

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
December 09, 2015

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, December 09, 2015 at 7:30 p.m. in the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

Steve Watripont, Chairman
Judy Furgal, Vice-Chairwoman
Roman Nestorowicz, Secretary
Sherry Brasza, Assistant Secretary
Henry Brasza
Charles Anglin
Jeremy F. Fisher

Members of the Board absent:

Ann Pauta
Richard Tabbi III

Also present:

Roxanne Canestrelli, City Attorney
Everett Murphy, Acting Chief Zoning Inspector

1. CALL TO ORDER

Chairman Watripont called the meeting to order at 7:33 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Chairman Watripont stated the Board received notice that Board Member Tabbi had a work function tonight.

Motion:

Secretary Nestorowicz made the motion to excuse Board Member Tabbi from the meeting; Supported by Board Member H. Brasza.

Voice Vote:

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

4. ADOPTION OF THE AGENDA

Secretary Nestorowicz stated there are two (2) items to be rescheduled at this time.

Chairman Watripont stated to move forward as discussion on the agenda.

Secretary Nestorowicz stated the Board received two (2) requests for two (2) reschedules. First one, being item **number 6**, which is the Applicant at: *TGM Properties, LLC*; the Board received a request from the petitioner that they wanted to reschedule that to the March 9th, 2016 meeting.

Chairman Watriont asked if there was a motion to reschedule **Item Number 6, to March 9th, 2016.**

Motion:

Board Member S. Brasza made the motion to **RESCHEDULE** public hearing item number 6, TGM Properties, LLC to March 9th, 2016; Supported by Board Member Anglin.

Voice Vote:

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

Chairman Watriont stated to the audience that if anyone was present for item number 6, it is being rescheduled for **March 9th, 2016;** they will not be noticed again for it and this is their notice, which is when it will be scheduled and heard.

Secretary Nestorowicz stated the second item, they received a request that **item number 15**, which is the Applicant for: Mr. Arkan Alton, L.A. Motors, they requested for that to be rescheduled to the **January 13th, 2016** meeting.

Chairman Watriont asked if there was a motion to reschedule that. He knows they (Applicant) were waiting for the Planning minutes and everything before they appeared before the Board; that is the reason it is being delayed a month.

Motion:

Board Member Anglin made the motion to **reschedule** public hearing **item number 15, to January 13th, 2016;** Supported by Board Member S. Brasza.

Voice Vote:

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

Chairman Watriont stated the Adoption of the Agenda with the amendments.

Motion:

Board Member S. Brasza made the motion to Approve the Agenda as Amended with the adjustments to items 6 and 15; Supported by Board Member Fisher.

Voice Vote:

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

5. APPROVAL OF THE MINUTES OF the **Regular Meeting of October 14, 2015** and the

Regular Meeting of November 18, 2015.

Motion:

Board Member S. Brasza made the motion to approve the minutes of the Regular Meeting of October 14, 2015 and November 18, 2015; Supported by Secretary Nestorowicz.

Chairman Watriont stated motion to approve, made by Board Member S. Brasza and Support by Secretary Nestorowicz, for both meetings.

Voice Vote:

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

6. PUBLIC HEARING

APPLICANT: TGM Properties, LLC-USE-

(Rescheduled from 5/27/15, 7/8/15, 8/26/15)

REPRESENTATIVE:

Mr. Robert J. Tobin

COMMON DESCRIPTION:

26160 Groesbeck

LEGAL DESCRIPTION:

13-24-253-005

ZONE:

C-3 and 30 ft. "P" Zone along Groesbeck

VARIANCES REQUESTED: Permission to: -USE-

1. Allow a non-confirming residential building to be used as a beauty salon existing at no less than 8' of the north property line.
2. Allow a 100' x 245' storage area for towed vehicles in a C-3.
3. Eliminate hard surfacing in the vehicle storage area, allowing MDOT 22 A GR., but we are providing site storm water drainage of this lot.

ORDINANCES and REQUIREMENTS:

Section 4.17 (a): a non-confirming building...or use thereof shall NOT be structurally changed, altered or enlarged...

Section 15.07 Side yards on interior lot lines: Side yards in C-3 are not required along an interior side lot line where all walls of buildings, abutting upon such interior side lot line are wholly without windows. If windows or openings are provided, a side yard of not less than ten (10) feet shall be provided.

Section 15.01 Uses in C-3 (b): Storage yards are not allowed in C-3.

Section 17.02 (s): Open storage may not exceed 50% of the gross floor area...

Section 17.02 (s): The designated area shall always be hard surfaced...

This matter was **RESCHEDULED** to **March 9th, 2016**, pursuant to Representative's written request.

7. PUBLIC HEARING

APPLICANT: Hope Lutheran Church of Warren

REPRESENTATIVE:

Mr. John Hayman & Mr. Jeff Meisegeier

COMMON DESCRIPTION:

32400 Hoover

LEGAL DESCRIPTION: 13-02-151-001
ZONE: M-1

VARIANCES REQUESTED: Permission to:

Install six (6) banners 3' x 5' = 15 sq. ft. each on six (6) light poles as per the plans.

ORDINANCES and REQUIREMENTS

Section 4A.31 Paragraph (d): Permitted non residential uses: One (1) freestanding and one (1) wall sign not to exceed thirty-two (32) square feet in sign area for each sign for permitted non-residential uses including churches...

Chairman Watripont asked the individual at the podium to state his name and address for the record.

John Hayman, 32400 Hoover, Hope Lutheran Church; appeared before the Board.

Chairman Watripont thanked Mr. Hayman and asked the reason for the petition.

John Hayman stated they have a 50th Anniversary and a 500th Anniversary from a reformation for their church and they want to put up the banners on the light poles at their back parking lot for a period of time.

Chairman Watripont stated the Board received copy of the banners; this is a public hearing, anyone wishing to speak on this item; hearing and seeing none, he turned the matter over to the Board. He asked Mr. Hayman on how long they plan on having these up?

John Hayman stated they would have it up basically as soon as the Board approves it, until October 31, 2017, which is the 500th Anniversary since reformation.

Chairman Watripont stated so essentially two (2) years?

John Hayman stated essentially two (2) years, yes.

Board Member S. Brasza stated these banners, beautiful colors too, would they be on both the north and south side of Twelve Mile? She means Hoover, east and west?

John Hayman stated it is Hoover, on the north and south side of their building; it is not on the street.

Board Member S. Brasza stated oh, it is on their building.

John Hayman stated it is actually on the light poles in the parking lot, which is behind the building.

Board Member S. Brasza stated beautiful and thanked Mr. Hayman.

Board Member Anglin stated they are looking to use these for two (2) years, but when they grant them permission here to do that, was that not considered a permanent grant to do that, which means at two (2) years, if they wanted to pull them down, put the same facsimile of size and sign back up?

Chairman Watriont stated the Board could limit it on a sign for a specific purpose; they have done it before with Art Van, it is an announcement type of sign that exceeds other limits; it is not a permanent and that is why he asked the first question on how long they plan on having it.

Board Member Anglin thanked the Chair.

Board Member S. Brasza stated if there was no further discussion, she would like to make a motion.

Motion:

Board Member S. Brasza made the motion to approve the petitioner's request to: Install six (6) banners 3' x 5' = 15 sq. ft. each on six (6) light poles as per the plans.

With the Condition(s): That the banners may remain only through November 1st, 2017.

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

Board Member Anglin supported the motion.

Chairman Watriont stated there is a motion by Board Member S. Brasza, Supported by Board Member Anglin; with discussion by Secretary Nestorowicz.

Secretary Nestorowicz stated his only point of discussion is that the motion did not state the end time for the signs. If he heard correctly, it is October 2017 is when they would come down, correct?

John Hayman stated that is correct.

Chairman Watriont stated he would not mind giving them an extra month in order to...

Roxanne Canestrelli, City Attorney stated November 1st.

Chairman Watriont stated November 1st or something like that.

Secretary Nestorowicz stated then could they add onto the motion saying that it is through November 1, 2017?

Board Member S. Brasza stated through November 1st, 2017. **(The Condition was added to the initial motion)**

John Hayman stated they would appreciate that.

Board Member S. Brasza asked Board Member Anglin if he supports that.

Board Member Anglin stated he supports that.

Chairman Watripont thanked the Board and stated they have a motion to approve the variance as requested, the special banners until November 1st, 2017. He asked for Roll Call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (7-0).

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

The Petitioner's request has been **GRANTED** as written, with the **Condition(s):**
That the banners are to remain up through November 1st, 2017.

8. PUBLIC HEARING	APPLICANT: Russell Meuchel
REPRESENTATIVE:	Same as above
COMMON DESCRIPTION:	13038 Burgundy Avenue
LEGAL DESCRIPTION:	13-23-277-007
ZONE:	R-1-C

VARIANCES REQUESTED: Permission to:

Retain a six (6) foot chain link fence with black mesh attached for privacy as per the plan.

ORDINANCES and REQUIREMENTS

Section 4D.01 Definitions: Privacy fence means a decorative fence constructed of a solid material such as wood, vinyl, or other material that obscures view and provides privacy from without.

Section 4D.32 Specifications for residential areas: Fences in residential areas shall not exceed four (4) feet in height and may be construction of either metal, iron, chain link, wire, ornamental aluminum, vinyl or sold 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 4D.33 Privacy fences on interior lots (a): On interior lots in residential areas, privacy fences may be located on the lot line or immediately adjacent thereto and may be construct not more than six (6) feet in height above the established grade of the property...

Chairman Watriont asked the individual at the podium to state his name and address for the record.

Russell Meuchel, 13038 Burgundy Avenue; appeared before the Board.

Chairman Watriont asked the reason for his petition.

Russell Meuchel stated basically he had a four (4) foot, chain link fence and it has been there for a very long time since before he had moved in, seventeen (17) years ago and basically he worked with a licensed contractor and when he increased the height to six (6') feet, he reused the existing holes, so that he was not creating a new wall on his neighbor's property or his property and he had knocked on the door of both of his next door neighbors as well as the house behind him and they all said yes that was fine if he liked to do that; and two of those three neighbors are present with him today and they said that they liked the fence and would like to keep it up and his other next door neighbor, she wrote him a little letter saying yes, it was fine and they liked it and it still has a nice clean look, so he does not think it is really causing any disruption to the neighborhood.

Chairman Watriont stated this is a public hearing, anyone wishing to speak on this matter, to please approach the podium.

Stacy Essen, appeared before the Board and stated she lives directly behind him (Mr. Meuchel)

Chairman Watriont asked Ms. Essen to speak closer to the Mic, so it gets recorded.

Stacy Essen stated she lives directly behind him and they asked permission before they did it and now that it is up, it looks very nice and clean; she thinks it looks better than most of the fences that they already have, so, they would like it to stay up because they were thinking if they could do the same thing, because it does look nice and so they would hate to see it go down. That is all they wanted....they have a double lot, so they have no issue with it, they like it, so they would prefer that it stays the way it is.

Chairman Watriont thanked Ms. Essen.

Jordan Polak appeared before the board and stated he is next door to Russ and they enjoy the fence. It is a very nice looking fence and hope that they approve the request.

Chairman Watripont thanked Mr. Polak.

Craig Everett 13039 Burgundy Avenue appeared before the Board and stated that he lives directly across the street and he absolutely has no problem with the fence at all; it looks very nice from his advantage point.

Chairman Watripont thanked Mr. Everett. Hearing and seeing no one else, he turned the matter over to the Board. His problem with it is that he asked his neighbors' permission but he did not ask the City permission and pull the permits and everything and that is why he is before the Board. Otherwise, he would have been before the Board ahead of time and done so, so, his one neighbor who was thinking about doing it, to make sure they go through the process and appear before the Board ahead of time before they do it., please. He asked anyone else on the Board?

Board Member Anglin stated his only concern with it is that the reason they have a Code—in his understanding—with the four (4') foot fence, is to be able, if they have a fire from one section to another, if the garage is on fire and the fences are locked or whatever, there is some access to getting over them, in and out of a property line; now if they have a six (6') foot fence, it makes it a little more difficult. He was wondering if the Building Department had some suggestion on what that code is. He is trying to go by memory...

Chairman Watripont stated they do allow six (6') foot privacy fence, just not the six (6') foot cyclone fences in the City. He does not know if Mr. Murphy wants to expand on that anymore?

Everett Murphy, Acting Chief Zoning Inspector stated he thinks he (Chair) covered it pretty well.

Chairman Watripont thanked Mr. Murphy.

Secretary Nestorowicz stated if there was no further discussion, he would like to make a motion, because actually he thinks it looked fine when he drove by the house from the street; it actually looked good.

Motion:

Secretary Nestorowicz made the motion to approve the petitioner's request to: Retain a six (6) foot chain link fence with black mesh attached for privacy as per the plan.

Reason being: Not a Detriment to the Area and Needs Approval of the Board.

Board Member H. Brasza supported the motion.

Chairman Watripont stated motion by Secretary Nestorowicz to grant the variance as requested, and Supported by Board Member H. Brasza. He asked for Roll Call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (7-0).

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

The Petitioner's request has been **GRANTED** as written.

9. PUBLIC HEARING
REPRESENTATIVE: Mr. James Hall
COMMON DESCRIPTION: 27085 Bonnie Drive
LEGAL DESCRIPTION: 13-14-353-033
ZONE: R-1-C

APPLICANT: FunSpace Direct, LLC / James Hall

VARIANCES REQUESTED: Permission to:

Construct a 12' x 22' Patio Cover (264 sq. ft.) in the rear yard in addition to a 21.9' x 24.4' attached garage and a 11.9' x 19.9' enclosed porch for a total 1,035.17 square feet of accessory structures.

ORDINANCES and REQUIREMENTS:

Section 5.01 – Paragraph (i): ...All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

Chairman Watripont stated to the individual at the podium to state his name and address for the record.

James Hall, 20400 Hall Road, Clinton Township, Michigan, 48038; appeared before the Board.

Chairman Watripont asked the reason for his petition.

James Hall stated the homeowner at 27085 Bonnie Drive, sent his apologies as he has a class on Wednesday nights and could not be present, but he has asked them to put up a patio cover adjacent to his existing sunrooms, so he could continue the cover of that back of the house. When the application was made to the Building Department,

they informed them that a patio cover—even though it is attached—is also considered an accessory structure, which they do not normally run into that because once it is attached, most areas say, it is more of a lot usage variance than it would be an accessory usage. Also, the fact that attached garage is considered an accessory; just as not something that they have run into before. Homeowner... basically this is an awning; it will project out twelve (12') feet from the house and along the covered patio, or the area that is existing concrete patio, it is going to cover the twenty-two (22') feet, starting from the edge of the sunroom and going to the edge of the house. This is particularly just a sunshade, there is no walls, there is no availability to put walls underneath this; he just would like to use the patio in the intense sun and under the rain conditions, so forth, so that he could enjoy that area just a little bit more than he does right now.

Chairman Watriont stated this is a public hearing, anyone wishing to speak on this item. Hearing and seeing none, he turned the matter over to the Board.

Board Member S. Brasza asked what the material is; is it vinyl, is it aluminum?

James Hall stated it is aluminum; they do everything in a Foard quarter inch—what they call a—structural insulated panel; the outside is clad aluminum it is laminated with EPS foam, so it is structural in nature, she could get up there and dance a jig on Irish day if should would like (smiling).

Board Member S. Brasza asked and his existing, is that also aluminum?

James Hall stated that yes, it is aluminum, so it is just going to carry on and it is a white roof.

Board Member S. Brasza thanked Mr. Hall. She stated if there was no further discussion...

Motion:

Board Member S. Brasza made the motion to approve the petitioner's request to: Construct a 12' x 22' Patio Cover (264 sq. ft.) in the rear yard in addition to a 21.9' x 24.4' attached garage and an 11.9' x 19.9' enclosed porch for a total 1,035.17 square feet of accessory structures.

Reason being: Due to Size and Shape of the Lot and Not a Detriment to the Area.

Board Member Anglin supported the motion.

Chairman Watriont stated a motion by Board Member S. Brasza; Supported by Board Member Anglin, to allow the variance as requested, due to Not a Detriment to the Area, and Size and Shape of the Lot. He asked for Roll Call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (7-0).

Board Member 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 Fisher	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

The Petitioner's request has been **GRANTED**, as written.

James Hall thanked the Board and wished them Happy Holidays.

10. PUBLIC HEARING

**APPLICANT: Night Star Saodem Café & -USE-
Karakaoke, Inc**

REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

Mr. Michael Hai Trong Nguyen
3854 13 Mile Road
13-07-227-014
C-1

VARIANCES REQUESTED: Permission to: -USE-

Allow a Class C restaurant in a C-1 Zone.

ORDINANCES and REQUIREMENTS:

Section 13A.01 Paragraph: Uses Permitted. ...no building or land, except as otherwise provided..., shall be erected or altered except for one or more of the following specified uses: (c) restaurants or tea rooms without class c license for liquor.

Section 14.01 Uses permitted in C-2: Paragraph (g): Class C establishments as defined in Section 2.70 of this ordinance, taverns as defined in Section 2.71 of this ordinance.

Section 2.70: Class C liquor license establishment: A Class C Liquor establish shall mean any place licensed by the State of Michigan Liquor Control Commission to sell at retail beer, wine and spirits for consumption on the premises.

Chairman Watripont stated this is a Use Variance, they require six (6) affirmative votes, the Board does have two (2) members absent today, so they only have seven members present; if they wish to reschedule this, they will allow them to do that at this time and go forward, or if they want to go forward, the Board could do that at this point and time.

Seth Tomkins, Attorney, appeared before the Board and stated that he is the attorney on behalf of the Applicant and they would like to go forward at this time, answer any questions the Board has and give them the reasons for why they would like the variance.

Chairman Watripont stated okay; could he have Mr. Nguyen...

Mr. Michael Hai Trong Nguyen appeared before the Board and stated that he is the owner of the place.

Chairman Watripont stated okay and to please state his reasons...he thinks he got the addresses and names in...

Seth Tomkins, Attorney stated he got the address in; this restaurant has been operating at this location since about 2007/2008, it has been operated by Michael and his wife since that time; it is actually a very nice restaurant, it is a Vietnamese restaurant, Asian food, great noodles. They do karaoke there, there is live music from time to time, and it is generally family-friendly place. Michael inquired several years ago at his office how to go about getting the place licensed with a Class C Liquor License, and at that time they decided not to go forward with it; he came to him then about ten (10) months ago and they started the process. It was not until recently that they realized that this was actually in a C-1 Zone; they had assumed when they started this, that this was going to be licensed as a matter of right because there is a liquor license business right across the street, and actually in the shopping center where they are at, there is a liquor store, so in general they do not think that it is going to change the overall outlook of this particular location, it is not going to change the overall plan of the city for this particular location, and in fact, they think that without having this Use Variance requested, the actual use of this property is not going to be as productive as it would be as if he was allowed to actually serve beer and wine and alcohol because the venue then becomes more popular for the karaoke bar, and there would be a general increase—they hope—in the economic development of this particular business and hopefully adjacent businesses could actually benefit from that. Because there are liquor license establishments at right around this location, they do not think that it actually would have any type of affect on this particular area in the city whatsoever. Really, it would allow—like he said—the venue to be used for private events that it really would not be used for right now, business parties, holiday parties, and private parties for birthdays and stuff like that and that is really why they wanted to get the license in there to expand the business and grow it.

Chairman Watripont thanked Mr. Tomkins and stated this is a public hearing, anyone wishing to speak on this matter. Hearing and seeing none, he turned the matter over to the Board.

Secretary Nestorowicz stated he is actually very familiar with that intersection because it is not far from where he lives and it is very true—he means—across the street from the strip mall, they have the Master's Restaurant, when he knows has a liquor license; on the other side of Ryan, there is the other bar—which name's escapes him at the moment—this should not change the context of that neighborhood, but now, he thinks it would actually be a good addition to it.

Board Member Anglin stated he has to agree, that is in his backyard too, that is right around the corner from him and he does not have an objection for this facility receiving that change in the Code. He would like to make a motion...

Motion:

Board Member Anglin made the motion to approve the petitioner's request to:
Allow a Class C restaurant in a C-1 Zone.

Reason being: Due to it is not a Detriment to the Area, and the Size and Shape of the Lot.

Board Member Fisher supported the motion.

Chairman Watripont stated there is a motion by Board Member Anglin; Supported by Board Member Fisher, reasons being: Not a Detriment to the Area, and Size and Shape of the Lot.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (7-0).

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

The Petitioner's request has been **GRANTED**, as written.

11. PUBLIC HEARING

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

ZONE:

APPLICANT: Mr. Ken Boutillier

Same as above

3690 9 Mile

13-31-226-004

C-1

VARIANCES REQUESTED: Permission to:

Construct a detached garage 28' x 50' = 1400 sq. ft. 12' max at the eaves in addition to an attached garage 17.2' x 20.3' = 349.16 sq. ft. as per the plan. Total of 1,749.16 sq. ft. of access structure.

ORDINANCES and REQUIREMENTS:

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

Chairman Watripont asked the individual at the podium to state his name and address for the record.

Mr. Ken Boutillier, 3690 E. 9 Mile Road, appeared before the Board.

Chairman Watripont asked Mr. Boutillier the reason for his petition.

Mr. Ken Boutillier stated the reason for his petition is to expand an existing legal non-conforming residential dwelling with a detached garage for personal use.

Chairman Watripont stated this is a public hearing, anyone wishing to speak on this item. Hearing and seeing none, he turned the matter over to the Board. He remembers he was there a couple of months ago.

Mr. Ken Boutillier stated one month ago—he believes actually—yes. The current request represents the things that they previously discussed and the reductions that they discussed; this is representing an overall 35% reduction in overall size, which he hope meets all of the Board's expectations for what they would like to construct. It also meets their personal goals as well.

Chairman Watripont stated he does not have the minutes from the meeting before him but he is sure he asked how large his house is.

Mr. Ken Boutillier stated the house is approximately 1800 square feet.

Chairman Watripont stated this is—in his opinion—still large, he does have a large backyard...he will listen to other members at this point and time.

Board Member Fisher stated he remembers when they discussed this before...a number of them were concerned with the size and had discussed maybe cutting the size in half; 35% is a nice size reduction, but it still seems...he is still asking for a total of 1749 square feet of garage space for an 1800 square foot house, which in his opinion is excessive.

Board Member S. Brasza to Mr. Boutillier stated is the 1800 square feet that he is speaking of for his dwelling, including the garage?

Mr. Ken Boutillier stated yes it is....no, no it is not including the garage, there is a room above the garage that that would be including, but it is not including the garage space...(inaudible)

Board Member S. Brasza stated okay; he has a room above his existing garage?

Mr. Ken Boutillier stated yes.

Board Member S. Brasza asked if he knew what the size of that room is.

Mr. Ken Boutillier stated not off hand, he does not have any plans in front of him.

Board Member S. Brasza stated does she assume it is the size of his garage?

Mr. Ken Boutillier stated yes...

Board Member S. Brasza stated 17' x 20'...

Mr. Ken Boutillier stated yes.

Board Member S. Brasza stated so; it is 349 square feet, so they less that from the 1800, and they are looking at a 1400 square foot home.... basically, 1450.

Mr. Ken Boutillier stated it is possible.

Board Member S. Brasza stated it is possible...

Mr. Ken Boutillier stated 1400 square foot home seems extremely small for what they have there though; that is a five (5) bedroom home; five (5) bedroom...

Board Member S. Brasza stated five (5) bedrooms including the ones over the garage?

Mr. Ken Boutillier stated yes...

Board Member S. Brasza stated that is correct.

Mr. Ken Boutillier stated five (5) bedrooms, three (3) bathrooms...

Board Member S. Brasza stated she is speaking of just the structure of the home proper, not the garage, attached garage, it is...

Chairman Watriont stated what it is, is an addition above the attached garage, which is living space.

Board Member S. Brasza asked if it is a two-story home.

Mr. Ken Boutillier stated yes.

Board Member S. Brasza stated okay, so his entrance into the garage above is through a hallway.

Mr. Ken Boutillier stated yes, there is no separate entrance; there is no separate exterior entrance, no.

Board Member S. Brasza stated with a 12 foot garage, what is he...is he planning on putting any storage up in the eaves?

Mr. Ken Boutillier stated yes, he does plan on putting storage in the eaves; all of their personal and seasonal effects. They had a lot of flood damage, so a lot of the things that they store in the basement would be going into that attic storage that would be constructed there. Essentially, almost all of it they lost a lot in the flood that happened.

Board Member S. Brasza stated so the depth...the 28' depths, is that because of...to give her a reason for that.

Mr. Ken Boutillier stated the 28 foot depth, one reason that it is requested is the pad exists there, the second reason that is requested is that is the personal space that they are requesting, mainly with their types of recreational vehicles that he would like to store in there, he does not absolutely need the 28' depth, but it is possible to take a few feet off of that and he does also have a proposal that would represent a 50% reduction in size that they discussed, but he sees absolutely no reason for taking three (3) feet off of the depth of the garage just for that reason; he would very much like to have the property there...

Board Member S. Brasza stated could she ask him what his 50% reduction...within depth would be.

Mr. Ken Boutillier stated the 24 feet; they would be taking 4 feet off of the depth, that is all and to the naked eye, it would almost be immeasurable, he does not see how that provides a detriment to the community at all, if he has 4 additional feet of...

Board Member S. Brasza stated she is having a hard time with the fact of filling an area that large with just personal items when he has a two-car attached garage. She means, literally, that could fit...

Mr. Ken Boutillier stated it is a single attached garage.

Board Member S. Brasza stated that could fit five (5) cars and still have a beautiful work area, all the way across the 50 feet, so that is...

Chairman Watripont stated he also does not like the 12 foot eaves.

Board Member S. Brasza stated yes, she is having a hard time with the size still.

Chairman Watripont stated he believes he asked last time, but for the record, does he have a business he runs out of his house or anything?

Mr. Ken Boutillier stated no, no, the 12 foot eaves was actually a suggestion that was put forth by the Board at their last meeting for the overall reduction of the garage, which he agrees with. Some of their plans—he believes—there was a lot of confusion as to the contractor's plans for 18 feet to the eaves, it was actually misquoted. 12 feet to the eaves is perfectly acceptable to them and they have no issue with that.

Chairman Watripont stated he believes 12' is still too high; most of the garages they allow are 10' to the eaves. He called on Mr. Everett to step up. Mr. Murphy, Mr. Everett Murphy...

Everett Murphy, Acting Chief Zoning Inspector stated it works either way.

Chairman Watripont stated the garages that have been built in the last year, have they had any that have gone over the 10 foot eaves that he could recall?

Everett Murphy, Acting Chief of Zoning Inspector stated not that he could recall and they would have had to come before this Board prior to doing that.

Chairman Watripont stated before their Board as well, okay...and does he know anything on this property and its uses.

Everett Murphy, Acting Chief Zoning Inspector stated he spoke to this gentleman a long time ago, they had both a business and a residence operating out of this property at that time and he told him pick one; it was a legal non-conforming property; it was being used a residence but somehow or another they expanded it and were both running a business and living in the home and he told them they could not do that and this is when he originally wanted the garage and that garage in that time, it was stated to him that they wanted to take a lot of those business items and put those in that garage.

Chairman Watripont asked Mr. Murphy if he knew what type of business that was.

Everett Murphy, Acting Chief Zoning Inspector stated he does not know; that conversation was probably close to a year ago and so when they did have that conversation, they talked about that and he let them know that this is a C-1 property, so this is a commercial property and if they are going to use it as a residence, they could continue that because it had been used as a residence prior to it being zoned a C-1 property. However, if he is going to run the business out of it, then he could not live there, so essentially he told him he had a choice, either to stop operating the business or he has to stop living there, one of two, because he could not do both and that is his knowledge of the property at this point.

Chairman Watriont thanked Mr. Murphy.

Board Member S. Brasza stated she thinks to the Board she is directing this and it is her dilemma that it goes with the property, so, being a C-1 property it is the fine line that they are putting a structure this size on a residential use and at any point, it could turn into a Commercial Entity in a heartbeat. She could see dittoing the size of the original garage and have a four-car garage, a two and a two, but this just seems so...

Board Member Furgal stated Board Member S. Brasza keeps mentioning the size of the garage that he has is only a 349 square feet, that is not...

Board Member S. Brasza stated well he could double it... (voice distant) ... (inaudible)

Board Member Furgal stated that is a single...

Chairman Watriont stated that is a single car garage with little storage space.

Board Member S. Brasza (inaudible)

(Inaudible)

Mr. Ken Boutillier stated it is a single garage.

Board Member Furgal stated he still has all that cement in the backyard; she does not see any reason personally...

Board Member S. Brasza (inaudible)

Board Member Furgal stated it does not matter... (Inaudible)...it is just cement, though putting a building on it. If they think about it, they would like to have a bigger garage, so would you, so would you (pointing to other Board Members), it is crazy and if he has the opportunity and he has a lot this big enough for it, it does not make sense to her to give him such a hard time over this, but they could do what they want.

Board Member Fisher asked what type of business was he running out of that...

Mr. Ken Boutillier apologized and stated he would like to clarify those comments because he believes some of those comments were completely inaccurate. The home was previously owned by a business and the business was allowing them to live in the home, it is part of his wife's—she is a realtor—and she also runs that business for them. They are not operating a business, nor were any businesses ever operated out of the residence. His place of employment is as a stock and commodity trader; obviously he has a home office that he does business with, which consists of a computer, which he is sure a lot of them could relate. So, there are no business items that would be stored in this garage whatsoever, it is completely personal items and there is no business

operating out of the residence, nor does he have any intention of operating any type of business out of this garage facility.

Board Member Fisher stated so the property was previously owned by a business and it was sold to him?

Mr. Ken Boutillier stated yes, that was correct.

Board Member Fisher stated okay, when was it deeded over to him?

Mr. Ken Boutillier stated shortly before he made the request to build this garage, because there was an issue with...they more clearly understood the zoning of this property is when they made this request and they actually—he would not call it an investigation—but they did look into—he guesses—the Zoning Board would look into, if there was ever a business run out of this particular property, they could lose the residential zoning and it would be classified as Commercial at that point. That was not the case, they did go through all of the papers and they found that there was no business operating out of there and that they were perfectly in guidelines for this to be a residential property; however, there were issues expanding it while it was owned by a business. They decided to purchase the property for himself and his family from the business into their personal names; he plans on his family living there, his son goes to school just down the road at the elementary school. and they plan on being productive members of the community and living in this home for a long time to come, not operating a business.

Board Member Fisher asked what type of business previously owned it.

Chairman Watripont stated owned it?

Mr. Ken Boutillier stated a real estate investment firm; it was a real estate investment company that had purchased a lot of properties under business foreclosures and they were renting out the properties; they are in the rental business.

Board Member Fisher stated okay, he still personally believes it is just too big for this lot; he thinks it is too big for personal use.

Mr. Ken Boutillier stated he does not believe it is too big for the lot—he means—there is literally a full size basketball court in the backyard, which he would like to put a garage on; the adjacent building also is next to an old greenhouse, which is substantially smaller than the structure he is proposing there; he does not believe that it is too big for the lot, absolutely not; he is reducing it a lot more from the original size requested because he is not taking advantage of the poured concrete pad that is already there.

Board Member Fisher stated okay.

Secretary Nestorowicz stated he actually thinks that with the reduction since the petitioner was there in October, he went down from over 2100 square feet to 1400

square feet, he reduced it from the 18 foot eaves, down to the 12 foot eaves, he knows many people that want to have a larger garage; to the size of that property, he does not see as an issue putting that structure on that property.

Mr. Ken Boutillier thanked Secretary Nestorowicz.

Board Member S. Brasza stated what about a 10' instead of the 12' and to keep the size as far as 28' x 50?

Chairman Watripont stated he would like to see 10 foot; he still thinks it is a little big.

Board Member Furgal stated she begs to disagree with them. To tell the truth, many vehicles these days have taller things, and if he could not put—for example—his boat in the garage, he is going to have it in the yard, it is better to have it in the garage, so why would they make it so that he could not put his boat in there?

Board Member S. Brasza (Inaudible)...

Board Member Furgal stated well even if he does; sometimes things are tough. They have a garage; her husband cannot get his car into—his pickup truck...

Board Member S. Brasza (Inaudible)

Board Member Furgal stated she does not what their eaves are, but they are short.

Chairman Watripont stated probably 8 foot.

Board Member Furgal stated all she knows is that their garage is not big enough...at all, that is what she knows, and it is a two-car attached garage. She is just saying that life is different than it was when these houses were built.

Chairman Watripont stated he understands all of that.

Board Member Furgal stated and he has the space to do, if he did not have space, she would say fine, but she believes he has gotten the space.

Chairman Watripont called on Mr. Murphy.

Everett Murphy, Acting Chief Zoning Inspector stated he was not the one who prepared this and he is looking at this variance request. The ordinance that was cited, is for residential, this is a C-1 property, this is the incorrect ordinance that was cited; they are not so concerned he thinks with how much accessory structure he has on that property, but they do have rear yard setbacks that do not meet the C-1 with this garage, so he does not actually think that this variance was written up correctly to begin with. Rear yard setback in a C-1 District is 20 feet; he is showing this garage at 7 feet. He thinks

what has happened is the person that wrote this up was thinking residential when they did it that was actually an error. So, this variance is actually incorrect.

Board Member S. Brasza asked what would the side yard be, if the 7...on the C-1.

Everett Murphy, Acting Chief Zoning Inspector stated side yard on the C-1...15 feet.

(Inaudible)

Board Member S. Brasza stated he said 12 foot.

Everett Murphy, Acting Chief Zoning Inspector stated he honestly thinks that this one really is not...they need to take this back and rewrite this correctly and post it correctly and post it correctly.

(Inaudible)

Chairman Watripont stated it has to be reposted?

Everett Murphy, Acting Chief Zoning Inspector stated he believes so.

Mr. Ken Boutillier stated he does have comments on the matter.

(Inaudible discussions)

Mr. Ken Boutillier stated he has some comments on this matter...he believes her name is Lynne; he has gone through this with Zoning and this was part of the variance requested. The reason that is requested...

(Inaudible)

Chairman Watripont stated he wanted to hear this.

(Inaudible discussions)

Mr. Ken Boutillier stated if they were to look at their overall site plan, it is actually where the concrete pad is currently sitting and they were told to come 7 feet out, which is where they are in conforming with. If they would like to expand it 15 feet, he is okay with that; honestly, he just wants the garage built already. He will have more cement poured if that is the case. If they look at the plan, it goes in the corner of the property there and works so that they have a larger backyard for themselves and his son to play in. Moving it...

Board Member S. Brasza stated sir...

Chairman Watripont stated he believes what Mrs. Martin was looking at was the residential, is it 7 feet from the back on...

Board Member S. Brasza stated yes.

Everett Murphy, Acting Chief Zoning Inspector stated well yes, residential; they would have to build 1 foot off the easement with a detached garage, they could do that...

Chairman Watripont stated so...

Everett Murphy, Acting Chief Zoning Inspector stated so, he is assuming he has a 6 foot easement. He is not saying that the Board should not grant this eventually, that is not what he is trying to get at, but what he is saying is it...

Chairman Watripont stated it is not posted properly.

Everett Murphy, Acting Chief Zoning Inspector stated it was not noticed publically the correct way, so although maybe... (inaudible)

Chairman Watripont stated so he think they have to reschedule it...

Everett Murphy, Acting Chief Zoning Inspector stated exactly if they write it up the correct way.

Chairman Watripont stated and he does not think that he would be working on it at this point in time anyways, so...

Mr. Ken Boutillier stated actually he was planning on it if he could still pour the cement...

Chairman Watripont asked if the Board has room in January...and they could repost it for the January meeting...January 13th.

Secretary Nestorowicz stated January 13th, yes.

Chairman Watripont stated okay, it has to be reposted. Does he have a motion to reschedule this to January 13th?

Motion:

Board Member Fisher made the motion to **reschedule** this matter to **January 13th, 2016.**

Board Member S. Brasza supported the motion.

Chairman Watripont stated motion by Board Member Fisher; Supported by Board Member S. Brasza to reschedule this to January 13, 2016.

Voice Vote:

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

Chairman Watripont stated they will reschedule and hear him again on January 13th, which is the Board's next meeting; Everett will work with that to get it reposted with the correct variances. His request with being with the sizes, that he considers going to...he would be willing to go 25' x 50' with 10' eaves, is what his personal opinion would be; that is what he would like to see. They will see him in January.

Mr. Ken Boutillier thanked the Board for their time.

- | | |
|---------------------------|--------------------------------|
| 12. PUBLIC HEARING | APPLICANT: Monica Assad |
| REPRESENTATIVE: | Usama Baalbaki |
| COMMON DESCRIPTION: | 31690 Hoover |
| LEGAL DESCRIPTION: | 13-02-301-015 |
| ZONE: | "PB" |

VARIANCES REQUESTED: Permission to:

1. Replace the top section of an existing freestanding sign with a thirty-six (36) inch x sixty (60) inch LED Message Center, fifteen (15) sq. ft. for a total thirty-three (33) sq. ft. of sign area.
2. Increase the overall height of the freestanding sign to one hundred and four (104) inches, set back to no less than two (2) feet of the front property line.

ORDINANCES and REQUIREMENTS:

Section 4A.14 Prohibited signs; paragraph (a): Signs that utilize flashing, blinking, intermittent or moving lights.

Section 4A.33 – Signs permitted in PB Districts paragraph (b): One on-premise sign or advertising display of a size **not exceeding twelve (12) square feet in area for each business on the premises** shall be allowed in professional business districts and special service districts.

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

Chairman Watripont asked the individual at the podium to state his name and address for the record.

Usama Baalbaki, 8827 Marc Twain, Detroit, MI 48228, appeared before the Board.

Chairman Watripont asked the reason for his petition.

Usama Baalbaki stated they are replacing the top part with a digital LED sign message board.

Chairman Watriont stated and they are increasing the overall height?

Usama Baalbaki stated well, because of the limitation on those kinds of signs, they usually come in a particular size. The closest size they could get those signs are, 3' x 5' and as the Board could see, it is less in width, but 4" more in height, so it kind of comes out to the same square footage, which is 15 square feet.

Chairman Watriont stated this is a public hearing, anyone wishing to speak on this matter. Hearing and seeing none, he turned the matter over to the Board.

Board Member S. Brasza stated she has a somewhat difficult time knowing what a dentist office would need a digital sign for or a message center board; they know they do not flash and scrawl and...

Usama Baalbaki stated yes.

Board Member S. Brasza stated and do not change but every what is it, three (3) minutes...

Secretary Nestorowicz stated once every five (5) minutes.

Board Member S. Brasza stated every five (5) minutes.

Usama Baalbaki stated yes, they are aware of that.

Board Member S. Brasza stated of course, they just gave one to Menards but they are doing flashing and blinking by the way...Could she ask what kind of things they say? She means do they have specials or?

Usama Baalbaki stated yes.

Board Member S. Brasza stated oh you do? (Laughter) She thanked Mr. Baalbaki.

Secretary Nestorowicz stated if there is no other discussion ...

Motion:

Secretary Nestorowicz made the motion to approve the petitioner's request to:

1. Replace the top section of an existing freestanding sign with a thirty-six (36) inch x sixty (60) inch LED Message Center, fifteen (15) sq. ft. for a total thirty-three (33) sq. ft. of sign area.
2. Increase the overall height of the freestanding sign to one hundred and four (104) inches, set back to no less than two (2) feet of the front property line.

With the **Condition:** *That there is no blinking, flashing, scrawling animation, and the message would not change any more often than once every five (5) minutes.*

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

Board Member Anglin supported the motion.

Chairman Watripont stated there is a motion by Secretary Nestorowicz, Supported by Board Member Anglin, to grant the variances requested as posted with the requirement that there is no blinking, flashing, scrawling, scrawling, etc. and not changing more than once every five (5) minutes. He asked for Roll Call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (7-0).

Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Fisher	Yes, for the reasons stated in the motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion and this is the second dentist office that has come before the Board with one.

The Petitioner's request has been **GRANTED**, as written, with the **Condition:** *That there is no blinking, flashing, scrawling animation, and the message would not change any more than once every five (5) minutes.*

- | | |
|---------------------------|---|
| 13. PUBLIC HEARING | APPLICANT: OMNIA Development / Tom Tamou |
| REPRESENTATIVE: | Mr. Tom Tamou |
| COMMON DESCRIPTION: | 13590 14 Mile Road |
| LEGAL DESCRIPTION: | 13-02-228-017 |
| ZONE: | C-2 & P |

VARIANCES REQUESTED: Permission to:

1. Allow a pylon sign ten (10) feet x ten (10) feet for a total of one hundred (100) sq. ft. of sign area, with a ten (10) foot under clearance. Overall height of twenty (20) feet.

2. Relocate the pylon sign to no less than eleven (11) feet of the north property line and to no less than eleven (11) feet of the east property line as per the plan.

ORDINANCES and REQUIREMENTS:

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

Section 4.35 Paragraph (b): Signs permitted in Commercial Business Districts (C-1, C-2...): One freestanding on-premise sign or advertising display of a size not to exceed seventy-five (75) square feet shall be allowed in commercial business districts zoned C-1, C-2, C-3...

Chairman Watripont asked the individual at the podium to state his name and address for the record.

Mr. Tom Tamou, OMNIA Development LLC, appeared before the Board.

Chairman Watripont asked the reason for his petition.

Mr. Tom Tamou stated as the Board knows he built a new center there on that corner, which welcomes everyone that comes to the City of Warren and of course signage is very important for all businesses and to try to put up a very nice sign, in the beginning on his plans, they wanted the sign to be in the island, in the corner; when they had the plans approved back in May of 2015, they assumed that everything was a go by the plans that were approved and then when they built the building, when it came to the sign, they were told that the sign could not go in the spot where it showed on the original plans, so he asked where it would go, Mrs. Lynne told him that the sign has to be 17 ½ feet from the property line, which puts it in the parking lot and they had to eliminate one pole, to make it work and at the time, he had one of his tenants who was very strict—Dunkin Donuts—and they had a strict time by September 1, they had to hand them the key, otherwise, it was \$500 penalty per day, if he did not hand them the key, so he had to finish everything. He went back to her and explained that this is not going to work, it looked very bad; the sign that is there now, does not belong on that corner, but she insisted on having that and if not, to go in front of the Board and go through what he is doing now. He said he could not do that, which was not possible at that time, he had to finish the property, and he had to give the people the keys. Of course, the answer was no. So, he had to do it and reduce the sizes; whatever she wanted they did, although it was wrong and it looks bad in that corner. Now, he has spent a lot of money on that property to make it look good and even install 'Welcome to the City of Warren' Sign in that corner and he is trying to make it look very nice and he thinks that everyone would agree that that sign does not belong there the way it looks and besides, it protrudes into the parking lot. If there was one of those high vans or something, if they were to park in those two parking spots, they would hit it for sure. So, he had to do new drawings to show it in the new locations, to move it back to where they wanted it in the beginning and that is where he is at today.

Chairman Watripont stated this is a public hearing, anyone wishing to speak on this matter. Hearing and seeing none, he turned the matter over to the Board.

Board Member S. Brasza stated the tenants or the building itself, it has signs for the different tenants, is that correct?

Mr. Tom Tamou stated it will, yes, but he is sure they went in front of the Board and got them all approved, yes, each tenant would have their own sign on the building.

Board Member S. Brasza thanked Mr. Tamou.

Board Member Anglin asked if there was something in the Codes or whatever that allows a sign to be 20 feet in the air for the size of that sign or is there a height requirement that they have here in the City of Warren. To him this sign seems to be sitting very high.

Chairman Watripont called on Mr. Murphy.

Everett Murphy, Acting Chief Zoning Inspector stated he is asking for an overall height of 20 feet, which is actually in line with the ordinance, he is allowed up to 20 feet high.

Chairman Watripont stated so that is in line...

Everett Murphy, Acting Chief Zoning Inspector stated overall height, 20 feet, anything over, he would need a variance, so right now, he is just asking for the placement, the 11 feet from each property line and the square footage, because he is only allowed 75 square feet and he is asking for 100 square feet. The 20 square feet, that is their ordinance, it does allow that.

Secretary Nestorowicz stated he has no problem in terms of what he is asking about placement, because he thinks the sign where he is asking to place the sign, will look better; why could he not have a smaller sign than 100 square feet, because he is allowed 75 square feet? Why does it have to be a 100 square feet?

Mr. Tom Tamou stated it does not have to be a 100 sq. ft. but originally that is what it was; he has the original plans, he brought those, and originally the sign was supposed to be like this... (presenting a photo to the Board), that was originally the sign.

Secretary Nestorowicz stated he agrees though, but the new one looks a lot better.

Mr. Tom Tamou stated but when she said they had to move it 17 ½ feet from the property line, she also said that they had to make the sign smaller. He did not have time to explain and tell her because the only time he had was at the counter and he does not like to be a pain person. He has complied with everything that they agreed to and that is what they did. He tried to explain it to her, it did not work, his sign company tried to explain it to her, she only knew paper; she could not see it unless he built it.

Board Member S. Brasza stated she too agrees with the way it looks is beautiful compared to what he had, but she still agrees that 75 feet is appropriate; she means 75 square feet of signage verses a 100 square feet. Is there any way he could...why is one sign so much larger than the other three (3).

Mr. Tom Tamou stated well because they are their anchor tenants and they require signage, they are actually Dunkin Donut and Baskin Robins, so...

Board Member S. Brasza stated she does not believe they have appeared before them yet, for signage.

Mr. Tom Tamou stated yes, they had their plans approved; they are already working in the building.

Chairman Watripont stated he does not believe they had been before the Board...

Board Member S. Brasza stated they have not been before them.

Chairman Watripont stated they might have been before Planning, than before them...

Board Member S. Brasza stated yes, which means that this signage that he is speaking of is up and above what...she is sure...

Chairman Watripont stated well that is what he is requesting though.

Board Member S. Brasza stated she is sure that it is going to be overkill.

Secretary Nestorowicz stated that is what he is asking for.

Board Member S. Brasza stated yes, but they are going to give him this and then they are going to come before them and want all of the...

Chairman Watripont stated other stuff.

Board Member S. Brasza stated ...they know what they went through with Mound and 13. How else ...

Mr. Tom Tamou asked what they meant by other stuff.

Chairman Watripont stated the building signs.

Board Member S. Brasza stated Dunkin Donuts is notorious for signage, on every south, north, east and west if they can, so, and this would be up and above that, so they are aware of the size; is there any way to lessen the 100 feet to something a little...

(Inaudible)

Board Member S. Brasza stated like 80.

Mr. Tom Tamou stated okay, the answer is not after he spent all this money and the question is, actually he wanted it to be bigger but they could not because they needed the 10 foot clearance for sight underneath and that is what they...the 10 foot clearance for sight underneath and the highest they could go was 20 feet. That is the reason why they did it 10' x 10'; and they have multiple tenants...

Board Member S. Brasza stated but, what is his hardship?

Mr. Tom Tamou stated his hardship is for the tenants that need to have signage for their businesses.

Board Member S. Brasza stated which they will on the front of their location.

Mr. Tom Tamou stated yes, but not everyone has a pylon sign; as the Board sees, Mr. Vapor, one of the other tenants, they could see how small his sign is, they could not see it unless they are right under it; it is not a good sign, it is too small...

(Inaudible)

Board Member S. Brasza stated so he is saying that he could not do anything, he could not do anything with the 100 feet, he has to...

Mr. Tom Tamou stated no, they talked about this at the time that they put this together with Lynne...

Board Member S. Brasza stated she understands, he is in front of them tonight to ask for their approval, so it is kind of like they are there, so he is asking now and what she is saying is, is there any way to go a little smaller.

Mr. Tom Tamou stated no.

Board Member S. Brasza stated okay and thanked Mr. Tamou.

Board Member Fisher asked if all of the spaces were leased at this point.

Mr. Tom Tamou stated no, they had two (2) more spaces left.

Board Member Fisher stated for the leases that he does have, is he contractually obligated at this point to provide a certain amount of signage on this pylon?

Mr. Tom Tamou stated yes.

Board Member Fisher asked how much signage is required under his contracts.

Mr. Tom Tamou stated that is what they did; this signage is what they...this right here (pointing to his presentation of signage) ... is what they are required.

Board Member Fisher stated okay.

Mr. Tom Tamou stated so that they are giving each tenant his space because of Dunkin Donuts has two (2) different businesses in there—Dunkin Donuts and Baskin Robins—that is why they need more space.

Board Member Fisher stated, okay, so without the variance, he would not be able to meet his contractual obligations with his current tenants.

Mr. Tom Tamou stated right, right.

Board Member Anglin stated his biggest concern is the size, he would like to see it to be 75 square feet of signage; they have 10 feet...80 square feet, which would make the sign 10' x 8', with the height being 18 feet, that would give him the 10 foot span underneath it, 10 foot out, with another 8 feet, for the signage; so the sign itself would be 8 feet x 10 feet at an 18 foot height, still allows the 10 foot underneath. If he wants the height, then he could put the 12 foot underneath and just raise the sign.

Mr. Tom Tamou stated and what is that going to accomplish, a smaller sign?

Board Member Anglin stated what it is going to do is that they are trying to stay within somewhere close to what Code is on these and it accomplishes, fall in Code.

Mr. Tom Tamou stated he does not know what to tell them but he is very sure that businesses need signage...

Board Member Anglin stated he agrees with that, he has a business.

Mr. Tom Tamou stated that is very, very important for the businesses and they went through this...the sign is completed and it is done and it is approved, that is there...

Chairman Watripont stated it is not approved because it has to come before them to be approved.

Mr. Tom Tamou stated no, no; the sign that is installed now, it is approved. Everyone approved the sign that is there...

Chairman Watripont stated he does not believe so. Mr. Murphy is the sign...

(Inaudible discussion)

Everett Murphy, Acting Chief Zoning Inspector stated he has not actually seen the sign.

Chairman Watripont stated he has seen the sign and if it has 100 square feet on it, it is...

Mr. Tom Tamou stated no, no, he did not say it was approved 100 square feet; he said the sign that is there is approved already, it is done.

Chairman Watripont stated and how much square footage of signage does he have on that one?

Mr. Tom Tamou stated the square footage is 10' x 6', is what she made them do.

Chairman Watripont stated and he knows they have three (3) front doors there, so they are expecting one tenant to have, two-suits and one tenant, or two-tenants and one suite?

Mr. Tom Tamou stated no, no, their original plans show four spaces, so there will be another front door installed once he signs the lease with the other tenant. He is talking to two (2) other tenants. Originally, their original sign according to this was, 10' x 7'-6", which would give them about 75 square feet.

(Inaudible)

Chairman Watripont stated that is what the ordinance allows.

Mr. Tom Tamou stated correct, right, and they went for a variance, that is what they did the plans for...

Chairman Watripont stated that is why he is there today.

Mr. Tom Tamou stated correct, so, what he is asking is for the 10' x 10' sign, because they already see what it looks like with 10' x 6' and even Mr. Vapor is very, very small and they could not see it.

Chairman Watripont stated he sees it every day; he lives right at 14 and Schoenherr, so he sees it. They could not see it at night because it does not illuminate well, but, him personally, he does not have a problem with the 10' x 10' signage; it is over their variance, and that is why he is there before them though, so...

Board Member Furgal stated if she is not mistaken, the poles that he has on this sign are decorative and from what her understanding, that is part of the signage, and she does not really know how wide these poles are...

(Inaudible)

Chairman Watripont stated his understanding it is the white space.

Everett Murphy, Acting Chief Zoning Inspector stated... (Inaudible)... no, they would only count the sign area, the other is a structure.

Board Member Furgal stated not the structure...

Everett Murphy, Acting Chief Zoning Inspector stated yes, they do not count the structure.

Board Member Furgal stated she thinks before they have counted the structure and that is why she was wondering.

Everett Murphy, Acting Chief Zoning Inspector stated he thinks it is correct the way it is shown.

Chairman Watripont thanked Mr. Murphy and stated he thought it was that way too; he knows he questioned it in a meeting a year ago or so and...

Board Member Furgal stated well it is a change because that is not the way they did it before.

Board Member Anglin stated he would like to make a motion and if the petitioner does not agree with the motion, he could come back and try to get a readjustment but he would like to make a motion on this.

(Inaudible)

Board Member S. Brasza stated he could not do that.

Board Member Anglin stated he could not do that; well he would like to make a motion.

Board Member S. Brasza stated may she have a comment, one more comment.

Chairman Watripont stated he has to make a motion on what is on there or what is agreed to with the petitioner or to deny, is what....

Board Member Anglin stated okay, then he will be quiet.

Chairman Watripont stated was that correct, the City Attorney?

(Inaudible)

Board Member S. Brasza stated she wonders, he has right now 6' x 10' and she certainly likes this sign better, so what about 8' x 10'?

Mr. Tom Tamou stated 8' x 10' is better than 6' x 10', but to please understand that it is economically not going to work; he could not dump all this money into this to gain only 2 feet; it would not be worth it.

Board Member S. Brasza stated versus keeping what he has?

Mr. Tom Tamou stated yes.

Board Member S. Brasza stated okay, she could understand that. She thanked Mr. Tamou.

Mr. Tom Tamou stated most of these things work economically; they are in a business to make sure that their tenants stay and have good visibility...

Board Member S. Brasza stated and his tenants are happy with the sign they have now?

Mr. Tom Tamou stated no (laughter), that is the problem; no. That is why, he really does not want to spend the money if he does not have to, but that sign does not belong there.

Board Member S. Brasza stated it does belong there...okay and thanked Mr. Tamou.

Chairman Watripont stated at this point and time, he has nobody in there actively running business?

Mr. Tom Tamou stated he was told Friday, Mr. Viper, was going to open.

Chairman Watripont stated Mr. Viper was going to open Friday.

Mr. Tom Tamou stated yes.

Chairman Watripont stated personally he does not have a problem with that sign, he knows the concerns are with Baskin Robin and Dunkin Donuts and what they ask for, he thinks they put a limit on that when they go before the Board; because that property does not really allow as much as other properties actually do, so that is his opinion.

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

Motion:

Board Member H. Brasza made the motion to approve the petitioner's request as stated and to see where it goes.

Board Member Furgal stated she supports the motion.

Chairman Watripont stated for?

Board Member Furgal stated for Size and Shape of the Lot, Not a Detriment to the Area and Lack of Identification.

Chairman Watripont stated Lack of Identification.

Board Member H. Brasza stated yes.

Chairman Watripont stated motion by Board Member H. Brasza to grant the variance request as stated, due to Size and Shape of the Lot, Not a Detriment to the Area and lack of Identification, and Supported by Board Member Furgal.

Roll Call:

A roll call was taken on the motion to approve and the motion was Denied (4-3).

Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member S. Brasza	No, she believes it is self imposed.
Board Member Fisher	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	No, he thinks 100 sq. ft. is too much signage on that corner.
Board Member Anglin	No, for the size of the sign.
Chairman Watripont	Yes.

Chairman Watripont to Mr. Tamou stated his petition has failed. He only received four (4) affirmative votes.

(Inaudible)

Chairman Watripont stated the petition has been denied.

The Petitioner's request has been **DENIED**.

Mr. Tom Tamou stated okay and thanked the Board.

14. PUBLIC HEARING

**APPLICANT: National Illumination & Sign –
Agent for 7-ELEVEN**

REPRESENTATIVE: Same
COMMON DESCRIPTION: 23012 Schoenherr Road
LEGAL DESCRIPTION: 13-25-351-018
ZONE: C-2

VARIANCES REQUESTED: Permission to:

Install six (6) two sided gas pump signs (14.5" x 28.5" = 2.87 sq. ft. each) for a total of 17.22 sq. ft. of new pump signs in addition to the existing wall signs.

ORDINANCES and REQUIREMENTS:

Section 4A.35, Section (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 Watripont asked the individual at the podium to state his name and address for the record.

Mr. Neil Jeakle, National Illumination & Sign, 6525 Angola, Holland, Ohio, appeared before the Board.

Chairman Watripont asked for the reason for his petition.

Mr. Neil Jeakle stated their client just made significant improvements to this location and they have redone the canopy, they have redone a lot of portions of this building, all permitted already of course and including the freestanding sign; within all of those upgrades, they also received new dispensers. On those new dispensers, typically, as part of the image with Exxon, Exxon Mobile has their standard logo, which is this (displaying presentation before the board) tiger graphic that is in the approximate size of between 2 and 3 square feet, that is at decimals, 2.4 or something to that effect, it is just under 3 square feet and it is on the lower portion of dispensers only a couple of feet off the ground—in fact, if it were a dispenser sitting in front of him there, they would not be able to see any of it. He would think most would imply that it is a fairly insignificant small amount of signage. He would further add that it is most likely to be invisible from the road, which may or may not yield some of the definition of signage, but nevertheless it is a very small sign if they want to call it that and it basically is just decoration over the lower dispenser door that houses all of the mechanical devices that are inside the dispenser. There are six (6) dispensers, they are double sided of course and this tiger graphic, typically, goes on every dispenser that Exxon Mobile has. There are not tons of them around there, but if they look at the old dispensers—in fact he even brought some photos from street views—that the 7- Eleven prior to this, used to have 7-Eleven logos of the same size roughly that are on the new dispensers that they are asking for, and almost every gas station on the planet has them typically. So, without droning on about this, they are asking for the ability to put these logos on there in the hopes to comply with the image that Exxon Mobile likes to hold at all of the locations.

Chairman Watripont stated this is a public hearing, anyone wishing to speak on this item. Hearing and seeing none, he turned the matter over to the Board.

Secretary Nestorowicz stated for the small incremental additional signage that are being asked for these on the pumps, he sees no issues with this request; does anybody have any other discussions, if not he would like to make a motion...

Motion:

Board Member H. Brasza made the motion to approve the petitioner's request to: Install six (6) two sided gas pump signs (14.5" x 28.5" = 2.87 sq. ft. each) for a total of 17.22 sq. ft. of new pump signs in addition to the existing wall signs.

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

Board Member Fisher supported the motion.

Chairman Watripont stated a motion by Secretary Nestorowicz, Support by Board Member Fisher to grant permission of his request as stated, due to: Not a Detriment to the Area and Lack of Identification. He asked for Roll Call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (7-0).

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

The Petitioner's request has been **GRANTED**, as written.

15. PUBLIC HEARING
REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:

APPLICANT: Mr. Arkan Alton, L A Motors Inc.
Mr. Kerm Billette & Mr. Arthur Rose III
24055 Ryan
13-30-278-031

ZONE: M-1

VARIANCES REQUESTED: Permission to:

1. Add sixteen used car spaces creating stacking of vehicles without a maneuvering lane and one of the spaces elevated on the north side of the building to no less than eight (8) feet of the front property line as per the plan.
2. Waive five (5) required parking spaces in addition to the two (2) spaces waived by the ZBA on 8/31/11.
3. Retain the fence located in the front yard setback.

ORDINANCES and REQUIREMENTS:

Section 15.01 (e) (11) (a & b) (f) Used car display area: (a): There shall be provided a minimum of eight (8) feet by seventeen (17) feet of storage/display space for each used car to be displayed. (b) Access to each individual used car shall be provided. Used cars shall not be positioned in a stacked or packed formation. (f) The setback areas along street frontages shall not be used for the parking or for the storage/display of used cars.

Section 15.01 Item (e) Paragraph (8). Off-street parking required. Separate off-street parking shall be provided in compliance with the regulations contained in section 4.32 and the following provisions: a.) The minimum number of parking spaces to be provided shall be calculated based on the formula of five (5) spaces plus one (1) space per each fifteen (15) used car storage/display spaces.

Section 15.01 (e) (13) (b): site design requirements: Maneuvering lanes for the storage/display area shall be a minimum of twenty (20) feet in width.

Section 4D.07 – Setback required. Walls, fences and landscape screens shall conform to the setback requirements for the zoning district, unless otherwise provided in this article.

This matter was rescheduled to **January 13, 2016.**

16. PUBLIC HEARING

**APPLICANT: Mr. Paul Stodulski-REDICO
Management, Inc., sole Member
of REDICO Holdings LLC**

REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

Mr. Chris Jones-Meijers, Inc.
13355 Ten Mile Road
13-23-476-008
R-2 (being rezoned to C-2)

VARIANCES REQUESTED: Permission to:

1. Construct a building to 39'-7" as per the plan.
2. Waive 429 sq. ft. of required off street parking.
3. Waive the required four (4) foot chain link fence around a drive thru restaurant (future development).
4. Allow three (3) free standing signs as follows:
 - a. One (1) ground sign 25' in overall height, 6'-6" x 15'-3" = 99.1 sq. ft., to no less than 25' of the 10 Mile property line and 20' of the driveway, as per the plans.

- b. One (1) ground sign 25' in overall height, 6'-6" x 15'-3" = 99.1 sq. ft., to no less than 25' of the Schoenherr property line and 20' of the driveway, as per the plans.
- c. One (1) three sided gas station price sign 8'-2" in overall height, sign face 5'-6" x 7'-1 3/4" = 39.3 sq. ft., to no less than 15' of the 10 Mile and 15' of the Schoenherr property lines, as per the plans in the twenty-five (25) foot triangular area at the corner of 10 Mile and Schoenherr as per the plans.

TOTAL OF 237.5 sq. ft. of ground signs.

- 5. Wall signs on the main building as follows:
 - a. One (1) Meijer Logo Sign on the east elevation, 17'-8" x 45'-3 3/4" = 800.5 sq. ft. as per the plan.
 - b. One (1) pharmacy drive up sign on the east elevation, 5'-1 5/8" x 12'-2 3/4" = 63 sq. ft. as per the plan.
 - c. One (1) bottle return sign on the east elevation, 13 3/4" x 8'-9 3/16" = 10 sq. ft. as per the plans.
 - d. One (1) fresh wall sign on the east elevation, 5'-1 1/2" x 14'-5 3/4" = 74.21 sq. ft., as per the plan.
 - e. One (1) home wall sign on the east elevation, 4'-6" x 15'-5" = 69.38 sq. ft., as per the plans.
 - f. Two (2) welcome wall signs on the east elevation, 13" x 6'-3 3/4" = 6.8 sq. ft. each x 2 = 13.6 sq. ft., as per the plans.
 - g. Four (4) Licensee wall signs on the east elevation, 10 sq. ft. each x 4 = 40 sq. ft., as per the plans.

TOTAL OF 1070.69 sq. ft. on the main building.

- 6. Wall signs on the gas station and convenience store as follows:
 - a. One (1) convenient store wall sign, 4'-2" x 6' = 25 sq. ft., as per the plan with changeable copy sign.
 - b. Three (3) canopy signs Meijers, (A1 on Signage Plan) @ 16.7 sq. ft. each x 3 = 50.1 sq. ft., as per the plans.
 - c. Architectural blue band on the canopy on four (4) sides as per the plans.

TOTAL OF 75.1 sq. ft. on the gas station/convenient store.

- 7. Waive 360' of required greenbelt or wall along the west property line.

ORDINANCES and REQUIREMENTS:

Section 14.03 Building Height: No building erected in C-2 Districts, shall exceed thirty-five (35) feet or two (2) stories in height.

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

Section 14.01 Paragraph (k): Item 4: Drive-in restaurant properties shall be completely enclosed with a chain link fence with a height of four (4) feet...

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

Section 4A.35 Paragraph (c): Total wall signage of a size not to exceed forty (40) square feet shall be allowed for each business.

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

Section 14.01 (g): Outdoor retail sales pursuant to Section 4.45 of this ordinance.

Section 4A.16 Measurement of sign area (b): When a sign has two or more faces that are placed back to back within two (2) feet of one another, if the two (2) or more faces are of equal area then the area of the sign shall be taken as the area of one (1) face...

Section 4A.17 (c): Within any front or corner side yard on any corner lot, no wall, fence, sign, hedge, shrub, or other obstruction to visibility shall be permitted between the heights of two and one half (2 1/2') and ten (10) feet above the existing street grade within the triangular area formed by the street property lines and a line connecting there at point twenty-five (25) feet from the intersection of the street lines or their extensions.

Section 4.09 corner visibility: Within any front or corner side yard on any corner lot, no wall, fence, sign, hedge, shrub, or other obstruction to visibility shall be permitted between the heights of two and one half (2 1/2') and ten (10) feet above the existing street grade within the triangular area formed by the street property lines and a line connecting there at point twenty-five (25) feet from the intersection of the street lines or their extensions.

Section 14.04 — Greenbelt: All non-residential uses, when adjacent to an existing residence or residential district or adjacent to an alley which abuts an existing residence or residential district, shall provide and maintain a twenty (20) foot greenbelt, or decorative wall, in compliance with Section 2.26 of this Ordinance.

Chairman Watripont asked the individuals at the podium to state their names and addresses for the record.

Scott McCarthy, with REDICO, One Town Square, Suite 1600, Southfield, Michigan, appeared before the Board and stated this evening they also have a representative from Meijer, Mike Flickinger, and Lyle Winn, who is their Engineer of record from AEW. They are discussing the property at 10 Mile and Schoenherr; it was previously a hospital last—Henry Ford Hospital—they have received rezoning for that property and site plan approval for the use of a Meijer store and the purpose this evening is to seek those variances that they have requested and he will allow Lyle walk the Board through it, but he and Mike are also available if they have any questions for them.

Chairman Watripont stated on the Petition they have Mr. Chris Jones...

Mr. Scott McCarthy stated Chris was unable to be there tonight...

Chairman Watripont stated and Mr. Paul Stodulski...

Mr. Scott McCarthy stated Paul signs the forms and he shows up at the meetings.

Chairman Watripont stated well he should put his name on there; he is from?

Mr. Scott McCarthy stated REDICO.

Chairman Watripont asked if he had a card.

Mr. Scott McCarthy stated he certainly does.

Chairman Watripont thanked Mr. McCarthy. He stated to the individual at the podium that he will allow him to proceed.

(Individual later identified himself as Mr. Lyle Winn) stated: Good evening.

Chairman Watripont stated he will allow him to proceed.

Mr. Lyle Winn to Secretary Nestorowicz stated that was well spoken, all of the items he referenced there.

Chairman Watripont asked to state his name.

Lyle Winn, 51301 Schoenherr, Shelby Township; appeared before the Board and stated they have gone through the rezoning board approvals, the Planning Commission approvals and hopefully this would their last stage to continue with the project and he guesses he could ask the Board; he could go through all of the items that are listed right now or intend to go one by one... Essentially some of these are building height wise, they are asking for variance there, it is an isolated location at the entrances and they are asking for a variance that amount to about 4'-7" height variance at just those entrances; the majority of the building itself runs various between 22' and 28' on the front face of the building; it varies so they could break up the front look, that is the one request. Like he said, it is isolated just to the entrances only. The second item he believes will be discussed tonight references the off-street parking, he believes the publications said square feet, it is actually the number of spaces, and it is not so that it corrects that as well. They are asking for that variance of 429 spaces; the plan shows 637 spaces based on passed projects and buildings of this size with Meijer; they are very comfortable operating at that 637, actually even something less than that, but that is what fits on this site comfortably; they have worked on saving trees near the intersection of 10 Mile and Schoenherr—there are very large trees—in essence it has pulled the gas station and inconvenience store away from the intersection a little further, thereby changing the site geometrics and reducing the available space they could put some parking in; *(Referring to his presentation before the Board)* and that is down that area there, they pulled that building back a little bit, probably almost 50' so they could save some of the bigger canopy trees. With that like he said, they have had good experience with all of the Meijer sites, the early versions and many of the township ordinances and city ordinances from years ago did require a large number of parking spaces and over time they have discovered that it was excessive; a lot of fringe parking are not used anymore, it was just decaying, so they have essentially right sized their projects, so they have brought it more to a one space for every 250 square feet of building area and that building does have a lot of merchandizing area but it also has a lot of storage area back as well. One of the other items really, is really an ordinance issue; there is fencing required near a drive-thru and he thinks the ordinance was really setup for fencing at the drive-thru by restaurants and they are dealing with a pharmacy there—putting fencing in that area to accommodate that, really kind of obstructs pedestrians and traffic moving through that area, so he thinks it was just an ordinance that just does not apply really to a pharmacy type drive-thru. There are a number of sign variances that were

listed. There are a number of ground—three (3) of the locations they want to install ground signs and the parcel itself is quite large with the frontage on 10 Mile Road and Schoenherr Road; with the Schoenherr Road frontage being almost a quarter mile in length, so they have an entrance near the north end that is a fair amount of distance, probably almost a 1000 feet from the intersection of Schoenherr and 10 Mile, so they are really looking at obtaining a sign at the 10 Mile Road entrance, a sign at the Schoenherr Road entrance at the north end and the third ground site that is referenced is actually the price-point sign at the gas station and that is shown as a little triangular area at the corner. With that, they are looking for that, they also note that the gas station sign in the publication references that the sign is located within the 25' triangle and actually what they have is the triangle area shown, actually touches the 15' setback line, so when they actually project that line to the property line, they actually achieve a 40' clear-vision triangle, which exceeds the minimum of 25', so he thinks it was just a misinterpretation on the plan when they were putting the comments together. One of the other items regarding the sign, is once again with the trees that they are saving at the frontage, it does obstruct site lines for traffic and that is also why they were looking at the signage on 10 Mile Road and the Schoenherr Road at those entrances—it does hamper some of the site distances as they are driving down one of the roads. On the main store, they do have the wall signage on the store, he thinks the ordinance allows 40 square feet; however, he thinks at that time, the ordinances did not really accommodate many of the large retail users they have in the community, plus the building is setback more than 300', almost 400' from each of the roadways; as they increase the distance and the size of the building, that 40 square feet, it becomes difficult to actually see the signage; plus a lot of the signage that is referenced are actually some are directional signage on the building; they have the Welcome signs, they have the fresh and the Home signs, which are somewhat directional, to allow them which end of the building are they going towards; so all of that added together obviously it does come up to the roughly 1,070 square feet. Additionally, on the Meijer logo sign at the center of the building, he knows the calculation does call for the big largest rectangular area around the entire sign, which goes all of the way from the dots over the I and J, to the bottom of the J, but there is a lot of white space, it is there is actually the building face, so it is not actually signage, it is really the building face that they see a lot of that, so he wanted to keep that in mind as well. With regards to the gas station and convenient store, there is wall signage—at once again—that is allowed at 40 square feet, with combination of the canopy sign and the changeable letter wall sign on the convenient store, it is just a modest increase up to 75 square feet. Lastly, the one item that was the last item discussed was a screening wall; there is a split zoning district along the west property line as they get closer to 10 Mile Road, there is a—he believes it is an office zoning—it is currently occupied with a medical facility and the rear of the property is an R-1 residential. When they look at the properties, it is heavily wooded at the very north end of the property—at least on the property west of the project—and with the heavily wooded and he thinks a lot of people would recognize and even stated that it is a wetland area as well. They are concerned about with their tree efforts up front that if they proceed with installing a poured decorative wall with foundations, there are trees on that property line; they would be taking out trees there or cutting through large root structures to get that wall installed, when actually it looks like it is a very heavily wooded area that most likely cannot be developed because of wetlands and he believes they

may have received a letter from the Henry Ford Hospital, that actually owns that property plus the off-zone property that stretches back down to 10 Mile Road; basically supporting that fact. The only thing he would add is that he sees in the agenda tonight—looking at the back—it references an outdoor storage but he does not see any listing in the items that they have read out tonight about outdoor storage and maybe Mr. Murphy could go over with what that might have been if he recalls. In their application it did have request for outdoor storage in limited areas, but he does not....okay; they will go with that.

Chairman Watriont stated this is a public hearing, anyone wishing to speak on this item to approach the podium.

Paul Webster, 13245 Zegaiki, Warren, Michigan; appeared before the Board and stated he lives directly north of the property, his house actually faces the property; he is going to speak for himself and partially on behalf of some of the residents that live around there. Looking at the signage information that is on there, they are kind of disturbed just because of the light pollution; he is actually going to start at the beginning there with number 1 and number 2. Number 1 and number 2, actually he does not have a problem with either one of those items being approved, he thinks it is going to be helpful both for the business and for them as well to get rid of a bunch of square footage that is going to be unnecessary. He did not really understand until Lyle talked about the chain link fence around the drive-thru for the pharmacy, he does not think there is a chain link fence that needs to be around the pharmacy, just because as he said, with foot traffic. Number 4, they talked about the freestanding signs; actually all three (3) of them concern him because residents actually face every direction except from the behind—actually he thinks there is only one resident behind this property to the west of it—but the height of these signs, as number one as far as C, the three (3) sided gas station sign. Mr. Wuerth in their previous endeavors in regards to the meetings in regards to this, wanted to keep the height of the signs at 20' per the ordinance and again with the other two (2) items, he is just concerned about light pollution for the residents that their houses are facing those signs. Many of these other items and number 5 are signage that are on pretty much every Meijer or any business that is in the City of Warren, so again, his only concern is the light pollution that is going to happen for the residents that are facing these signs, which would actually be the residents to the east of Schoenherr. Number 6, he does not have any issues with any of the signs for the canopies but number 7, the 360' of required greenbelt or a wall on the property; obviously he does not want to see a wall on that property line, as Lyle had discussed, there is a protected wetland area there; he would still like to see a cushion of some greenbelt area that would actually help preserve that area. They as residents have a lot of concerns and they have addressed a lot of these concerns as far as that property is when it goes under construction and then when it becomes a viable business again with what is going to happen as far as currently—in the current building when that building goes down, where all those rodents and cockroaches going to go; they are going to go his way and other residents that live around the building. But also too, once the building is up and running, obviously Meijer does not want those things to happen around their business, so they are going to help clean that up, but also too is, they put a wall there with a protected wetland, those animals could not roam freely as they want. So, if they

could protect at least a greenbelt area, with he does not know if even a hill is possible or something to allow those animals to roam freely and help protect that wetland even more.

Chairman Watriont thanked Mr. Webster. Asked if anyone else wishing to speak.

Donald Schindler, 13274 10 Mile; appeared before the Board and stated he is on the south side of 10 Mile. He would like to see instead of a wall a berm or a greenbelt behind the Meijer store instead of a wall; he thinks it would be more attractive than...

Chairman Watriont thanked Mr. Schindler. Asked if anyone else. He closed the public hearing and turned the matter over to the Board. They have a letter to be written in and then he will go on his spiel.

Secretary Nestorowicz stated basically summarized, the letter is from Henry Ford Health Systems and it basically says that they are in favor of the rezoning variances on this property.

Chairman Watriont stated which was stated and that they did receive so... His questions are regarding the signage they will start first. The 'bottle return' is that a separate entrance?

Lyle Winn, AEW stated yes it is.

Chairman Watriont stated okay; and the four licensees, does he know who they are going to be, and would any licensee be getting two (2) signs on there?

Lyle Winn, AEW stated he could state that he does not believe there are any contractual licensees at this point, it is going to be some smaller facility like a Subway or a Starbuck or some other...

Chairman Watriont stated or Bank or...

Lyle Winn, AEW stated some little entity.

Chairman Watriont stated he understands, but no one is going to have two (2) signs?

Unidentified individual stated: No.

Chairman Watriont stated that was part of his concern there. The next thing he has on his notes is the required greenbelt and wall along the west property line. It looks like they are going back pretty far there, is there room to put a berm, do something back there?

Lyle Winn, AEW stated the area that he is speaking about is right in the stretch there...
(Pointing to the presentation displayed).

Chairman Watripont stated yes.

Lyle Winn, AEW stated at the rear of the building; the parking lot and driveways are currently setoff 15' from the property line; the requirement is either a 20' greenbelt or a wall on the property line and because of the driveway alignments and maneuvering the trucks around there, the 15' is what came into play to be consistent with the setbacks to split zoning for office up front and the residential backs, they had this discrepant—he means it was difficult to work...they have two different setbacks going on; they will be maintaining a 15' greenbelt, there is no question on that, that is the setback they have honored. It is just because of the 15', they either had to put in the wall and that is what they are asking because of the natural features out there, they would rather not damage those natural features and leave those alone at this point, but certainly there will be a greenbelt there.

Chairman Watripont stated he has a question for the City Attorney. The requirements at 20' greenbelt, they could approve a 15' greenbelt and require them to put a berm in there and...?

Roxanne Canestrelli, City Attorney (Inaudible)

Chairman Watripont called on Everett Murphy.

(Inaudible discussions)

Everett Murphy, Acting Chief Zoning Inspector stated yes, he thinks that would be a reasonable condition.

Chairman Watripont stated okay.

Roxanne Canestrelli, City Attorney stated she also agrees with Everett.

Chairman Watripont stated he knows she was somewhat...

Everett Murphy, Acting Chief Zoning Inspector stated rather than eliminate everything all together... (Inaudible)

Chairman Watripont stated right, he does not really want to see the wall and he thinks the residents do not want to see the wall, so if they...the berm he heard and that was one of his suggestions too if they had something there and it is maintained. Within the way the request was written, they could instead of waive it they could limit it to 15'.

Everett Murphy, Acting Chief Zoning Inspector stated yes, he believes so and they would have to go back for a minor amendment through Planning, where he is sure they would require that there would be a berm, so...

Chairman Watripont stated okay, he turned this over to the rest of the Board.

Secretary Nestorowicz stated he has two comments (laughter).

Mr. Lyle Winn, to Secretary Nestorowicz said thanks for reading all of that by the way.

Secretary Nestorowicz stated you are welcome. Overall he loves the plan, he is in support of this entire plan, and it is just two items there that he wanted to bring up. One the Meijer logo sign, they are asking for 800 square feet.

Mr. Lyle Winn, AEW stated yes.

Secretary Nestorowicz stated he actually thinks that is a lot. He knows that there are Meijer stores out there where that wall sign is smaller than 800 square feet.

Mr. Lyle Winn, AEW stated when they calculated, he means obviously there is a difference in calculation, they looked at it and when they take out that white space, it is just big blocks above the M and the little bit down by J, if they take that out, and it is really 300 square feet less than that; it is really under 500 square feet, that when they look at it. The wall is actually there and not signage; he understands the box calculation, so he thinks...

Secretary Nestorowicz stated part of the reason he asks he will honest he did a little bit of his own homework and he knows that in May, up in Cheboygan, where their Zoning Board turned down a request, Meijer came back and agreed to a 515 square foot sign; so it is like that was one of the things; he means it is like there are other locations, where the sign is not 800 square feet.

Mr. Lyle Winn, AEW stated correct and he knows there are variance differences and depending on store size and setback, some communities do calculate just by the area of the channel letters and some calculate by the larger overall box, so Cheboygan he does not know how they calculated that one, but if they were to take out that wall area and just clean up the box a little bit, it comes out about 500 square feet.

Secretary Nestorowicz stated because he is going to be honest, he thinks that is a very large wall sign, everybody is going to know it is a Meijer and his second question was just, because he actually shops at the one on Mound Road very often because he is just down 12 Mile from there, he thinks ground signs look so much nicer than pylon signs. Why could the two (2), items 4 a and b, where they have the two (2) signs, that are 25' tall in the air, why could those two (2) not be ground sign along those same areas?

Mr. Lyle Winn, AEW stated one of the reasons that were discussed was when they do have the outlet on 10 Mile and the outlet up on the corner on Schoenherr. Those are not part of the signage that Meijer is working on their site and potentially, they could get a linear building there with some various scrunching of ground sign, ground sign, so they wanted it—one might tend to block the view of the other; they are looking at the

tree canopy that they are saving at the corner and site lines to be able to get better visibility.

Secretary Nestorowicz stated he thinks ground signs look a lot nicer in the city than those pylon signs and he thinks that if they had two (2) ground signs instead of two (2) pylon signs; he does not think anybody driving pass that intersection would not recognize that Meijers. Those are his two points that he has, is that he thinks the wall signage of 800' could be reduced and he personally would love to see two (2) ground signs instead of two (2) pylon signs, other than that, he is in favor of everything else on their application.

Chairman Watripont called on Mr. Murphy asking do they know what the Meijer sign at 12 and Mound, the size of the Meijer on the building is.

Board Member S. Brasza (inaudible)

Everett Murphy, Acting Chief Zoning Inspector stated in their packets he thinks...

Chairman Watripont stated he knows he requested it...

Everett Murphy, Acting Chief Zoning Inspector stated (inaudible)

Chairman Watripont stated he did not see it, went through it; he could have missed it.

Paul Webster stated that store is also larger than the location that it is being built, he actually... (*Inaudible*- speaking from the audience)

Everett Murphy, Acting Chief Zoning Inspector stated if not, he has a copy of it.

Board Member S. Brasza stated could he just tell them.

Secretary Nestorowicz to Mr. Murphy stated he could just tell them.

Chairman Watripont stated it was there.

(Inaudible)

Chairman Watripont stated 417.75 square feet.

Everett Murphy, Acting Chief Zoning Inspector stated that was it.

Chairman Watripont thanked Mr. Murphy.

Everett Murphy, Acting Chief Zoning Inspector asked if that was the one he had.

Chairman Watriont stated yes, he did have it.

Everett Murphy, Acting Chief Zoning Inspector stated okay good.

Secretary Nestorowicz stated actually that store on Mound is much larger than what this store is going to be proposed at.

Board Member S. Brasza to Mr. Murphy asked if he knew the pole sign how...it is not even a pole sign; they are ground signs are they not?

(Inaudible discussions)

Board Member S. Brasza stated at Mound and 13.

Board Member Furgal stated they are monument signs.

Board Member S. Brasza stated are they not monument.

Secretary Nestorowicz stated they are monument signs.

Chairman Watriont stated he does not see that on the list.

Everett Murphy, Acting Chief Zoning Inspector asked Mr. Winn if that was a monument sign.

Mr. Lyle Winn, AEW stated yes, that store is a monument sign, but to keep in mind that was part of an overall plan unit development with all of the residential and it was all coordinated.

Board Member S. Brasza stated they understood and thanked Mr. Winn and stated her question is that she agrees that 4 a and b are a bug in her bonnet right now; she would love hear his feedback on that if there was any way to compromise there also, 5a she would like to see a comprise there, she also has a question on 6c, the architectural blue band—is that going to be lit on the canopy on four sides? 6c, architectural blue band on the canopy of four sides as per the plan; is that lit?

Mr. Lyle Winn, AEW stated he was trying to recall, he appreciates the question, he is going to confirm that in a second.

Chairman Watriont stated he does not think he has seen it lit at any Meijer.

Board Member S. Brasza stated she does not know.

Mr. Lyle Winn, AEW stated no, they are not lit, not the blue band.

Board Member S. Brasza stated okay great and she understands where Mr. Watripont is coming from on the greenbelt, she could as in the pod area on 13 and Mound, see a berm, verses the wall against the residential but they have to remember that berm is 6' tall over on Mound and 12, so she does not know that they could do that in a 15' space.

Mr. Lyle Winn, AEW stated correct, he did not know, he did want to address that.

Board Member S. Brasza stated yes, they could not.

Mr. Lyle Winn, AEW stated 15' about the most they are going to get is at 2' to 2 ½' high berm so, the berm itself would not act as screening.

Board Member S. Brasza stated right and granted...

Chairman Watripont stated it would help with...

Mr. Lyle Winn, AEW stated visually, maybe, yes.

Board Member S. Brasza stated well and granted there might be...

Chairman Watripont stated landscaping.

Board Member S. Brasza stated woods there right now, but that does not mean that it could not be developed as a residential piece and once they say there is no wall, there is no wall. Again, she is having real trouble with 4a and b and 5a; that is all for her.

Board Member Furgal stated she agrees with Mr. Nestorowicz and Mrs. Brasza regarding 4a and b and 5a.

Board Member H. Brasza stated he would like a little clarification on the waiving of 429 square feet; does that mean they are only losing a couple of parking spots.

Mr. Lyle Winn, AEW stated that was a misprint.

Chairman Watripont stated that is what he had...he wanted to ask Mr. Murphy; is that a parking spot or is it a square footage requirement for this?

Everett Murphy, Acting Chief Zoning Inspector stated square footage.

Chairman Watripont stated it is square footage for this property and that equates to...

Everett Murphy, Acting Chief Zoning Inspector states yes, they have calculated it as square footage.

Mr. Lyle Winn, AEW stated no, that is incorrect. The 429 is the number of spaces being reduced from a 1066 down to 637; the number of spaces. He thinks it was a typo in the information that was put together.

Everett Murphy, Acting Chief Zoning Inspector ... (Inaudible)...this was revised.

Chairman Watripont stated if this was a typo, he thinks they have to repost, that is what he was going to go next if...

Everett Murphy, Acting Chief Zoning Inspector stated yes, it said square footage.

Chairman Watripont stated and that was how it was posted and it is supposed to be required spots.

Everett Murphy, Acting Chief Zoning Inspector (inaudible)

Roxanne Canestrelli, City Attorney stated it needs to be reposted.

Chairman Watripont stated okay.

(Inaudible)

Chairman Watripont stated they do have to repost it; he would like to continue with their comments and discussion and would they have room on the January 13th, still?

Secretary Nestorowicz stated they will put it on there.

Chairman Watripont stated he would like to continue with the discussion and then have someone make a motion to reschedule this.

Board Member H. Brasza stated he would like to add his voice regarding 4a and b about the 25' being that is a very tall sign and so he is not really in favor of that one. Also, the 5a, he thinks the 800' even with the white space, he understands where they are coming from, but again, that is quite large; that was his comments.

Mr. Lyle Winn, AEW stated they will get into a couple of the items but as before they make a motion, he is sorry to see that it was written as square feet instead of the number of spaces, but he would hope that maybe if they could go through this and make a motion if it is approved or whatever on the other items and just leave that one itself; if they had to repost for that.

Chairman Watripont stated actually they could break it down by the advertising and the others.

Roxanne Canestrelli, City Attorney stated they could, it is going to be up to their determination but for the record purposes of looking back at the record, it is easier if it is done at one time, but this is going to be up to their discretion.

Chairman Watripont stated he believes with the conversation with going forward knowing that it is only that item, everything else was posted properly, he does not have a problem omitting number 2 and going forward and having a discussion on number 2, next month if that was okay with the rest of the Board? Show of nods, it seems like...

(Inaudible discussions)

Chairman Watripont stated the motion would come omitting number 2 at the time, so they do not.... let them move forward with their discussion.

Board Member Fisher asked if there was also some talk about some outdoor storage space that is not on there.

Mr. Lyle Winn, AEW stated he brought that up because he did see a comment in the information in the agenda tonight that there was a paragraph referencing section 14.01, outdoor retail sales pursuant to 4.45, and he does not know how that was applying there, maybe it could be clarified he does not know.

Board Member Fisher asked if that needed to be posted as well.

Chairman Watripont stated on their permit request, it says outdoor sales not allowed verses purposed and in designated areas per plan, Mr. Murphy.

Board Member S. Brasza stated maybe that was referring to item number 3.

(Inaudible discussions)

Everett Murphy, Acting Chief Zoning Inspector asked Mr. Winn if they had anything outside of the building for sale.

Mr. Lyle Winn, AEW stated yes.

Chairman Watripont stated okay, so that would have to be reposted as well.

Everett Murphy, Acting Chief Zoning Inspector asked if it was not in the request.

Mr. Lyle Winn, AEW stated it was in their request to the city.

Board Member S. Brasza asked if it was number 3, Everett.

Chairman Watripont stated it was not on the notification, it was not listed.

Board Member S. Brasza stated item 2 and 3.

Chairman Watripont stated it was in the request, not on the notification.

(Inaudible discussions)

Everett Murphy, Acting Chief Zoning Inspector asked the petition if this was permanent outdoor sales or seasonal outdoor sales.

Chairman Watripont asked Mr. Murphy to speak into the microphone for the record because it concerns all of them.

Everett Murphy, Acting Chief Zoning Inspector stated he was just asking if this was permanent outdoor sales or seasonal.

Chairman Watripont stated he heard him but he wanted to make sure it was on record.

Everett Murphy, Acting Chief Zoning Inspector stated if it is permanent then that is something that they could handle at Planning.

Chairman Watripont stated if it permanent it is planning, if it is seasonal, it comes before them.

Mr. Lyle Winn, AEW stated they were dealing with seasonal, in their application it was but apparently it was not picked up by the...

(Inaudible)

Chairman Watripont stated no that would not stop construction so...if it is seasonal; they have to come back before them every year as well.

Mr. Lyle Winn, AEW stated right, it is a yearly...

Chairman Watripont stated the question was propane, and he does not think that they do propane.

Mr. Lyle Winn, AEW stated there are containers for propane individual...

Chairman Watripont stated outside?

Mr. Lyle Winn, AEW stated outside, yes.

Chairman Watripont stated okay.

(Inaudible)

Mr. Lyle Winn, AEW stated that would be permanent, he apologized, that is true, they could not put that inside.

Chairman Watriont stated okay, so that would be before Planning not them.

Everett Murphy, Acting Chief Zoning Inspector stated and the seasonal does not seem appropriate right now anyway because that is always given for a specific day.

Chairman Watriont stated specific period, okay. They do not have to redo that unless they are going to do something as soon as they open up right away. From what he is hearing, he does not think there is much concern about the building size, they have a repost for number 2, for number 3, he does not think he has heard any concern about the chain link fence, for number 4 he has heard a lot of concern regarding the height, requesting it to go to a monument sign possibly; 5 a, the size of that, they heard what the store on Mound Road was, which was considerably less and number 7 is still being discussed, he thinks he has not heard anything about the others from there including from the audience participation. He thinks that addresses most of their concerns as well.

(Inaudible)

Board Member S. Brasza stated she has to tell them they have consistently kept with a fascia and motif of Meijer's. She means they do not have to see a sign to know that that is a Meijer's store and that is definitely to their benefit and they have done so many and more and they so appreciate it and there are so many in the area, a couple down Van Dyke and one on Mound and on Hayes and thanks for even thinking about working with them.

Mr. Lyle Winn, AEW stated he could tell them this that based on the signage that was referenced at the Mound Road facility, that number is exactly what they calculated for this store in terms of square footage, it was calculated the same way, it is the exact same square footage; but they do have a size sign they could drop it down a notch, because it is a slightly smaller building, so it really takes that channel letters reduces that by a 100 square feet so it brings that down a bit, and that is as big as the one on Mound Road; he could tell them that one.

(Inaudible)

Mr. Lyle Winn, AEW stated with regards to the...

Chairman Watriont asked if they knew an approximate on that.

Mr. Lyle Winn, AEW stated based on...

Board Member S. Brasza stated if they could just give them a square foot because they would have to put it in record.

Mr. Lyle Winn, AEW stated the square footage as they had calculated and he was referencing that...

Chairman Watripont stated the box.

Mr. Lyle Winn, AEW stated the change...the...

(Inaudible)

Chairman Watripont stated oh the actual...

Mr. Lyle Winn, AEW stated the actual size dubs on the 408.

Board Member S. Brasza stated square feet.

(Unidentified individual standing beside Mr. Winn) stated: From 500.

Mr. Lyle Winn, AEW stated from 500; that is based on actual size not the overall box.

Chairman Watripont asked Mr. Murphy, how would they do that to put into the record?

Everett Murphy, Acting Chief Zoning Inspector—*speaking to the petitioners* stated they have to take the extremes, so what would they reduce it to?

Mr. Lyle Winn, AEW to Mr. Murphy stated from this down there (*discussion based on the paperwork before them*).

Everett Murphy, Acting Chief Zoning Inspector (*In low voice discussion with the petitioner at the podium*) stated okay, so what is the...from the top there to the bottom, they have 16 $\frac{1}{4}$, they multiply that by the 41-1, so they would have to multiply that and get their square footage that way. Because their ordinance calls for the extreme limits.

Mr. Lyle Winn, AEW stated here is where he could be referenced; the application for tonight had a width of 45'-3 $\frac{3}{4}$ " and a height of 17'-8", they reduce those to 41'-1" x 16' $\frac{1}{4}$ ".

Everett Murphy, Acting Chief Zoning Inspector to Mr. Winn stated put that in square footage.

Chairman Watripont asked if anyone had any other questions right now.

(Inaudible)

Mr. Lyle Winn, AEW stated the overall box calculates to 658 square feet.

Board Member Anglin stated he would like to find out if that is the size of the one at 12 and Mound. Are they calculating different, but it is the same size?

Board Member Fisher stated this one would be smaller.

Mr. Lyle Winn, AEW stated the sign they applied for tonight is the same size as the Mound Road site; what they are offering now is to drop down that a size and reduce the height and width. With regards to the ground signs, there was a reference at 25' in height and he knows the Planning Commission was pretty adamant with site lighting limiting to 20' and they could also change that to maximize it at 20'.

Board Member H. Brasza asked what about the neighbors concern about the lighting—to call it—spill over into the neighborhood, do they do things to kind of control that and constrain it?

Mr. Lyle Winn, AEW stated yes; he will speak about it generally the site lighting. One, they do a site lighting plan, the ordinance requires that the photometric and the ordinance requires 1 footcandles or less at the property line and their site lighting is located upwards of 200'-250' from the property line, so when the projections come out, the footcandles drop to zero; they would still see the light, but the intensity is not there. They are also using LED features that downcast and not spread out, so that is a change from where the hospital was operating at that point. They have done a lot to, one they have bought the light, which was down as well as requested by the Planning Commission, they use LED; they are also—like he said—several hundred feet from the property line as well.

Board Member H. Brasza stated would he say those are the same kind of lights that are at the Mound Road Meijer's or have they changed since that one was built.

Mr. Lyle Winn, AEW stated the LED lights are newer standard, so it is different than that one.

Board Member H. Brasza stated okay, that was what he thought.

Board Member S. Brasza stated she just wanted to read what the both the Meijer's at Mound and 13 and also the Madison Heights sign, their large logo wall sign was not to exceed 417.75 square feet. So, they are coming to the Board with 658 square feet.

(Inaudible)

Mr. Lyle Winn, AEW stated what he does not know is how they were measured; he would hate to say that if they measure the channel letters at some locations, that comes out much smaller square footage.

Board Member S. Brasza stated it would have come in front of the Board the same way this came in front of the Board.

Chairman Watripont stated it should have come in front of the Board at some way.

Board Member S. Brasza stated oh, it did not.

(Inaudible discussion)

Board Member S. Brasza stated okay.

(Inaudible discussion)

Board Member S. Brasza stated but it stated that it was the same as Madison Heights that is what they requested.

(Inaudible discussion)

Chairman Watripont stated that is the box.

Board Member S. Brasza stated so did they talk about 4a and b?

Chairman Watripont stated they said that they would drop it to 20'.

Mr. Lyle Winn, AEW stated it would coincide with the site lighting that was also dropped to 20'; they would drop those to 20' as well.

Board Member S. Brasza stated and on item 7, since they could not go with the 2 ½'?

Mr. Lyle Winn, AEW stated they are maintaining the greenbelt, what they could do is add some landscaping along with that; the 15' would not allow construction of a 6' high berm along that line; it is only going to allow a couple of foot high berm, but they could add some landscaping to that to help break that up and...

Board Member S. Brasza stated and again her concern is the fact that this is residential property and it could be developed; it is not at this time.

Chairman Watripont stated it is in the process of being changed. It is R-2 right now, being rezoned to C-2.

Board Member S. Brasza stated no; no she is speaking about the...

Chairman Watriont stated the outside of it...

Board Member S. Brasza stated the 75.1 square feet on the gas...no; the 360' of green-belt is on the west property line in the back with the residential...

Chairman Watriont stated right.

Board Member S. Brasza stated not in the office.

Mr. Lyle Winn, AEW stated correct, that is in this location here (*Referring to their displayed presentation*).

Board Member S. Brasza stated correct. She has a hard time with just the 2 ½ 'berm. Because they have to remember, if this gets developed as a residential that the lighting is going to go into there, along with everything else.

Mr. Lyle Winn, AEW stated what he could reference is that one it is heavily wooded and if someone was to develop it and was approved to clear all of the trees, then yes, that would a problem.

Board Member S. Brasza stated which was what they did at the P.U.D.

Mr. Lyle Winn, AEW stated yes and then here if everyone acknowledges so far that they have talked in the City, the residents look at this, it is a wetland area, there is a lot of water back there, it is more than likely a regulated wetland, a natural feature. With the 15' setback, all they could get is the 2' high berm but they would add plantings to that to help if those trees disappeared at some point, that their trees would be at least in there buffering that area, but he would be careful if that they could not build a berm that would fill into that area, they have to stop at the property line...

Board Member S. Brasza stated well another thing that Planning used to do is they used to stagger and have two rows.

Mr. Lyle Winn, AEW stated stagger and planning, correct.

Board Member S. Brasza thanked Mr. Winn.

Chairman Watriont stated okay, with the ground sign, they still have the requirement of the under clearance of 10'.

(Inaudible discussion)

Chairman Watriont stated as he sees them scraggy now.

Mr. Lyle Winn, AEW stated the sign height is proposed at 6'-6", so if they are tapped at 20', they would come down, which is still way above that.

Chairman Watripont stated okay, he did not know if it was the 15' and putting it right at the 10'...

Mr. Lyle Winn, AEW stated no.

Chairman Watripont stated or if it was the other way around.

Mr. Lyle Winn, AEW stated no; the height would be no problem.

Chairman Watripont stated okay. Still some concerns on the Meijer, was it possible the one at Mound Road, Mr. Murphy was done through the channel sizes?

Everett Murphy, Acting Chief Zoning Inspector stated that one is a little bit unique because it is a P.U.D. and they probably had a sign package that was approved by the P.U.D. committee, so he is not really familiar with everything that they did over there, but...

Chairman Watripont stated so it could be that way...

Everett Murphy, Acting Chief Zoning Inspector stated sure!

Chairman Watripont stated and it is pretty large, so...he would say it is probably...would have been under—if it came before the Board—it would be the 800 ½ square feet, so...

Everett Murphy, Acting Chief Zoning Inspector stated he does not know that that one would have had to have come in front of them.

Chairman Watripont stated right, no; no, it did not have to because of that.

Everett Murphy, Acting Chief Zoning Inspector stated right.

Chairman Watripont stated do they want him to read what he thinks they have somewhat agreed to and then...someone could go from there and tell him if they had any problems still? Number 1, no problem; number 2, is going to be reposted and omitted from any request; number 3, no problem; number 4a, ground sign 20' in overall height; number 4b, ground sign 20' in overall height; 4c, is the three (3) sided gas station price sign, is that LED as well?

Mr. Lyle Winn, AEW stated yes.

Chairman Watripont asked if that had to be reposted, or?

Everett Murphy, Acting Chief Zoning Inspector stated if it is just a price sign, it does not have to be...

Chairman Watripont stated he knows they originally were coming before them when they were first changing them, but he thought...

Everett Murphy, Acting Chief Zoning Inspector stated yes.... (Inaudible)

Chairman Watripont stated okay. He wanted to make sure he got everything there. Number 5a, dropping that down to 16' ¼" x 41'-1" for a total of 658.2 square feet.

(Inaudible discussion)

Chairman Watripont stated number 5b, c, d, e, f, and g, no problems; Number 6a, b and c, no problems.

Board Member H. Brasza asked if (a) is a digital changeable copy.

Chairman Watripont stated 6a; Mr. Brasza.

Board Member H. Brasza stated yes, he has a question on 6a; is that a digital changeable copy, or is that like a...

Chairman Watripont stated LED.

Board Member H. Brasza asked is that an LED?

Mr. Lyle Winn, AEW stated he is just going to double check that one. It is not an LED sign.

Chairman Watripont stated so he does not think there are any problems with 6a, b and c. Then, number 7, he thinks they have agreed to allow a greenbelt of 15', with a berm to be determined.

(Inaudible discussion)

Chairman Watripont stated okay, a berm of 2' in height.

(Inaudible discussion)

Chairman Watripont stated with some...

Mr. Lyle Winn, AEW stated plantings, screening plantings.

Chairman Watripont stated with screening plants.

(Inaudible discussions)

Mr. Lyle Winn, AEW stated trees.

(Inaudible discussions)

Chairman Watripont stated trees, bushes, evergreens...

(Inaudible discussions)

Chairman Watripont stated speak into the record, please.

Board Member S. Brasza stated she is trying to think Everett, back to Planning, it is staggered...two staggered rows of evergreen.

Everett Murphy, Acting Chief Zoning Inspector stated he was going to suggest they actually let Planning...

Chairman Watripont stated let Planning decide all of that?

Board Member S. Brasza stated yes.

Chairman Watripont stated so they require it to be a 15'...

Everett Murphy, Acting Chief Zoning Inspector stated greenbelt.

Chairman Watripont stated greenbelt with a berm and they set everything else.

Everett Murphy, Acting Chief Zoning Inspector stated it is okay if they want the berm in because he thinks the minor amendment through Planning would probably include some kind of a berm and they could probably take care of all of that.

Board Member S. Brasza stated well; then they put it into the hands of Planning.

Chairman Watripont stated he thinks he would like to say with a berm but let Planning go forward with it.

Board Member S. Brasza stated she thinks they should say staggered evergreens.

(Inaudible discussion)

Board Member S. Brasza stated otherwise...

Chairman Watripont stated staggered evergreens?

(Inaudible discussions)

Board Members S. Brasza stated and if they do not like that, they could ask Planning.

Chairman Watripont stated okay.

Board Member S. Brasza stated she is ready.

Chairman Watripont to Board Member S. Brasza stated you are ready? Does anyone else have any concerns as he read through them that were the main reasons he wanted to read through everything. Make sure any...

(Inaudible discussions)

Chairman Watripont stated... any motion includes omission of 2 to be reposted.

Mr. Lyle Winn, AEW stated he just wanted to make sure they had the correct square footage on that wall sign; 667.6 square feet was finally...

Board Member S. Brasza stated verses 658.2?

Mr. Lyle Winn, AEW stated yes; based on the...same dimension.

Chairman Watripont stated 667, point what?

Mr. Lyle Winn, AEW stated 6.

Chairman Watripont stated okay.

Motion:

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

1. Construct a building to 39'-7" as per the plan.
2. Waive 429 sq. ft. of required off street parking. **(Omitting from this variance request and reposting)**
3. Waive the required four (4) foot chain link fence around a drive thru restaurant (future development).
4. Allow three (3) free standing signs as follows:
 - a. One (1) ground sign **20' in overall height**, 6'-6" x 15'-3" = 99.1 sq. ft., to no less than 25' of the 10 Mile property line and 20' of the driveway, as per the plans.
 - b. One (1) ground sign **20' in overall height**, 6'-6" x 15'-3" = 99.1 sq. ft., to no less than 25' of the Schoenherr property line and 20' of the driveway, as per the plans.

- c. One (1) three sided gas station price sign 8'-2" in overall height, sign face 5'-6" x 7'-1 3/4" = 39.3 sq. ft., to no less than 15' of the 10 Mile and 15' of the Schoenherr property lines, as per the plans in the twenty-five (25) foot triangular area at the corner of 10 Mile and Schoenherr as per the plans.

TOTAL OF 237.5 sq. ft. of ground signs.

5. Wall signs on the main building as follows:
 - a. One (1) Meijer Logo Sign on the east elevation, 16'-1/4" x 41'-1" = 667 sq. ft. as per the plan.
 - b. One (1) pharmacy drive up sign on the east elevation, 5'-1 5/8" x 12'-2 3/4" = 63 sq. ft. as per the plan.
 - c. One (1) bottle return sign on the east elevation, 13 3/4" x 8'-9 3/16" = 10 sq. ft. as per the plans.
 - d. One (1) fresh wall sign on the east elevation, 5'-1 1/2" x 14'-5 3/4" = 74.21 sq. ft., as per the plan.
 - e. One (1) home wall sign on the east elevation, 4'-6" x 15'-5" = 69.38 sq. ft., as per the plans.
 - f. Two (2) welcome wall signs on the east elevation, 13" x 6'-3 3/4" = 6.8 sq. ft. each x 2 = 13.6 sq. ft., as per the plans.
 - g. Four (4) Licensee wall signs on the east elevation, 10 sq. ft. each x 4 = 40 sq. ft., as per the plans.

TOTAL OF 937.19 sq. ft. on the main building.

6. Wall signs on the gas station and convenience store as follows:
 - a. One (1) convenient store wall sign, 4'-2" x 6' = 25 sq. ft., as per the plan with changeable copy sign.
 - b. Three (3) canopy signs Meijers, (A1 on Signage Plan) @ 16.7 sq. ft. each x 3 = 50.1 sq. ft., as per the plans.
 - c. Architectural blue band on the canopy on four (4) sides as per the plans.TOTAL OF 75.1 sq. ft. on the gas station/convenience store.
7. Waive 360' of **required wall along the west property line to include greenbelt at 15' with staggered evergreen, with appropriate berm, which at this point calculates at 2.5 feet.**

Reasons being: Size and Shape of the Lot, Not a Detriment to the Area, and Lack of Identification.

Secretary Nestorowicz supported the motion.

Chairman Watripont stated motion by Board Member S. Brasza, Support by Secretary Nestorowicz, as read, with **one correction to Item 5c**, was read to be 13'- 3/4" x 8'-9 3/4", **it should be 8'-9 3/16"**. In the total square footage for 5, would read: **937.19 square feet. Reasons being: Size and Shape of the Lot, Not a Detriment to the Area, Lack of Identification.** Asked for Roll Call.

(Changes/additions were made to the initial motion).

Roll Call:

A roll call was taken on the motion to approve and the motion carried (7-0).

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

The Petitioner's request has been **GRANTED**, with the **Amendments to:**

ITEM NUMBER 2: To be **Omitted** from this variance request and to be reposted.

ITEM NUMBER 4a: One (1) ground sign **20' in overall height**

ITEM NUMBER 4b: One (1) ground sign **20' in overall height**

ITEM NUMBER 5a: One (1) Meijer Logo Sign on the east elevation, **16'-¼" x 41'-1" = 667 sq. ft.**

ITEM NUMBER 5: **TOTAL OF 937.19 sq. ft.** on the main building

ITEM NUMBER 7: Waive 360' of **required wall along the west property line to include greenbelt at 15' with staggered evergreen, with appropriate berm, which at this point calculates at 2.5 feet.**

17. NEW BUSINESS

Chairman Watripont stated he would like to wish everyone a Merry Christmas and a Happy New Year, he will see them back on January 13th.

18. ADJOURNMENT

Motion:

Secretary Nestorowicz made the motion to adjourn the meeting; Board Member Anglin supported the motion.

Voice Vote:

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

The meeting was adjourned at 9:53 p.m.

Roman Nestorowicz
Secretary of the Board

APPROVED