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Zoning Board of Appeals  
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## AGENDA

A Regular Meeting of the Zoning Board of Appeals – **Wednesday, March 9, 2016** at **7:30 p.m.** in the Warren Community Center Auditorium, 5460 Arden, Warren, MI 48092.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPTION OF THE AGENDA
5. APPROVAL OF THE MINUTES of the **Special Meeting of February 24, 2015.**

6. PUBLIC HEARING

**APPLICANT: Mr. Richard Viano-USE-**  
*(Rescheduled from 1/13/16)*

REPRESENTATIVE:

Barry L. Brickner

COMMON DESCRIPTION:

4536 Ten Mile Road

LEGAL DESCRIPTION:

13-29-103-003

ZONE:

R-1-C

**VARIANCES REQUESTED: Permission to: -USE-**

Continue two dwellings on the same parcel located in a single-family residential zone.

**ORDINANCES and REQUIREMENTS:**

**Section 4.17 (a):** a non-conforming 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...

7. PUBLIC HEARING

**APPLICANT: TGM Properties LLC-USE-**  
(Rescheduled from 5/27/15, 7/8/15, 8/26/15 & 12/9/15)

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-conforming 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-conforming 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...

8. PUBLIC HEARING

**APPLICANT: Suez Motel/Bhanu (Ben) Patel**  
(Rescheduled from 2/10/16)

REPRESENTATIVE: Greg Morgan/Phillips Sign and Lighting  
COMMON DESCRIPTION: 3333 Eight Mile Road  
LEGAL DESCRIPTION: 13-31-456-010  
ZONE: C-2

**VARIANCES REQUESTED: Permission to:**

Replace the existing projecting wall signs with new projecting wall signs as follows:

Sign #1: "SUEZ" – 178.625" x 60" = 74.43 sq ft

Sign #2: "MOTEL" – 202" x 42" = 58.92 sq ft

Sign #3: "SHOWTIME/ESPN" – 32.25" x 36" = 8.06 sq ft

TOTAL = 141.41 sq ft of wall signage.

**ORDINANCES and REQUIREMENTS:**

**Section 4A.11 (32) Projecting sign:** A sign that is affixed to any building or part thereof, or to any structure and projects out by more than eighteen (18) inches.

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

9. PUBLIC HEARING

**APPLICANT: Mr. Corry Johnson**  
*(Rescheduled from 2/10/15)*

REPRESENTATIVE: Same as above.  
COMMON DESCRIPTION: 4090 Tuxedo Drive  
LEGAL DESCRIPTION: 13-05-102-010  
ZONE: R-1-C

**VARIANCES REQUESTED: Permission to:**

1. Construct a 3050 sq ft garage.
2. Construct a garage with an eve height of 16 ft.

**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.

**Section 4.19 Paragraph (b):** ...Detached garages shall not exceed one (1) story or ten (10) feet in height to the eaves.

10. PUBLIC HEARING

**APPLICANT: Leslie Lemanski**

REPRESENTATIVE: Same as above.  
COMMON DESCRIPTION: 5121 Mary Court  
LEGAL DESCRIPTION: 13-17-452-032  
ZONE: R-1-C

**VARIANCES REQUESTED: Permission to:**

Retain fence in the front yard as per the plan; 39 feet along the northeast property line.

**ORDINANCES and REQUIREMENTS:**

**Section 4D.08 Front yard fences:** No fence, wall or landscape screen shall be constructed between the established building line and the front property line...

11. PUBLIC HEARING

**APPLICANT: Mr. Jon Kaercher**

REPRESENTATIVE: Same as above.  
COMMON DESCRIPTION: 11091 Toepfer  
LEGAL DESCRIPTION: 13-34-255-027  
ZONE: R-1-P

**VARIANCES REQUESTED: Permission to:**

Retain a (9' 10" x 11' 6") 113.09 sq ft shed that projects beyond the existing building lines of the principal building on the lot.

**ORDINANCES and REQUIREMENTS:**

**Section 4.20 Paragraph (a):** All detached accessory buildings shall conform to and shall not project beyond the existing building lines of the principal building on the lot.

12. PUBLIC HEARING

**APPLICANT: Home Depot - Store #2702  
Joe Schulte, Manager**

REPRESENTATIVE: Kerm Billette, PCP  
COMMON DESCRIPTION: 25879 Hoover Road  
LEGAL DESCRIPTION: 13-22-432-016  
ZONE: C-2, C-1 & P

**VARIANCES REQUESTED: Permission to:**

1. Operate seasonal outdoor sales from March 1, 2016 to December 31, 2016 in the following areas:
  - Area #1 labeled "Tent/Trees" 40' x 130' = 5,200 sq ft
  - Area #2 labeled "Sheds" 20' x 90' = 1,800 sq ft
  - Area #3 labeled "Plants" 20' x 125' = 2,500 sq ftTotal of 9,500 sq ft of seasonal outdoor sales as per the plan.
2. Allow temporary outdoor storage in area #3, 27' x 20' = 540 sq ft for three (3) rental trailers as per the plan.
3. Waive 100 parking spaces for the seasonal outdoor sale and temporary outdoor storage.

**ORDINANCES and REQUIREMENTS:**

**Section 4.32 Paragraph (h) Item 22:** One (1) parking space required for each 150 sq ft of floor space and outdoor sales/storage areas combined.

**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.

13. PUBLIC HEARING

**APPLICANT: Produce Palace International  
Samuel and Sharon Hope Katz**

REPRESENTATIVE: Kerm Billette  
COMMON DESCRIPTION: 29300 Dequindre Road  
LEGAL DESCRIPTION: 13-07-351-002  
ZONE: C-1

**VARIANCES REQUESTED: Permission to:**

1. Conduct a seasonal outdoor sales operation in front of the store from April 1, 2016 thru December 31, 2016.
2. Waive eighty-five (85) parking spaces to operate the outdoor sales.

**ORDINANCES and REQUIREMENTS:**

**Section 4.32 Paragraph (h) Item 22:** One (1) parking space required for each 150 square ft of floor space and outdoor sales areas combined.

**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.

14. PUBLIC HEARING **APPLICANT: Van Dyke Church of Christ**  
REPRESENTATIVE: Lynwood Shealy  
COMMON DESCRIPTION: 5201 Nine Mile Road  
LEGAL DESCRIPTION: 13-29-454-024  
ZONE: C-1

**VARIANCES REQUESTED: Permission to:**

Erect three (3) signs as follows:

1. Wall sign "CHURCH OF CHRIST" 19" x 248.5" = 32.79 sq ft
2. Wall sign "(cross)" 60" x 39" = 16.25 sq ft  
Total wall signage = 49.04 sq ft
3. Remove the existing sign and install a sign 4' x 5' = 20 sq ft in addition to an LED message center 21" x 65" = 9.48 sq ft on the existing pole with a 7 ft under clearance.

**ORDINANCES and REQUIREMENTS:**

**Section 4A.35 (c):** Total wall signage of a size not to exceed forty (40) square feet shall be allowed for each business in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.

**Section 4A.14 Paragraph (a): Permitted signs.** Signs that utilize flashing, blinking, intermittent or moving lights or exposed incandescent light bulbs.

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

**Section 4A.19:** All freestanding, projecting and marquee signs shall have a clearance of ten (10) feet beneath the sign structure, excluding monument signs.

15. PUBLIC HEARING **APPLICANT: Hotz Catering**  
**Richard Hotz, Owner**  
REPRESENTATIVE: Kerm Billette, PCP and Richard Hotz  
COMMON DESCRIPTION: 20752 Ryan Road  
LEGAL DESCRIPTION: 13-32-355-032  
ZONE: M-2

**VARIANCES REQUESTED: Permission to:**

Allow storage of catering equipment such as grills, ovens, fryers, steam tables and smokers.

**ORDINANCES and REQUIREMENTS:**

**Section 17.02 Item (s): Open storage other than junk.** All open storage shall be located in a designated area approved by the Planning Commission as a part of site plan approval. The area shall be enclosed on three (3) sides... Shall not be located in any area required for parking space and is necessary to meet the minimum requirements of Section 4.32 of this ordinance. Further, the designated area may not exceed fifty (50) percent of the gross floor area.

