



Zoning Board of Appeals  
Office of the City Council  
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Roman Nestorowicz, Chairman  
Judy Furgal, Vice-Chairwoman  
Sherry Brasza, Secretary  
Jeremy F. Fisher, Asst. Secretary  
Ann Pauta  
Henry Brasza  
Charles Anglin  
Albert M. Sophiea  
Jeremy Wallace

## AGENDA

A Regular Meeting of the Zoning Board of Appeals – **Wednesday, August 10, 2016** at **7:30 p.m.** in the Warren Community Center Auditorium, 5460 Arden, Warren, MI 48092.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPTION OF THE AGENDA
5. APPROVAL OF THE MINUTES OF THE **Regular Meetings of July 27, 2016.**
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.

- 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.

**ORDINANCES 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.

- 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.

9. PUBLIC HEARING:	<b>APPLICANT: Parcel Lorna Corporation</b>
REPRESENTATIVE:	Mr. Bruce Kopitz, President
COMMON DESCRIPTION:	<b>28505 Lorna Avenue</b>
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.

- 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.

- 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.

12. PUBLIC HEARING:	<b>APPLICANT: Visa Development</b>
REPRESENTATIVE:	William J. Thompson
COMMON DESCRIPTION:	<b>24580 Dequindre</b>
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).

<b>13. PUBLIC HEARING:</b>	<b>APPLICANT: Oke Development LLC / Charles Oke and Hasan Bazzi <del>–USE–</del></b>
REPRESENTATIVE:	The Ron Jona Collaborative / Mr. Ron Jona
COMMON DESCRIPTION:	<b>1950 E Eleven Mile</b>
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.

#### 14. NEW BUSINESS

#### 15. ADJOURNMENT

Sherry Brasza  
Secretary of the Board