glenn Eckert, 27241 Dowland, Warren, Michigan 48092; appeared before the Board and stated he has lived in the City of Warren all his life and is very familiar with this location. The property along 10 Mile Road was initially the Kuchey Farm that was sold off and these condos were built in the early 70s. This property could have been built as an R-1 but it must have been rezoned at the time; it left this residual R-1-C property adjacent to all these condominium developments. When these condos were developed because they were condos they did not allow for an access egress to the vacant acreage left at the golf range. Because of the fact that it does not have access egress, there is only one way to get to the site and that would be to develop a roadway through the M-2 zoning to connect that to the R-1 zoning, single family. As a developer and he developed five subdivisions and has been in real estate business for over 30 years, he knows what is interesting to a developer, what makes them interested in developing a piece of property for pretty much any use and the configuration of this property for R-1-C is not adequate. This property is highest and best use would be M-2. He has talked with City Planners, he has talked with the City Zoning Department and they are in agreement with this concept. There has not been a master plan in the City of Warren since 1967; if there were to have been a master plan, this R-1-C would be reconfigured to either a C-1 or an M-2. In addition to that, because the only access to this property is through the M-2 zoning, it limits the ability for the Fire Department to get to it. He has developed sites before; the Fire Department does not like a single site entrance to any location.

(Mr. Eckert *Continued...*)

The condos to the east were developed in 1971; that farm that his cousin used to own and the farm that his grandfather used to own at 10 ½ and Dequindre are gone. The days of

Karam and Mocerri building single-family homes in lower Warren are gone. In order for this property to be developed, it will eventually be rezoned and he will guarantee that in a master plan setting, it will be reconsidered. The two-parcels, the first parcel that they were talking about that R-1-C that is used as an outside storage for an industrial building is a non-issue; the R-3 zoning right here (*referring to display presentation*) should be a non-issue too because it eventually is going to disappear and he asks the Board to consider that in their deliberations.

Chairman Nestorowicz stated that he turns the matter to the Board for comments and questions. He would just like to start with a comment. He heard the petitioner's reasons of that R-1-C but unfortunately he still looks at it that it is an R-1-C and that driving range could close at some time, that is zoned R-1-C and it is 278 feet as opposed to the 500 that they need to be. He personally is not in favor of it because he does think it is too close to something that is zoned not compatible. That is his comment.

Board Member Pauta stated that she totally agrees with him, she went to this site and he is right, it is too close.

Board Member Sophiea stated is he to understand that the driving range is in operating facility now?

Mr. William Thompson stated yes it is.

Board Member Sophiea stated then the only access to that driving range is through the M-2 property?

Mr. William Thompson stated the driving range is on the M-2 property.

Board Member Sophiea stated it is on.

Mr. William Thompson stated the parking lot is on the M-2, the building is on the M-2, the T's are probably also on the M-2 and the back of the parcel is where the balls end up.

Board Member Sophiea stated he understood and thanked Mr. Thompson.

Mr. William Thompson stated he thinks the point that they would like to make is that the R-1-C that zoning is not compatible with the use and not compatible with the future development of the site.

Chairman Nestorowicz stated yes but unfortunately they could not discuss about the future development of that site; that is something that property owner and the city interns how it is zoned.

Board Member H. Brasza asked if the petitioners have approached the property owner to see if they would be willing to consider changing it to...petitioning the city to changing it to M-2.

Mr. Glenn Eckert stated yes he did talk to the two young ladies that own Stacey's now that they inherited from the family and they understand very little about real estate and he approached them with the fact that if it was rezoned, it would increase the value of the property and make it a lot easier to sell it in the future, but they are just selling buckets of balls and they are making pretty good money at it, so he is not sure how long it would take before they decide they want to retire; they appear to be probably in their mid-40s, so there might be quite a while before they make a decision to do something as far as a sale. Right now they are not interested at all in selling it; he has not had too much luck in convincing them to do it rezoned, but taking into consideration that this property should not be zoned R-1-C; he thinks that should be a real strong consideration that the Board has to take in mind. The developers here are not growers, they are investors; they wish to build light industrial buildings; they are very smart, they understand that laws might change and in the future they might have to use these buildings as light industrial M-2 buildings and they are going to build them as such.

Chairman Nestorowicz stated if he could interrupt; that is not answering the question. During this, the Board has...this matter has been turned over to the Board, so only if there is any questions from the Board.

Secretary S. Brasza stated and this is a comment that she is making to the Board. Unfortunately, in front of them is the fact that it is still R-1-C and she understands what the petitioner is saying and she so wishes that the City of Warren would consider updating our master plan—it has been a long time—and she could understand that eventually it might turn into an M-2—which would be appropriate for the area—but right now in front of the Board is an R-1-C and it is too close for the use and unfortunately—in his conversation with the ladies—were not able to get them to rezone but maybe in the future he could, maybe even do that for them or pay for it or whatever, but at this point, somebody could come in to that M-2 and buy them out and develop that area into an R-1-C, which would not put a little M-2 and they could have a couple of driveways going through that M-2 to the R-1-C to eliminate the land lock issue and for that reason, she could not vote yes on this.

Board Member Furgal stated she has a problem that is different. If they noticed, on the far right corner of that R-3 property, that building that is right there is an elementary school and that is a personal concern of hers, she is not...this is the first time that this has come up, so they are trying to be careful and she thinks that no one is giving her any kind of information regarding security on this—all they have talked about is zoning and that is fine—but there are little children and it is close enough to her; so she could not be in favor of it either.

Chairman Nestorowicz thanked Board Member Furgal.

Board Member Pauta stated she would like to make a motion.

Motion:

Board Member Pauta made the motion to deny the petitioner's request to:

Establish a Medical Marihuana facility less than the 500 feet of a restricted zone. A parcel zoned R-1-C to the north east at a distance of 497.54 feet and a parcel zoned R-1-C to the south east at a distance of 278.87 feet.

Reasons being: It will be a Detriment to the Area and it just does not fit. And it is a Self-Imposed hardship.

Board Member Furgal Supported the motion.

Secretary S. Brasza asked if she could add a couple of reasons to that.

Board Member Furgal stated sure. They do not have any... it is somewhat Unique but it is not unique enough she thinks to continue with this particular.... The strict compliance of the area setback prototype, bulk or density requirements would not unreasonably prevent the applicant from using the property for permitted purpose or the unnecessary burdensome—in other words, it could be developed as an M-2 zone without having a zoning variance and to tell them the truth, that is all she needs to do to tell them that. She does not think the property is that unique and she thinks it is a detriment to the area and it is not necessary for the preservation and enjoyment of a substantial property right similar to that enjoyed by other properties in the same zoning district and in the vicinity.

Chairman Nestorowicz stated there is a motion by Board Member Pauta and Support by Board Member Furgal, for the reasons stated in the motion and in the support; Roll Call.

Roll Call:

A roll call was taken on the motion to Deny and the motion carried (8 – 0).

Board Member Pauta	Yes to deny.
Board Member Furgal	Yes to deny for the reasons stated in the motion.
Board Member H. Brasza	Yes to deny.
Board Member Fisher	Yes to deny for the reasons stated in the motion and in the support.
Board Member Anglin	Yes to deny for the reasons stated in the motion.
Board Member Sophiea	Yes to deny for the reasons stated in the motion.
Secretary S. Brasza	Yes, for the reasons stated not only in the motion but also in the support.
Chairman Nestorowicz	Yes to deny for the reasons stated in the motion and in the support.

The petitioner's request is **DENIED.**

Mr. Glenn Eckert asked if he could ask a question.

Secretary S. Brasza stated yes he could to Mr. Murphy who would be happy to answer.

13. PUBLIC HEARING:

**APPLICANT: Oke Development LLC / Charles Oke
and Hasan Bazzi -USE-**

REPRESENTATIVE:

The Ron Jona Collaborative / Mr. Ron Jona

COMMON DESCRIPTION:

1950 E Eleven Mile

LEGAL DESCRIPTION:

13-19-101-001

ZONE:

M-2

VARIANCES REQUESTED: Permission to -USE-

Redevelop a site with the following variance requests:

- 1.) Hard surface to no less than one and a half (1.5) feet from the front (Dequindre) west property line and to no less than one (1) feet from the front (Eleven Mile) north property line.
- 2.) To allow a canopy to no less than 27.2 feet of the front (Dequindre) west property line and allow a canopy to no less than 22 feet of the front (Eleven Mile) north property line.
- 3.) Waive nine (9) required off street parking spaces.
- 4.) **To allow a drive-thru restaurant in an M-2 zone, and less than 200 feet from intersection.**
- 5.) To waive the requirement of a four (4) foot fence.
- 6.) To install two (2) monument signs as follows: one (1) sign 8' width x 8' height with a sign area of 8' x 5' = 40 sq. ft. and a two (2) foot setback from the Dequindre property line and one (1) sign 8' width x 8' height with a sign area of 8' x 5' = 40 sq. ft. and a two (2) foot setback from the Eleven Mile property line.
- 7.) Install wall signs as follows:
 - a) Three (3) wall signs on the building, 12' x 1'6" = 18 sq. ft. each, total 54 sq. ft.
 - b) Three (3) canopy signs, 9' x 1'3" = 11.25 sq. ft. each, total 33.75 sq. ft.
 - c) Four (4) pump signage 2.87 sq. ft. each, total 11.50 sq. ft.
 - d) Two (2) menu board signs on building, 3' x 4' = 12 sq. ft. each, total 24 sq. ft.

TOTAL WALL SIGNAGE OF 123.25 SQ. FT.

ORDINANCES and REQUIREMENTS:

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

Section 2.58: Front Yard: A front yard is an open space extending the full length of all sides boarding upon a street or streets of a corner lot.

Section 17.02 Paragraph (a): Industrial standards. Front yards. In an M-2 zone where a front yard has been established by the majority of the existing buildings in a block, all buildings hereinafter erected or altered shall conform to the building line thus established, provided no building in an M-2 Zone shall be required to set back further than fifty (50) feet.

Section 4.32 Item (22): Off-street parking requirements. One parking space for each one hundred fifty (150) sq. ft. of building.

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 (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) sq. ft. shall be allowed in M-2 districts.

Section 4A.35 (c): Total wall signage of a size not to exceed forty (40) sq. ft. shall be allowed for each business in C-1, C-2, C-3, M-1 and M-2.

Section 14.01 (k) Paragraph (1): Drive-in restaurant Allowed in C-2 Districts – Located and designated to eliminate undue congestion in the public streets: (a) be two hundred (200) feet from the intersection; and (b) be limited to two (2) curb cuts.

Section 14.01 (k) Paragraph (4): Drive-in restaurant Allowed in C-2 Districts – Property shall be completely enclosed with a chain-link fence with a height of four (4) feet.

Secretary S. Brasza stated they have technical difficulties if the audience could give the Board a moment. (*This occurred while reading the item*)

Chairman Nestorowicz asked if the petitioner could state their name and address for the record along with the reasons for the petition.

Mr. Ron Jona, 1066 Commerce Street, Birmingham, Michigan; appeared before the Board and stated when they were before the Board approximately four (4) months ago, they had gone through Planning, received a unanimous denial—he would like to state just for the record—the Petitioner is Charles Oke, the E is silent, so it is not Oke, it is Oke, he should have corrected that last time—he and Mr. Oke looked at the site again, they heard the concerns of ZBA, they heard the concerns from the parking of the Veterinary Hospital and as the Board sees in front of them, they have created a quite a different plan. To refresh the Board's memory, that is the existing site (*Referring to a presentation displayed before the Board*) and what the Board is seeing is the building in white here, an existing canopy—obviously the station is now shut down—and in blue is a canopy that was approved previously but was torn down. One of the initial things from Planning that they are still doing is that they are eliminating a drive on Eleven Mile and a drive on Dequindre, so that they would have one drive for each of the two road frontages and trying to come up with that they thought addressed most of the comments they heard. He did not bring the previous plan since it was denied but they will notice that they rotated the building and the pumps 90 degrees, orienting it the way it currently exists towards Eleven Mile. They have gone from six (6) pumps to four (4) pumps; they have gone from roughly 3200 feet to 2848 square feet—so they have reduced the building—they have included the drive-thru feature on the building around the back to the south and they think they created a plan from the comments they received addressing a lot of the concerns they heard.

(Mr. Jona *Continued...*)

The drives are all in compliance; they had drives of 20 feet, they are now at least 22 feet; the drives on the edges are greater; the drive on the west is 24 feet on both sides to allow for circulation and they have tried to keep with what they hope or believe is a very nice architectural flavor with a masonry building, a lot of fenestration and the floor plan depicts

their initial thought on how they would be merchandizing the store. He thinks it is important to point out that as they look at this plan and although it is called a drive-thru restaurant, there will be no consumption of products on premises; they are seeing that mostly as a convenience for products such as coffee, possibly of sandwiches. When he heard some of the square footages on Circle K, he was thinking he should increase his signage, but what they have done is they have gotten signs that they believe make sense; they have one elevation facing Dequindre, which is like a wall sign; they have one wall sign....(Inaudible)

Chairman Nestorowicz to the Petitioner stated his microphone might have been turned off, is the green light on?

Mr. Ron Jona stated he thinks it is on now and apologized. And the one at the far edge of the north elevation and one over the door, the other signs are two (2) menu Boards, the canopy signage—one on each of three sides—and the standard pump signage and they have depicted the monument sign with currently there is a like a 20 foot pole sign, they are reducing that; Planning had requested that they get into more of a monument signage concept, which they did there and the sign shows that and that is the essence of the design. The hardship as the Board knows they are in just an incredibly tight site with two road frontages and a current layout in situation that just does not work.

Chairman Nestorowicz thanked Mr. Jona and stated this is a public hearing is there any members of the public who would like to speak on this item?

Mr. Steve Watripont, Zoning Inspector stated he would like to make one correction. This is not a Use; in an M-2 a drive-thru is allowed but the variance is still needed for the corner setback of the intersection.

Chairman Nestorowicz thanked Mr. Watripont.

Ms. Caren Burdi, on behalf of Parkview Animal Hospital; appeared before the Board and stated the doctor and his wife are both present tonight. This is a much different plan and she does think that they took into account many of the comments that were made; she does want to say that she thinks that the building being brick, she thinks the building with the different type of—she does not know her architectural terms—the different nuances on the building make it interesting to look at; there are definitely some improvements. The only issue that the doctor has and she thinks they may have solved it because she wanted to say that the petitioner has met with her, he has met with the doctor and that was really helpful because she thinks in a lot of ways they were able to hash out some things that needed to be discussed and hashed out, so that is a positive thing.

(Ms. Burdi *Continued*...)

In any event, the only concern that the doctor has being right next door is the parking; his concern is that people will park in his parking spots and go into the convenient store or the carry-out restaurant. A couple of things they talked about with the petitioner is that employees will take up parking spaces and that makes it even less parking, so they were proposing that they would have their employees park offsite or be dropped off; they think

that is a positive thing, they know that it is not necessarily enforceable but they are making that representation to them. The issue that she had was the parking calculation. Right now the parking calculation that they are making is one spot for every 150 square feet and that is the accurate parking calculation to make for a retail store and she questioned the petitioner why for a restaurant is it not supposed to be one for every 100 feet plus a parking spot for every 4 employees and what was explained to her was exactly what the petitioner said, there would be no consumption of food on the premises, so she does not disagree with that calculation then but here is what she is asking to be done and that is that the plan actually be marked—it says—that it is a carry-out restaurant only, no consumption of food on the premises, so that would mean—if they talk about particulars—no tables and chairs, no counters with stools, because if they have that type of layout—if they will—which is not the layout they have, the parking is just way inadequate. With it being just retail, carry-out through the drive-thru and carry-out from the restaurant, they are agreeing with that calculation but they would like the plan to note, 'no onsite consumption of food, it is carry-out only' and so that it says 'no seating for consumption of food'; if it says that, then they have a comfort level that 5 years down the road, maybe Mr. Oke wants to retire and he sells it, that she does not end up with a problem with the doctor calling her and saying Caren you did not protect me; so she would ask that that actually be sited on the plan and be a condition. The last thing is that they have agreed amongst themselves and they would like it to be a condition that there would be a three (3) foot wide, two (2) foot...no, it is three (3) long, two (2) foot...yes, two (2) wide, three (3) foot long sign that would be in the grassy area between their two properties facing the gas station property that says something along the lines of no parking on neighboring properties, subject to tow; just so they give people a warning not to park on the neighboring properties and the petitioner had agreed to put up that sign. If they could make these items conditions and make sure that the plan is noted about the parking, her client is in support of the plan. Good news is she thinks with some time together and negotiation they have worked out a solution. The last thing was, if they end up in the future with issues with regards to parking, Mr. Oke had agreed that if it means additional signs or working out some other solution, that he is going to be amicable to working with them to try to solve the problem. She thanked the Board.

Chairman Nestorowicz thanked Ms. Burdi and stated he now turns the matter over to the Board for any comments or questions. He would like to actually start; he just has a couple of comments. One, this plan he loves a lot like 100 percent better than when they were here last time because he actually does think it keeps the visibility, it uses the property in a way that is good for their clients and he thinks it is good for the surrounding community; he thinks that is a very long drive-thru, he would hate to be stuck in there and if he cannot leaves, but he understands that with the property.

(Chairman Nestorowicz *Continued...*)

He wanted to give them just one comment because he knows that when they made a statement that Circle K asked for a lot more signage, if they took a look that a lot of their signage was actually the illuminated strip with no writing because they had an illuminated red strip and that counted as...it actually said, the exact wording was like no verbiage, it was just the strip and that was what caused the... yes...because unfortunately the Board did count that as part of their sign. But actually he is in favor of the plan as it came before them today.

Secretary S. Brasza stated in their plan, she does not see where they requested and she is going to have a hard time with this one, a 'one-way' sign, so that they know when they are going through that drive-in they cannot get out of it.

Mr. Ron Jona stated if they look at the plan in the island to the west it says one-way sign, does she see that?

Secretary S. Brasza apologized.

Mr. Ron Jona stated if she looks in the island on the west edge of the building...

Secretary S. Brasza stated she knows she sees where it is, but his variance request did not state the sign.

Mr. Ron Jona stated he did not know that a directional sign or at least they did not discuss that...

Secretary S. Brasza stated she believed that is considered signage...Mr. Murphy.

Mr. Everett Murphy, Chief Zoning Inspector asked Mr. Jona how big the sign is.

Mr. Ron Jona stated that would be like a 2' x 3' similar to what they were talking about.

Mr. Everett Murphy, Chief Zoning Inspector stated anything over 2 square feet would have to be counted; if it is 2 square feet or less directional sign, no permit needed, he would be okay, but if he is going to make it 6 square feet, he would....

Secretary S. Brasza stated yes and only because it is being a one-way and it is only 10 feet wide, they cannot really get out of it once they are in it; she thinks that is a very necessary sign. They could come back for that and she would appreciate if they do verses

Mr. Ron Jona stated could they add it; he showed them the plan he just did not know that it needed a variance for a directional sign....

Chairman Nestorowicz stated unfortunately they cannot add it but they could approve what is here so they could move forward and then they could just come back for that.

Mr. Ron Jona stated okay, just come back for that.

Secretary S. Brasza stated to please note that she is going to request in a motion that they will be coming back. And a question on the east property line, she sees dots, does she see trees, does she see greenery, what does she see?

Mr. Ron Jona stated the west property line...

Secretary S. Brasza stated no, the east property line.

Mr. Ron Jona stated the east property line which is between the veterinary and them is intended to be planted.

Secretary S. Brasza stated that is a greenbelt?

Mr. Ron Jona stated yes.

Secretary S. Brasza stated and that is going to be trees, bushes, does he know?

Mr. Ron Jona stated no, he takes that back and he apologized and asked for a moment to answer the question.

Secretary S. Brasza stated she means that is not something that zoning needs to be worried about, but it is just personal.

Mr. Ron Jona stated no; he is looking at it and he thinks those are in existing because he is looking at the aerial and he believes those are existing trees there along the property line. They only have that is on actually the veterinary's property because they are very close to that property line with their paving.

Secretary S. Brasza stated and she likes to just—she knows what Ms. Burdi asked for a couple of conditions—but she thinks through their conversation and all the changes they made, which she is so thankful that they pursued this and came back with something that works for everybody, he mentioned that they would find parking elsewhere for their employees, to the south there is some good parking pass the cabinet maker and to the north across Eleven Mile, there is some good parking there too...

Mr. Ron Jona thanked Secretary S. Brasza and stated they noticed that as well.

Secretary S. Brasza stated and they would appreciate that. As far as another point made was a sign stating that cars would be towed, he knows that is something that she hopes that he would work out with their neighbor.

Mr. Ron Jona stated yes, they are committed to providing that.

Secretary S. Brasza thanked Mr. Jona and stated that was all.

Board Member Pauta stated she would just like the Board to know that prior to the previous plan; she had gone out there with Ms. Burdi only because as they know, the building was overbuilt and the other thing was she brought to the owner's attention that they should he put the building where he wanted to—the original plan—he would have been on top of all of the utilities; zoning issues were never discussed, she was only trying to point out to this gentleman what he would be running into; he would have caused some several hundred thousand dollars to move all of those utilities to put the building that he wanted to, to begin with. The new plan she really likes a lot, the only thing that she does not like—it is not that

she does not like it—but to go through the drive-thru there is only one lane; in the event that there is an emergency, a fire or whatever, people could not get out and that is the only problem that she has right now.

Board Member Anglin to the petitioner stated that he thinks he did a wonderful job re-planning this out and compromising with their neighbors.

Mr. Ron Jona apologized (not hearing the comment made).

Board Member Anglin stated he just wanted to let him know that he did a wonderful job revamping this to compromise with his neighbors and this Board; he should be commended for that because everything is just about the way they were hoping it would be.

Mr. Ron Jona thanked Board Member Anglin.

Board Member Pauta stated being that this petitioner is going to be returning for some signage or whatever; first of all she thinks this should have gone to Planning first and the issues that Secretary S. Brasza brought up, should have been designated on the plan and she is hoping that another plan is returned or submitted to Planning with the recommendations of Secretary S. Brasza.

Chairman Nestorowicz thanked Board Member Pauta.

Board Member Fisher stated he would like to echo what some of the prior other Board Members have said that he appreciates that he finally took the time to listen to what the Board had to say and what the neighbors had to say; sometimes businesses come in and they try to force something into an area that just does not fit and he felt in the previous attempts that was what was happening; he knows the area well and he thinks this is going to be a huge success, he thinks this is a great design, he thinks it fits the area and he really wishes them luck because he thinks that they took into account the existing neighbors, they took into account the needs of the community and he thinks this is going to be a great success and he thanks them for that.

Mr. Ron Jona thanked Board Member Fisher.

Chairman Nestorowicz thanked Board Member Fisher.

Board Member Anglin stated if there were no other comments, he would like to make a motion.

Chairman Nestorowicz stated yes, please to go ahead.

Motion:

Board Member Anglin made the motion to approve the petitioner’s request to:
Redevelop a site with the following variance requests:

1. Hard surface to no less than one and a half (1.5) feet from the front (Dequindre) west property line and to no less than one (1) feet from the front (Eleven Mile) north property line.
2. To allow a canopy to no less than 27.2 feet of the front (Dequindre) west property line and allow a canopy to no less than 22 feet of the front (Eleven Mile) north property line.
3. Waive nine (9) required off street parking spaces.
4. **To allow a drive-thru restaurant in an M-2 zone, and less than 200 feet from intersection.**
5. To waive the requirement of a four (4) foot fence.
6. To install two (2) monument signs as follows: one (1) sign 8’ width x 8’ height with a sign area of 8’ x 5’ = 40 sq. ft. and a two (2) foot setback from the Dequindre property line and one (1) sign 8’ width x 8’ height with a sign area of 8’ x 5’ = 40 sq. ft. and a two (2) foot setback from the Eleven Mile property line.
7. Install wall signs as follows:
 - a) Three (3) wall signs on the building, 12’ x 1’6” = 18 sq. ft. each, total 54 sq. ft.
 - b) Three (3) canopy signs, 9’ x 1’3” = 11.25 sq. ft. each, total 33.75 sq. ft.
 - c) Four (4) pump signage 2.87 sq. ft. each, total 11.50 sq. ft.
 - d) Two (2) menu board signs on building, 3’ x 4’ = 12 sq. ft. each, total 24 sq. ft.

TOTAL WALL SIGNAGE OF 123.25 SQ. FT.

Reasons being: Uniqueness of the Property and Not a Detriment to the Area.

Board Member Fisher Supported the motion.

Chairman Nestorowicz stated there is a motion by Board Member Anglin and Support by Board Member Fisher 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 (8 – 0).

Board Member Anglin	Yes, for the reasons stated in the motion.
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 Pauta	Yes, for the reasons stated in the motion, (Inaudible)
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Sophiaea	Yes, for the reasons stated in the motion.

Secretary S. Brasza
Chairman Nestorowicz

Yes, for the reasons stated in the motion.
Yes, for the reasons stated in the motion.

The petitioner's request is **GRANTED.**

Mr. Ron Jona thanked the Board and stated they are thankful for helping them find a plan that worked; they agree it was a better plan.

14. NEW BUSINESS

No new business.

15. ADJOURNMENT

Motion:

Secretary S. Brasza made the motion to adjourn the meeting and supported by Board Member Sophiea.

Voice Vote:

A voice vote was taken on the motion. The motion carried (8 – 0).

The meeting was adjourned at 9:24 p.m.

Sherry Brasza
Secretary of the Board