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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, April 13, 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 **Regular Meeting of March 9, 2016.**

6. PUBLIC HEARING: **APPLICANT: Lisa Gardner**
REPRESENTATIVE: Same as above
COMMON DESCRIPTION: 11122 Sunburst
LEGAL DESCRIPTION: 13-22-254-010
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Retain a six (6) foot wood privacy fence installed with the good side facing inward as per the plan.

ORDINANCES and REQUIREMENTS:

Section 4D.11: All supporting posts, cross-members and hardware of all fences shall face toward the interior of the lot of the person erecting the fence, except in the case of an opaque fence, which shall be uniform in appearance as viewed from both sides.

7. PUBLIC HEARING: **APPLICANT: Mr. Anton Yousef Kosho**
REPRESENTATIVE: Mr. Ron Kachman–The Design & Construction Group
COMMON DESCRIPTION: 2446 E. Twelve Mile Road
LEGAL DESCRIPTION: 13-18-126-003 & 13-18-126-004
ZONE: C-2

VARIANCES REQUESTED: Permission to

Waive greenbelt or decorative wall for 266 ft adjacent to a residential district.

ORDINANCES and REQUIREMENTS:

Section 5.11 Churches, schools, libraries and civic clubs: Paragraph (5): That a six (6) foot wall or eight (8) foot greenbelt pursuant to [section 2.26](#) of this Ordinance, be provided where the site abuts a residential district or residential use or is adjacent to an alley which abuts a residential district or residential use.

8a. PUBLIC HEARING: **APPLICANT: Z & Z Fireworks, LLC and Eleven – Dequindre Associates**
 REPRESENTATIVE: Ms. Caren M. Burdi
 COMMON DESCRIPTION: 26800 Dequindre
 LEGAL DESCRIPTION: 13-19-101-017
 ZONE: C-2

VARIANCES REQUESTED: Permission to

- 1.) Conduct a **seasonal outdoor sales operation** in an area of 20' x 40' (800 sq. ft.), with a 10' buffer around the tent from June 18, 2016 through July 8, 2016 from 10:00 a.m. to 10:00 p.m.
- 2.) Waive **twenty (20)** additional off-street parking spaces for the outdoor sale and where the tent is located. In addition to the forty-four (44) space waived 03/22/2000.

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 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.

8b. PUBLIC HEARING: **APPLICANT: Z & Z Fireworks / Cheryl Paton**
 REPRESENTATIVE: Ms. Caren M. Burdi
 COMMON DESCRIPTION: 26700 Ryan Road
 LEGAL DESCRIPTION: 13-20-101-038
 ZONE: C-1 & C-2

VARIANCES REQUESTED: Permission to

- 1.) Conduct a **seasonal** outdoor fireworks sales operation in a 40' x 20', (800 sq. ft.), area in front of the store from June 18, 2016 through July 8, 2016, from 10:00 a.m. to 10:00 p.m.; with a 10' buffer around tent.
- 2.) Waive sixteen (16) additional off-street parking spaces where the outdoor sales area is placed and an additional twelve (12) spaces required for the outdoor sales operation, for a total of twenty-eight (28) spaces to be waived. In addition to the 114 spaces previously waived by the Board on May 3, 1995.

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.

Section 4.51: Variances in conjunction with an outdoor retail sale. Upon a finding of unnecessary hardship and pursuant to the standards set forth in Article XX of this Ordinance, the zoning board of appeals for the City of Warren may grant a temporary variance in conjunction with a temporary outdoor retail sale.

8c. PUBLIC HEARING: **APPLICANT: Z & Z Fireworks & 13 & Mound LLC**
REPRESENTATIVE: Ms. Caren M. Burdi
COMMON DESCRIPTION: 5823 E Thirteen Mile
LEGAL DESCRIPTION: 13-05-476-006
ZONE: C-2 & P

VARIANCES REQUESTED: Permission to

- 1.) Conduct a seasonal outdoor sales operation in an area of 30' x 60' (1800 sq. ft.), with a 10' buffer around the tent, from June 18, 2016 through July 8, 2016 from 10:00 a.m. to 10:00 p.m.
- 2.) Waive 128 additional off-street parking spaces for the outdoor sale and where the tent is located.

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.

8d. PUBLIC HEARING: **APPLICANT: Z & Z Fireworks / Oak Ridge Market**
REPRESENTATIVE: Ms. Caren M. Burdi
COMMON DESCRIPTION: 30800 Hoover Road
LEGAL DESCRIPTION: 13-11-101-033
ZONE: C-1 & P

VARIANCES REQUESTED: Permission to

- 1.) Conduct a **temporary outdoor fireworks sale operation with a 20' x 60' tent (1,200 sq. ft.)** in a parking lot (as per plan) from June 18, 2016 through July 8, 2016, 10:00 a.m. to 10:00 p.m., with a 10' buffer around tent.
- 2.) Waive fifty-four (54) off-street parking spaces for the outdoor sales area and retail business combined.

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (h) Item 22 Off-street parking. One (1) parking space required for each 150 sq. ft. of building and outdoor sales area 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.

9. PUBLIC HEARING: **APPLICANT: Warren Lions Club**
REPRESENTATIVE: Al Lindsey
COMMON DESCRIPTION: 3001 Thirteen Mile
LEGAL DESCRIPTION: 13-06-402-002 & 13-06-451-001
ZONE: R-1-A

VARIANCES REQUESTED: Permission to

Conduct the Warren City Fair as follows:

Wednesday	June 15, 2016,	3 p.m. to 11 p.m.
Thursday	June 16, 2016,	3 p.m. to 11 p.m.
Friday	June 17, 2016,	3 p.m. to 11 p.m.
Saturday	June 18, 2016,	12 p.m. to 11 p.m.
Sunday	June 19, 2016,	12 p.m. to 11 p.m.

ORDINANCES and REQUIREMENTS:

Section 4.35: Carnivals, fairs, circuses, and similar uses require the approval of the Zoning Board of Appeals.

10. PUBLIC HEARING:	APPLICANT: Mr. Nick Lavdas
REPRESENTATIVE:	Mr. Nick Lavdas
COMMON DESCRIPTION:	7635 Eight Mile & 7657 Eight Mile, Rivard
LEGAL DESCRIPTION:	13-33-479-048
ZONE:	C-2

VARIANCES REQUESTED: Permission to

- 1.) Conduct a **seasonal** outdoor sales operation in the front 15' setback, 11' x 22.73', (250 sq. ft.), area, including a 10' x 10' = 100 sq. ft. tent and outdoor display area 10' x 15' = 150 sq. ft. (TOTAL 250 sq. ft.); May 1, 2016 through October 31, 2016. Hours of operation will be limited to match hours of operation and limited to display only. As per the plan.
- 2.) The goods to be displayed are from 7657 Eight Mile, 8 Mile Pawnbrokers.

ORDINANCES and REQUIREMENTS:

Section 14.06 Front yard for commercial buildings: A front yard setback of fifteen (15) feet shall be provided for commercial buildings...

Section 4.52 Standards for temporary outdoor retail sales Paragraph (c): The proposed sale must not be located within any required setback of the applicable zoning district.

Section 4.53 Regulations for outdoor sales Paragraph (c): No sales or display of merchandise shall be permitted in the public right-of-way or any required setback.

11. PUBLIC HEARING:	APPLICANT: Randazzo Fresh Market, Mr. Salvatore Randazzo, Vice Pres.
REPRESENTATIVE:	Angel Ruggero
COMMON DESCRIPTION:	13441 Thirteen Mile Road
LEGAL DESCRIPTION:	13-02-481-020
ZONE:	C-1 & P

VARIANCES REQUESTED: Permission to

Conduct the operation of an "L" shaped open air sales area (approx. 3,006 sq. ft. in a "P" Zone), 9' from the front property line from **May 1, 2016, to December 31, 2016**, and to waive 16 required off-street parking spaces per the site plan.

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (h) Item 22: One parking space for each 150 sq. ft. of area...

Section 4.52 Item (i): zoning district must be consistent ...where the area is located,

Section 13.04: Front yard. A fifteen (15) foot front yard setback shall be provided.

Section 16.02: Limitation of the use. Paragraph (a): Uses in (P) parking zone: Parking with or without charge of passenger vehicles.

12. PUBLIC HEARING: **APPLICANT: Patrick E. Sulaka /
Mr. Harold Sullivan, Owner**
 REPRESENTATIVE: Mr. Patrick E. Sulaka
 COMMON DESCRIPTION: 2300 Ten Mile Road
 LEGAL DESCRIPTION: 13-30-126-008
 ZONE: M-2

VARIANCES REQUESTED: Permission to

- 1.) Operate a **seasonal** outdoor sales operation from June 7, 2016 through June 6, 2017.
- 2.) Waive 123 required off-street parking spaces required in conjunction with the outdoor sales operation.

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (h) Item (22): One (1) parking space required for each one hundred and fifty (150) sq. ft. of building and outdoor sales 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: ART VAN FURNITURE Inc.**
 REPRESENTATIVE: Mr. Brian Lack / Store Manager
 COMMON DESCRIPTION: 6500 Fourteen Mile Road
 LEGAL DESCRIPTION: 13-04-126-021
 ZONE: M-2

VARIANCES REQUESTED: Permission to

- 1.) Conduct an **OUTDOOR “TENT” SALES OPERATION** in an area with two (2) tents 40’ x 60’, (2400 sq. ft. / 4800 sq. ft. total) as per the plan, in front parking area of the store, from May 16 through June 3, 2016 and a second tent sale from July 25 through August 18, 2016 with the same tent sizes and locations as per the plan.
- 2.) **Waive fifty-seven (57) parking spaces in the front parking lot of the store in order to operate the outdoor “tent” sales operation.** Twenty-five (25) spaces for the placement of the tents and thirty-two (32) spaces required for the outdoor sales area. In addition to the previous parking spaces (610) that were waived by the ZBA July 14, 1993 and November 8, 1995 and 256 spaces waived 10/16/2013.

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (h) Item 22: One (1) parking space required for each 150 square foot 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: ART VAN FURNITURE-USE-**
 REPRESENTATIVE: Mr. Dennis Davis
 COMMON DESCRIPTION: 13855 Eight Mile Road
 LEGAL DESCRIPTION: 13-36-351-010
 ZONE: C-2 & P

VARIANCES REQUESTED: Permission to-USE-

- 1.) Conduct one (1) OUTDOOR “TENT” SALE OPERATIONS in the area 40’ x 60’, (2,400 sq. ft.), in front parking area of the store, as per the plan, from May 17, through June 7, 2016.
- 2.) Waive Thirty-two (32) parking spaces (16 for the sale and 16 for the spaces that the tent occupies) in the front parking lot of the store in order to operate the outdoor “tent” sales operation.

ORDINANCES and REQUIREMENTS:

Section 16.02 Uses permitted in P Parking Districts, Paragraph (a): Parking areas shall be used for parking of private passenger vehicles only.

Section 4.32 Paragraph (h) Item 22: One (1) parking space required for each 150 square foot 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.

15. PUBLIC HEARING: **APPLICANT: Tech Plaza LLC / Mr. Tom Petzold**
 REPRESENTATIVE: Mr. Tom Petzold
 COMMON DESCRIPTION: 8303, 8309, 8317, 8323, 8325, 8331, 8335, 8339, 8341, 8345, 8347, 8349, 8351, 8353, 8357 and 8359 E Twelve Mile Road (Tech Plaza)
 LEGAL DESCRIPTION: 13-10-353-010
 ZONE: C-2 & P

VARIANCES REQUESTED: Permission to

Install one (1) informational sign, hung from a walkway canopy of a size not to exceed four (4) square feet, for each business who has an entrance located beneath the plaza canopy.

ORDINANCES and REQUIREMENTS:

Section 2.67 – Shopping Center. A group of commercial establishments, planned, developed, owned and managed as a unit related in location, size, and type of shops to the trade area that the unit serves; it provides onsite parking in definite relationship to the types of sizes of stores.

Section 4A.37 Paragraph (d): Shopping centers. Section 4A.37 – Shopping Centers. Regardless of the zoning district, shopping centers as defined in section 2.67 are permitted the following signage: One (1) informational sign, hung from a walkway canopy of a size not to exceed two (2) square feet, shall be allowed for each business located in the shopping center.

16. PUBLIC HEARING: **APPLICANT: Terry Burns,**
ACME Architectural Sign Co.

REPRESENTATIVE: Same
COMMON DESCRIPTION: 8369 E. Twelve Mile Road
LEGAL DESCRIPTION: 13-10-353-010
ZONE: C-2 & P

VARIANCES REQUESTED: Permission to
Install two (2) wall signs 48" x 171" = 57 sq. ft. each, one on the south elevation and one on the west elevation.

TOTAL 114 sq. ft. of wall signage.

ORDINANCES and REQUIREMENTS:

Section 4A.37 (c): Wall signs. One (1) wall sign of a size not to exceed forty (40) sq. ft. shall be allowed for each business located in the shopping center.

17. PUBLIC HEARING: **APPLICANT: ITC Holdings**
REPRESENTATIVE: Mr. Gary Kirsh
COMMON DESCRIPTION: 12575 Stephens
LEGAL DESCRIPTION: 13-26-131-001 & 13-26-201-001
ZONE: M-2 & R-1-P

VARIANCES REQUESTED: Permission to

- 1.) Allow a twelve (12) foot tall mini mesh fence with one (1) foot of V Barb on top as per the plan.
- 2.) Allow a sixteen (16) foot tall precast masonry wall as per the plan.

ORDINANCES and REQUIREMENTS:

Section 4D.38 Height: Obscuring walls and fences in non-residential zones shall not exceed six (6) feet in height.

18. NEW BUSINESS

19. ADJOURNMENT

Sherry Brasza
Secretary of the Board