



Steve Watripont, Chairman
Judy Furgal, Vice-Chairwoman
Roman Nestorowicz, Secretary
Sherry Brasza, Asst. Secretary
Ann Pauta
Henry Brasza
Richard Tabbi III
Charles Anglin
Jeremy Fisher

Zoning Board of Appeals
Office of the City Council
5460 Arden, Ste. 505
Warren MI 48092
Ph. (586)258-2060
Fax: (586)268-0606

AGENDA

A Regular Meeting of the Zoning Board of Appeals – Wednesday, **November 18, 2015** at **7:30 p.m.** at 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 Meeting of October 14, 2015 and Special Meeting of October 28, 2015.**
6. PUBLIC HEARING
APPLICANT: Richard & Patricia Osantowski
(Rescheduled from 9/23/15)
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 31917 Regal
LEGAL DESCRIPTION: 13-01-401-013
ZONE: R-1-C

VARIANCES REQUESTED: Permission to:

Replace an existing wood fence with a new wood fence 5' 15/16" in height along the Masonic property line as per the plan, without the ten (10) foot setback at driveway. Starting at the north east corner of the house going 42.5' toward Masonic then 107.04 feet along the Masonic property line. Total 149.54 linear feet.

ORDINANCES and REQUIREMENTS:

Section 4D.33 (b): Corner lot privacy fences: A privacy fence is permitted on corner lots provided that if the fence abuts any driveway, including driveways on adjacent property, the fence shall be set back a minimum of ten (10) feet from the intersection of the property line and the driveway providing a clear vision zone area. The portion of the fence set back a minimum of ten (10) feet, may be angled away from the driveway or installed perpendicular to the driveway. The clear vision zone area is required to provide for the unobstructed vision of a driver exiting the driveway.

7. PUBLIC HEARING

APPLICANT: Shiloh Industries, Inc/

J.P. Tillie LLC

(Rescheduled from 9/23/15)

REPRESENTATIVE:

JP Tillie LLC/Timothy J. Zawodny, R.A.

COMMON DESCRIPTION:

27101 Groesbeck Highway

LEGAL DESCRIPTION:

13-13-478-009 (13-13-478-010)

ZONE:

M-2

VARIANCES REQUESTED: Permission to:

Waive an additional 3,377 sq. ft. of required off-street parking in addition to the 60,336 sq. ft. waived by the ZBA on 6/11/2003 for outdoor storage areas.

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (h) Item 23: One (1) square foot of parking area required for each sq. ft. of floor area for buildings in an M-2 District.

8. PUBLIC HEARING

APPLICANT: Oke Development LLC/

Charles Oke and Hasan Bazzi

(Rescheduled from 10/14/15)

REPRESENTATIVE:

The Ron Jona Collaborative/Mr. Ron Jona

COMMON DESCRIPTION:

1950 East Eleven Mile

LEGAL DESCRIPTION:

13-19-101-001

ZONE:

M-2

VARIANCES REQUESTED: Permission to:

Redevelop a site with the following variance requests:

1. Hard surface to no less than one (1) foot of the front (Dequindre) property line, allow a canopy to no less than twenty-one (21) feet of the front (Dequindre) property line and gas pumps to no less than twenty-five (25) feet of the front (Dequindre) property line as per the plan.
2. Construct a new building to no less than two (2) feet of the rear (east) property line as per the plan.
3. Construct a new building to no less than 14.4' of the side (south) property line as per the plan.
4. Allow hard surfacing to no less than one (1) foot for the 11 Mile (north) property line as per the plan.
5. Waive fourteen (14) required off street parking spaces.
6. Install two (2) ground signs as follows: one (1) ground sign 20' in height, 10' under clearance with a two (2) foot setback from the Dequindre property line as per the plan and one (1) ground sign 20' in height, 10' under clearance with a two (2) foot setback from the 11 Mile property line as per the plan.
7. Install wall signs as follows:
 - a. One (1) wall sign on the building, 14' x 1.5' = 21 sq. ft. as per the plan.
 - b. One (1) wall sign on the building, 14' x 1.25' = 17.5 sq. ft. as per the plan.
 - c. Two (2) canopy sign; 9.33' x 1.25' = 11.66 each, total 23.3 sq. ft. as per the plan.
 - d. Six (6) pump toppers; 1.5 sq. ft. each
 - e. Six (6) M Decal; .56 sq. ft. each
 - f. Six (6) Fueling for American Spirit; .41 sq. ft. each
 - g. Six (6) STP label; .33 sq. ft. each

h. Six (6) Gasoline with Additives; .068 sq. ft. each

Total on six (6) pumps of 17.22 sq. ft.

Total wall signage of 79.02 sq. ft.

- 8. Allow a new building to be constructed to no less than twenty (20) feet of the 11 Mile property line, canopy to no less than twenty-three (23) feet of the 11 Mile property line; gas pumps to no less than thirty-eight (38) feet of the 11 Mile property line; and pavement to no less than two (2) feet of the 11 Mile property line.

ORDINANCES and REQUIREMENTS:

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 17.02 Paragraph (b): Industrial Standards. Side and rear yards M-2: Shall be twenty (20) feet each.

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

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 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. 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 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 or a corner lot...

- 9. PUBLIC HEARING REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

APPLICANT: Produce Palace International
Mr. Kerm Billette PCP
29300 Dequindre
13-07-351-002
C-1

VARIANCES REQUESTED: Permission to:

Retain two (2) 60 sq. ft. changeable copy signs (B & C) below the 168 sq. ft. ID sign approved by the ZBA 12/28/1973 and 12/13/2000, with a 9 foot under clearance, 39' 6" in overall height with a 3' setback from Dequindre property line as per the plan. Total 288 sq. ft. ground sign.

ORDINANCES and REQUIREMENTS:

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

Section 4A.19: All freestanding signs shall have a clearance of ten (10) feet beneath the sign structure.

Section 4A.11, Item (7): Changeable Copy Sign. A sign whose informational content can be changed or altered by manual, electric, electro-mechanical or electronic means.

13. PUBLIC HEARING

**APPLICANT: NC Designers & Contracting
Inc./Naser Choucair-USE-**

REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 21600 Dequindre
LEGAL DESCRIPTION: 13-31-301-001
ZONE: M-2 & R-1-P

VARIANCES REQUESTED: Permission to:-USE-

1. Allow a truck repair adjacent to residential zones on the north, east and south, as per the plans.
2. Allow truck parking on the R-1-P zone on the property as per the plans.
3. Waive the required wall along the north and south property lines.

ORDINANCES and REQUIREMENTS:

Section 14.01 Paragraph (j): Uses permitted. Auto repair shops, including body and fender business, provided that such uses are conducted entirely within an enclosed building, and provided further that such establishments are located at least two hundred (200) feet from any residential district... with a masonry wall facing any such residential district, which shall have sound retarding insulation, shall have no doors other than any door required by law as a fire exit, and shall have no windows but may have glass block areas to transmit light.

Section 8.01 Uses in R-1-P (a): uses permitted in R-1-C; (b) parking of private passenger motor vehicles.

Section 2.26 (a): wall or greenbelt requirements adjacent to residential uses.

14. PUBLIC HEARING

**APPLICANT: Mr. Daniel Blake/
Dedicated Machine**

REPRESENTATIVE: Mr. William Baldner, Architect
COMMON DESCRIPTION: 6855 Miller Drive
LEGAL DESCRIPTION: 13-04-401-004
ZONE: M-2

VARIANCES REQUESTED: Permission to:

Construct a building addition 60' x 6' = 360 sq. ft. addition to no less than 16' of the west property line as per the plan.

ORDINANCES and REQUIREMENTS:

Section 17.02 Paragraph (b): Side yards and rear yards. M-2, 20 feet each.

15a. PUBLIC HEARING

APPLICANT: JJN LLC

REPRESENTATIVE: Mr. Jeffrey Najor
COMMON DESCRIPTION: 21944 Schoenherr
LEGAL DESCRIPTION: 13-36-151-003
ZONE: M-1

APPEAL REQUESTED:

Appeal of the administrative determination of Everett Murphy, City of Warren Zoning Inspector that medical marijuana cultivation is not a permitted use in the City of Warren.

ORDINANCES and REQUIREMENTS:

Section 20.06 Appeals from administrative order, requirement, decision or determination: An appeal may be taken to the Zoning Board of Appeals from an administrative order, requirement, decision or determination made by an administrative official or body charged with enforcement of a zoning ordinance. The appeal may be filed by a person with a legal interest in the property that is the subject of the order, requirement, decision or determination; or by an officer, department, board or bureau of the state or local unit of government; or by a person aggrieved by an order, requirement, decision or determination made by an administrative official or body charged with enforcement of a zoning ordinance.

Section 20.07 Time to file appeal: An appeal shall be filed within thirty (30) days of the date the administrative order, requirement, decision or determination is made by an administrative official or body charge with enforcement of a zoning ordinance.

15b. PUBLIC HEARING	APPLICANT: JJN LLC
REPRESENTATIVE:	Mr. Jeffrey Najor
COMMON DESCRIPTION:	21966 Schoenherr
LEGAL DESCRIPTION:	13-36-151-003
ZONE:	M-1

APPEAL REQUESTED:

Appeal of the administrative determination of Everett Murphy, City of Warren Zoning Inspector that medical marijuana cultivation is not a permitted used in the City of Warren.

ORDINANCES and REQUIREMENTS:

Section 20.06 Appeals from administrative order, requirement, decision or determination: An appeal may be taken to the Zoning Board of Appeals from an administrative order, requirement, decision or determination made by an administrative official or body charged with enforcement of a zoning ordinance. The appeal may be filed by a person with a legal interest in the property that is the subject of the order, requirement, decision or determination; or by an officer, department, board or bureau of the state or local unit of government; or by a person aggrieved by an order, requirement, decision or determination made by an administrative official or body charged with enforcement of a zoning ordinance.

Section 20.07 Time to file appeal: An appeal shall be filed within thirty (30) days of the date the administrative order, requirement, decision or determination is made by an administrative official or body charge with enforcement of a zoning ordinance.

15c. PUBLIC HEARING	APPLICANT: JJN LLC
REPRESENTATIVE:	Mr. Jeffrey Najor
COMMON DESCRIPTION:	21956 Schoenherr
LEGAL DESCRIPTION:	13-36-151-003
ZONE:	M-1

APPEAL REQUESTED:

Appeal of the administrative determination of Everett Murphy, City of Warren Zoning Inspector that medical marijuana cultivation is not a permitted used in the City of Warren.

ORDINANCES and REQUIREMENTS:

Section 20.06 Appeals from administrative order, requirement, decision or determination: An appeal may be taken to the Zoning Board of Appeals from an administrative order, requirement, decision or determination made by an administrative official or body charged with enforcement of a zoning ordinance. The appeal may be filed by a person with a legal interest in the property that is the subject of the order, requirement, decision or determination; or by an officer, department, board or bureau of the state or local unit of government; or by a person aggrieved by an order, requirement, decision or determination made by an administrative official or body charged with enforcement of a zoning ordinance.

Section 20.07 Time to file appeal: An appeal shall be filed within thirty (30) days of the date the administrative order, requirement, decision or determination is made by an administrative official or body charge with enforcement of a zoning ordinance.

- | | |
|---------------------|--|
| 16. PUBLIC HEARING | APPLICANT:Macomb Supreme Industrial LLC |
| REPRESENTATIVE: | Ms. Denise A. Pollicella |
| COMMON DESCRIPTION: | 14009 Achyl |
| LEGAL DESCRIPTION: | 13-24-354-001 |
| ZONE: | M-1 |

APPEAL REQUESTED:

Appeal of the administrative determination of Everett Murphy, City of Warren Zoning Inspector that medical marijuana cultivation is not a permitted used in the City of Warren.

ORDINANCES and REQUIREMENTS:

Section 20.06 Appeals from administrative order, requirement, decision or determination: An appeal may be taken to the Zoning Board of Appeals from an administrative order, requirement, decision or determination made by an administrative official or body charged with enforcement of a zoning ordinance. The appeal may be filed by a person with a legal interest in the property that is the subject of the order, requirement, decision or determination; or by an officer, department, board or bureau of the state or local unit of government; or by a person aggrieved by an order, requirement, decision or determination made by an administrative official or body charged with enforcement of a zoning ordinance.

Section 20.07 Time to file appeal: An appeal shall be filed within thirty (30) days of the date the administrative order, requirement, decision or determination is made by an administrative official or body charge with enforcement of a zoning ordinance.

- 17. NEW BUSINESS
- 18. ADJOURNMENT

Roman Nestorowicz
Secretary of the Board