



Steve Watripont, Chairman
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Zoning Board of Appeals
Office of the City Council
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AGENDA

A Regular Meeting of the Zoning Board of Appeals – Wednesday, **December 09, 2015**, at **7:30 p.m.** in the Warren Community Center Auditorium, 5460 Arden, Warren, MI 48092.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPTION OF THE AGENDA
5. APPROVAL OF THE MINUTES OF the **Regular Meeting of October 14, 2015 and the Regular Meeting of November 18, 2015.**

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...

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.

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.

11. PUBLIC HEARING

APPLICANT: Mr. Ken Boutillier

REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

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.

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.

15. PUBLIC HEARING

APPLICANT: Mr. Arkan Alton, L A Motors Inc.

REPRESENTATIVE: Mr. Kerm Billette & Mr. Arthur Rose III
COMMON DESCRIPTION: 24055 Ryan
LEGAL DESCRIPTION: 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.

16. PUBLIC HEARING

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

REPRESENTATIVE: Mr. Chris Jones-Meijers, Inc.
COMMON DESCRIPTION: 13355 Ten Mile Road
LEGAL DESCRIPTION: 13-23-476-008
ZONE: **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/convenience 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.

17. NEW BUSINESS

18. ADJOURNMENT

Roman Nestorowicz
Secretary of the Board