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Zoning Board of Appeals
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AGENDA

A Regular Meeting of the Zoning Board of Appeals – Wednesday, January 8, 2014
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 **Special Meeting of November 20, 2013 and the Minutes of the Regular Meeting of December 11, 2013.**
6. PUBLIC HEARING **APPLICANT: Mr. Frank Yousif, Owner M97**
(Reschedule from 9/25/23 & Nov. 13, 2013) Auto Parts -USE-
REPRESENTATIVE: Mr. Robert J. Tobin, Tobin & Assoc.
COMMON DESCRIPTION: 26395 & 26301 Groesbeck Highway
LEGAL DESCRIPTION: 13-24-226-001
ZONE: M-2

VARIANCES REQUESTED: -USE- Permission to: 1.) expand a non-conforming "salvage-yard" into an existing used car facility. 2.) To provide 80,436 feet of open storage for auto salvage. 3.) to waive 34,215 sq. ft. of hard surface paving for outdoor storage and seven employee parking spaces in north-west area of site. 4.) To waive 1,275 feet of continuous curbing along Groesbeck Highway. 5.) To allow open storage to within 5 feet of the front yard setback. 6.) To retain an existing office building and carport to within 9.6' of the rear yard setback.

ORDINANCES and REQUIREMENTS:

Section 17.02, Paragraph (t): Open storage for junk, auto wrecking yards and other waste products requires M-4 Zone.

Section 17.02, Paragraph (s): Open storage area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site. The designated area shall not be located any closer than seventy-five (75) feet to the front property line.

Section 4.32, Paragraph (k): All off-street parking areas shall be hard surfaced with concrete or asphalt.

Section 16.07: Necessary curbs, or other protection against damage to adjoining properties, streets, sidewalks and green belts shall be provided and maintained.

Section 4.20 Paragraph (a) Item 2: That the building be fixed to a permanent foundation of the type required for detached garages in the Building Code.

10. PUBLIC HEARING **APPLICANT: Wal-Mart Real Estate Business Trust**

REPRESENTATIVE: Atwell, LLC-Mr. Mike McPherson
COMMON DESCRIPTION: 29176 Van Dyke
LEGAL DESCRIPTION: 13-10-353-008
ZONE: C-2 & P

VARIANCES REQUESTED: Permission to:
Continue two pylon signs that will become off site advertising when this lot has been split-One (1) sign on Van Dyke that will be for Wal-Mart and then tenants on east lot when split. One (1) sign on Twelve Mile that is for the east portion and will become off site advertising for Wal-Mart when this lot is split.

ORDINANCES and REQUIREMENTS:

Section 4A.11, Item (25) Off Premise Signs: A sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which the sign is located.

11. PUBLIC HEARING **APPLICANT: Subway/Cordaro/Walmart**

REPRESENTATIVE: Mr. Ed Phillips/Phillips Sign & Lighting
COMMON DESCRIPTION: 29176 Van Dyke Ave.
LEGAL DESCRIPTION: 13-10-353-007
ZONE: C-2

VARIANCES REQUESTED: Permission to:
Install a "Subway" sign 100" x 21" = 15 sq. ft. on the south elevation as per the plan.

In addition to the wall signs approved by the Zoning Board of Appeals on 11/14/12 and 5/8/13.

ORDINANCES and REQUIREMENTS:

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

12. PUBLIC HEARING **APPLICANT: Cordaro Investments**

REPRESENTATIVE: Mr. Ed Phillips/Phillips Sign and Lighting
COMMON DESCRIPTION: 7231 Chicago Road
LEGAL DESCRIPTION: 13-04-476-001
ZONE: M-1

VARIANCES REQUESTED: Permission to:
Install one (1) pylon sign as follows: 99" x 109" = 75 sq. ft., 20 feet in height, 10' - 6" under clearance with a five (5) foot setback from the Chicago Rd. property line.

ORDINANCES and REQUIREMENTS:

Section 4A.17 Setbacks 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.

Section 4A.36 On-premise signs permitted in M-4: Paragraph (b): one (1) free-standing on-premise sign or advertising display of a size not to exceed one hundred and fifty feet (150) is allowed in M-4.

Section 4A.17 Setbacks 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.

15. PUBLIC HEARING

**APPLICANT: Lowe's Home Stores, Inc.
(Store #684)**

REPRESENTATIVE: Mr. Donald M. DeMara, Store Mgr.
COMMON DESCRIPTION: 31140 Van Dyke
LEGAL DESCRIPTION: 13-03-352-008
ZONE: C-2 & P

VARIANCES REQUESTED: Permission to: Waive the required parking for the outdoor seasonal sales as follows: Front Sidewalk Sales Area: 68 parking spaces, Four (4) Seasonal Sales Areas: 38 parking spaces for a total of 106 spaces as per the plan. Also to allow "nine (9) months (February to October)" of outdoor seasonal sales on the front sidewalk of the building, approximately 10, 194 sq. ft. area in front of the store. Also to operate sales/storage sites to four (4) designated areas as per the approved site plan: a) 124' x 8' = 1103 sq. ft., b) 273' x 8' = 2193, c) 152' x 8' = 1227 and d) 134' x 8' = 1079 sq. ft. in the "P" Zone. For a total of 15,796 sq. ft. of seasonal outdoor sales & storage requested, as per the plans submitted.

ORDINANCES and REQUIREMENTS:

Section 4.32 (h) (22): Commercial. One parking space for every 150 sq. ft. of floor area and outdoor sales area (s) combined.

Section 16.02 Items (a & d): Parking areas, (P Zones), shall be used for private passenger vehicles only.

Section 4.46 Item (b): The applicant shall obtain any variance needed from the Zoning Board of Appeals prior to petitioning for site plan approval for permanent outdoor retail sales.

Section 4.52 Paragraph (d): No sales activity or display of merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use.

Section 4.55: sidewalk sales may be conducted for a period not to exceed ten (10) consecutive days...any sales conducted in excess to ten (10) consecutive days per calendar year, shall require site plan approval pursuant to Section 4.46.

16. PUBLIC HEARING

APPLICANT: Robert James, Warrior Sports -USE-

REPRESENTATIVE: Same as above
COMMON DESCRIPTION: 32125 Hollingsworth Ave.
LEGAL DESCRIPTION: 13-04-201-015
ZONE: M-3

**VARIANCES REQUESTED: Permission to: -USE-
Operate a temporary indoor retail sale in M-3 District on the following dates:
USE Variance
February 28, 29 and March 1, 2014;
March 7, 8, 9, 2014;**

Section 16.02 Limitation of the use in P zone (a): used for parking of passenger vehicles.

19. PUBLIC HEARING **APPLICANT: Mr. Masid Uthman Bin Affan**
REPRESENTATIVE: Mr. Sardar W. Ashrafkhan
COMMON DESCRIPTION: 21380 Ryan Road
LEGAL DESCRIPTION: 13-32-301-015
ZONE: M-1 & R-1-C

**VARIANCES REQUESTED: Permission to:
Retain 3' x 50' banner on the west elevation as per the plan.**

ORDINANCES and REQUIREMENTS:

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

20. NEW BUSINESS

21. ADJOURNMENT

Caren M. Burdi
Secretary of the Board