

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
April 27, 2016

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, April 27, 2016 at 7:30 p.m. in the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

Roman Nestorowicz, Chairman
Judy Furgal, Vice-Chairwoman
Sherry Brasza, Secretary
Ann Pauta
Albert Sophia
Henry Brasza
Jeremy Wallace

Members of the Board absent:

Jeremy Fisher, Asst. Secretary
Charles Anglin

Also present:

Roxanne Canestrelli, City Attorney
Everett Murphy, Chief Zoning Inspector

1. CALL TO ORDER

Chairman Nestorowicz called the meeting to order at 7:32 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Secretary S. Brasza stated there is a request for approval of absence both by Board Member Fisher and Board Member Anglin tonight.

Motion:

Board Member H. Brasza made the motion to excuse Board Member Anglin and Board Member Fisher. Board Member Furgal supported the motion.

Voice Vote:

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

4. ADOPTION OF THE AGENDA

Board Member Furgal said they have to do something about this music; it's too hard to concentrate.

Secretary S. Brasza said she would then thanked the recording secretary because she is going to go.

Chairman Nestorowicz pointed out they have two members missing and there is one use variance that is on the agenda for today. He informed Mr. Kerm Billette with a use variance he would need six (6) out of the seven (7) votes on here. He asked if he would like to proceed with that or reschedule that for their next meeting.

Kerm Billette would like to table it at the request of the owner of the property. He would like a full commission.

Secretary S. Brasza informed that would be May 11th.

Kerm Billette asked pardon.

Secretary S. Brasza stated May 11th.

Kerm Billette said that would be fine.

Motion:

Secretary S. Brasza made the motion to adopt the agenda with Item #7 being moved to May 11, 2016 upon the request of the representative. Board Member Pauta supported the motion.

Chairman Nestorowicz said they have a motion by Secretary S. Brasza and support by Board Member Pauta to approve the agenda with the change that Item #7 will be moved to May 11th.

Voice Vote:

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

Chairman Nestorowicz stated if there are any individuals here for item number 7, which was the use variance for the automobile repair business on Nine Mile Road, it will be on the May 11th, there will not be any new posting for it and this is their only notification.

5. APPROVAL OF THE MINUTES OF the Regular Meeting of March 9, 2016 and April 13, 2016.

Motion:

Board Member Furgal made a motion to approve the minutes. Board Member H. Brasza supported the motion.

Chairman Nestorowicz stated motion to approve the minutes of March 9th by Board Member Furgal and support by Board Member H. Brasza.

Lori Harris, 4047 Hillcrest, asked if Corry Johnson was going to explain what he was doing or what the variance, before they make comments.

Secretary S. Brasza said that would probably be a good idea.
Corry Johnson informed the picture is of an explanation as to why the square footage he requested should be...

Inaudible.

Corry Johnson said the picture is of the reason why the square footage he requested should be granted. The square footage of a lot in Warren, as dictated by the Zoning Ordinances, there's numbers in there and he's laid out on his lot the fact that he could fit four standard Warren lots with proper setbacks, side yards, front yards, back yards, etc. and more. There's a twenty foot access ease way along with those four lots. Basically, there could be four houses on his lot each of which could have a seven hundred square foot garage, total of four garages if it were to be redone that way. What he's requesting is two garages, same total square footage, as would otherwise legal for the property. Questions or back to the audience?

Chairman Nestorowicz said before you sit down, they have two members that were not here the first time he actually presented. They may not be as familiar with the previous meeting.

Corry Johnson stated in the previous meeting he had incorrectly filled out the request to simply talk about the detached garage he would like to build. There is a house on the lot, there's a detached garage on the lot, there is also a detached barn on the lot. His plan is to knock down all three, build a new house with a new detached garage. That's the plan. The last time he came in, he incorrectly wrote up the paperwork to say that he just wanted to build a detached garage of a certain size. He had failed to mention that there was an attached garage. Meanwhile, at the meeting he had a bunch of pictures and such, one of which was a picture of the house. It clearly shows that they have an attached garage but that was sort of glossed over and wasn't really explained well. He came back a second time and mentioned that he had gone to the zoning office to talk about how to re-write his new request because the Board had said to go back and ask for a smaller amount. So, he did that but he wasn't sure about the procedure. He went to the building office and asked them how to do that and in talking with them he discovered he should have stated that he wanted an attached and detached garage and needed to put that on the paperwork. It wasn't really explained that he needed to actually file that. Instead he came back to the second meeting and tried to explain that in words and basically was told no, he has to actually go put it on paper, send it into the office and come back. He did that and here he is. Good? Questions?

Board Member Wallace and Board Member Sophiea both thanked him.

Chairman Nestorowicz said well, they'll get to the Board questions in a moment. He asked if the public would like to come back and ask their questions.

Lori Harris, 4047 Hillcrest, asked if she needed to state her name again.

Chairman Nestorowicz said it will make it easier.

Lori Harris explained her neighbors were going to come, they have been coming but they're ill. She has a letter from one neighbor and she'll leave it here if the Board wants to have copies. The other neighbor whose ill has questions and then she'll get to her comments. She asked if she could take down Corry Johnson's pictures because her neighbor wants to show the Board pictures. She wasn't sure if it will work.

Secretary S. Brasza said she could pass them up to the Board and they could take a look.

Lori Harris said this letter is from Chet Ostaszewski at 4061 Hillcrest, next to the neighbor whose commercial barn...

Chairman Nestorowicz asked if she wants to submit the letters into the Board.

Lori Harris said Chet Ostaszewski wants her to read it, she's watching. She continued, it's about 100 feet from his back porch. Those are pictures of the yard next to Mr. Johnson that shows already a tall building with that eave is not sixteen feet. His concern is that the barn, his building will be even taller. There is nothing in this request for the variance about the eave height, which was sixteen feet at the first meeting. He says, "That it's closer to him than the owner. His lot is 220, the other neighbor is 285 deep. Why doesn't he put his barn closer to his house than mine?. Our homes are residential, not commercial, properties. Why was that barn allowed? It cost him \$2400 to keep his land somewhat dry when they built that barn, my neighbor also put in a drain system. They don't need another barn next to this one. -Chet" So, those are the pictures and she asked if the Board would like the letter.

Chairman Nestorowicz answered yes.

Lori Harris said the other neighbor, Fran Tarkowski, she apologizes she doesn't know her house number. Fran Tarkowski wants to know if it's black top or cement, what they're going to do about water drainage. This variance doesn't discuss eave height and wondered if he was going to tear down all the buildings. Those were her questions. She commented to her that she doesn't want a commercial business, barn or storage unit on her property. Then these are Lori Harris' comments. First, she wants to address comments made by the previous Chairwoman from the February meeting. At the meeting of February, and she watched a repeat of the zoning meeting on Warren TV; she was just as outraged as during the actual meeting. When she suggested that it was an exciting thing that when an Engineer from Warren from the Tech Center wants to build in Warren. She was insulted; there are many engineers in Warren, there are doctors, dentists, nurses, nurses' aides, hospitality workers, skilled tradesmen who live in Warren. It makes no difference what Mr. Johnson does, he's not special because he's an engineer and it's an insult to everybody that lives and works in our city. Number two, the guidelines for the city is seven hundred square feet for an additional garage on the

property. Just because his property is large does not mean he should be able to build a larger building. She could fit three or four houses on her property too; that's a ridiculous excuse for wanting the variance. Every other home owner in Warren has to find other places to store their recreational vehicles and can't build storage units on their properties. Why should he be any different? A variance can be considered for building over seven hundred square feet in a hardship case. Clearly, this isn't a hardship case. Mr. Johnson's argument that he wants to spend fifty years in Warren is not realistic. In today's world, young upwardly mobile people, young workers, they move around. It's not unusual for engineers that she knows to be transferred out of the state or out of the country to continue their job, moving up in their job. If the Zoning Board allows Mr. Johnson's request for this building, the Board will be setting a precedent for others to follow. They have a lovely neighborhood; they don't want storage buildings in their yards. Those of those that are behind him will see it, not the people on his street that look at his house from the front. The people behind him will be the people impacted by this building. She thinks that is probably it and thanked the Board.

Gary Trefla, 4087 Hillcrest, stated he lives directly behind the Johnson's. Firstly, he would like to mention that two months ago at the meeting the Board's direction was to not knit pick this down and the original request of 3050 square feet is now 2800 square feet; that doesn't seem much like a reduction factor. Secondly, he wanted to remind everyone that in Section 4.19 Paragraph (b), detached garages should exceed one story or ten feet in height of the eaves, which was not mentioned in tonight's agenda. The third thing he would like to say is that Mr. Johnson's attached garage plan request of 800 square feet already exceeds the ordinance maximum of 700 square feet all on its own. The existing shed that is to be removed is approximately 1000 square feet. He can understand a desire to replace the structure with a like structure of a like size with maximum ten foot eaves, but to allow 2800 square feet of garage space, which is four times the ordinance allows seems to be much too much to him. He thanked the Board.

Dan Zawiejski, 4181 Hillcrest, said he sent the Board a three page letter what he thought about this whole situation; not sure if the Board read it or not. In his letter he had quoted that this home was built in 1928, before Warren was even a city. All these buildings Corry Johnson got on his property, most likely were grandfathered in. Once Warren turned into a city, well its part of the land, where he wants to tear down this, replace it with this. Once you tear down those grandfathered clause buildings from 1928 or older, before the City of Warren became a city, we're talking all brand new construction now. He thinks we should stick to the letter just like all his neighbors over here that the Board keeps dragging them out here for the third meeting. In his letter he did state that there are senior citizens that would love to be here but they just came out of the hospital and they don't need to be dragged out here no more. They would just like you people to just go according to your ordinances; 700 square foot, one garage, not two garages not detached garage, just one garage. He has over a half acre there too and he could have done just like Lori Harris says, he could have built this and that and that, but he went by the rules, exactly what you people said. He just thinks, who is he? His mistake is that he should have saw you people before he bought that property to get all the information. Now that he knows he's probably wishing he moved out to Ray Township somewhere because in his opinion, he should not get it. They have almost forty

neighbors on these blocks and they all live by the rules, why can't he? It's just as simple as that. Like he said, no bend in rules and stick to the regulations. That's basically it. We all have to live by rules, he's not trying to be hard. He's been here in Warren since '76 and he's always abided by the zoning rules, whatever he had to do. This is what we all think and if we start this wave of building big buildings on the property, it's just like what Lori Harris said it's going to look like a big storage area with big walls looking everywhere. It takes away from the scenery because our area is nice; it looks good. They have deer there every day. He's talked to the mayor, he's done everything, the deer is there every day all the time, it's friendly, nice. He loves Warren and he just thinks to keep it the way it is, that's all. Been here since '76, his kids grew up here, went to school here and he's just saying. He didn't pay much for the property, he could probably sell it right now and make some profit, he doesn't know if he ever thought of that. He could probably make \$50,000 on that property right now and he can go out to Ray Township and do what he wants to do. That's all he has to say, he's just a concerned citizen and he loves all his neighbors. He goes around talking to them, he represents the senior citizens and the ones that can't make it he just tries to be there voice. He's just trying to tell the Board what it's like. He resides at his location for almost twenty-six years, so... He loves Warren. He told the Board to have a nice day and thanked the Board.

Chairman Nestorowicz asked if there were any other comments from the audience.

Tonija P., 4124 Tuxedo, said she is the next door neighbor of Mr. Johnson and she would just like to say that she thinks he is being unfairly chastised because of the neighbor who lives to his west, she is to his east, because of a building structure that was built several years ago. She also liked to say that she doesn't agree with the amount of square footage that people who own lots of their size; you could have a fifty by one hundred square foot lot in Warren and have the same kind of 700 square feet of storage available to them which looks like a house next to a garage with no lot. So, being that Warren has many different size properties; some being very small, some being very big that there should be some allowances for when you build on property that is of a bigger size. She has seen the blue prints, she has seen the pictures and she can assure you that when she walks into her backyard she can see her next door neighbors yard; she doesn't have to live behind them. She is for this, she has no problem with this and she hopes he is allowed to build this. She thanked the Board.

Chairman Nestorowicz asked if there are any other comments from the audience. Before he turns this matter over to the Board, he did want to read in one other letter. They previously received correspondence from the Haran Family at 4125 Tuxedo Drive. Their letter is in support of their neighbors, Corry Johnson, saying basically they are planning on building a beautiful custom home and that will be well utilized and functional. They've viewed their plans and they think it's an excellent opportunity for the City of Warren as well. They basically have a letter in support of it.

Secretary S. Brasza stated that Mr. Zawiejski's, Daniel, his letter did arrive to the Board, it's a three pager and for the record the Board did receive it.

Chairman Nestorowicz turned this matter over the Board. He had a couple questions. First he had a question to Everett. He asked if there is anything that Planning has to see on this.

Everett Murphy replied no, being a residential property, Planning does not really need to get involved in this.

Chairman Nestorowicz asked Mr. Johnson, and he does have the drawing, but just for the record he had him state how large the parcel of land.

Corry Johnson said the parcel is 125 x 285 which is 0.85 acres. He did want to clear a couple things up. Last time when he was in, he was asking for a 3050 square foot detached garage, that was just for the detached garage and has he stated earlier the confusion about the attached garage, that hasn't changed, the size hasn't changed. So what he was really asking for before was 3850 square feet and now he's asking for 2800 square feet, a reduction of 1050 square feet, so there's that. He's no longer asking for a 16 foot eave, just a normal ten foot eave, so that's off the table. To the concern of water drainage, his lot is equally as water logged in the spring and fall. The plan is to have a drainage that drains to the run off culvert on Tuxedo. It's going to take all the water that was draining from his yard into the yards of the people behind him. It will take it to the drainage ditch on Tuxedo, not the other street so it should alleviate some of their water logging concerns in addition to taking of his. Also, he's already planted a green wall that over the next couple of years should be growing up to be basically 15 foot tall green partition wall between himself and all other neighbors; so the concerns about the size of the building and whether they can see it or not aren't going to be there in about two to three years. Lastly, the buildings that he does have are, as Gary Trefla mentioned, the size of the building he wants to replace it with. It's not that he's a building a building bigger than what he already has, he's just replacing it with a modern building that isn't falling down.

Chairman Nestorowicz said before he turns it over he wants to get that clarified also because he's asking for his new garage would be 2000 square foot for the detached.

Corry Johnson replied yes.

Chairman Nestorowicz asked how much square footage is the existing garage that's being removed and the barn.

Corry Johnson asked together.

Chairman Nestorowicz replied yes.

Corry Johnson answered together the two are 1950 square feet. He's asking for an extra 50 only because it makes a nice rectangle that is a common size when you order a building to be built.

Chairman Nestorowicz just wanted to get that clarification because there are two buildings on this property now that are 1950 and he's replacing it with a 2000 square foot detached garage.

Inaudible from audience.

Chairman Nestorowicz said and that 800 square foot attached, yes.

Corry Johnson said correct, plus an 800 square foot attached garage, yes. Chairman Nestorowicz said for the new Board members when they were not here back in February when this was started. Originally, he came with a 3000 square foot detached garage. Told the petitioner it's too large and would not approve that; wanted him to work on his proposal and that's when he came back now with 2000 for a detached.

Board Member Sohpiea thanked Chairman Nestorowicz.

Secretary S. Brasza has pictures to get back to Lori Harris. In regards to the neighbor, the eaves are ten foot but that roof line makes it almost a two story facility.

Corry Johnson said correct.

Secretary S. Brasza asked about the roof.

Corry Johnson said it would be either a 2-12 or 4-12 pitch which is going to make the peak of the roof somewhere between 14 and 18 feet. His, the neighbor, is twenty-four and a half.

Secretary S. Brasza asked if it's going to be comparable to what the house is.

Corry Johnson said it will be shorter than the house, the house will be taller.

Secretary S. Brasza asked if the center of the home is taller.

Corry Johnson said the peak of the roof of the house will be taller than the peak of the roof of the garage. They will be of similar slope pitches on the roof.

Secretary S. Brasza thanked Mr. Johnson.

Board Member Pauta said the factoring means of the ordinance is 700 square feet, regardless of the size of the property. This gentleman is asking for 2800 square feet and personally he can't see where there is a hardship, number one. For the Board to approve something, they have to see a hardship and she's not seeing one right now.

Corry Johnson explained that one sort of hardship is substantial justice which is that the Board has already granted exceptions for other people.

Board Member Pauta said the other thing is that what the Board's decision is, it's going to go with the property forever. The Board can't just stop it at Mr. Johnson if he decides to sell the house. What if someone else buys it, what are you going to do, take all this down? She doesn't think so.

Corry Johnson said if that's a clause of acceptance or of granting it, then yes.

Board Member Pauta said this is just way too much and says sorry.

Board Member H. Brasza said to him the 800 square foot attached, he doesn't have a problem with that one. He's wondering if Mr. Johnson would be willing to downsize the 2000 by a step. Not necessarily another thirty percent like he's done before but another compromise that would be more acceptable to more of the members of the Board.

Corry Johnson stated he already reduced. He'd be willing to reduce further but it would make it a lot simpler if the Board would decide what number they're looking for.

Secretary S. Brasza asked what the size of the 2000 square foot, what's the size of the unit, the dimensions. She asked if it was twenty by forty.

Corry Johnson answered thirty by fifty. No, that's 1500; thirty by sixty.

Secretary S. Brasza asked if the thirty is across the east, west.

Corry Johnson said yes.

Secretary S. Brasza asked if he's got sixty going north, south.

Corry Johnson said it's the same as he has now. It's a long skinny rectangle and the skinny part is the width of the lot.

Secretary S. Brasza asked what he does with that depth. Are the doors on the east, west?

Corry Johnson said in on Tuxedo is where the doors would be. Same as now. It's the same as what he has now, there's no difference at all. It's just a modern version of what he's got, in a different spot on the lot to accommodate the new house.

Inaudible from audience.

Secretary S. Brasza said thirty by sixty is 1800 square feet.

Board Member Furgal said but he has a second building.

Secretary S. Brasza said they have to come up with 2000 square feet here.

Corry Johnson said lets go with 1800 then. Thirty by sixty is...

Secretary S. Brasza said no, what he's saying to her is that it was a thirty by sixty.

Corry Johnson said correct.

Secretary S. Brasza asked if it's really only 1800 square feet that he's needing.

Lori Harris shouted from the audience saying she doesn't think that's appropriate and let's just all change it while we're talking.

Inaudible.

Secretary S. Brasza said be down to 2600.

Chairman Nestorowicz knows that Board Member H. Brasza mentioned a small reduction if it was thirty by sixty for 1800 for the detached garage. He asked if that was more line of what he would consider.

Board Member H. Brasza's mic was off and inaudible.

Board Member H. Brasza said his personal range is if it's down into that forty or fifty range as opposed to sixty. Sixty, that's quite a stretch.

Lori Harris shouted that's bigger than her house.

Corry Johnson said sixty is what he has now.

Board Member H. Brasza understands that but he also has some neighbors who are not too happy with whole situation.

Corry Johnson understands that.

Board Member H. Brasza explained they're still going over the allowed ordinance amount so they're trying to come up with something that everyone can agree on.

Corry Johnson said he is willing to compromise; he's already dropped the 1000 square feet and 1250 square feet. He asked thirty by fifty, fine?

Board Member H. Brasza said that would be half of what he originally requested, but...

Secretary S. Brasza wanted to state to the public this is one of those wonderful pieces of property that we still have in Warren. There are a few lots over there and there's a few lots up further on Thirteen Mile that are large. The house that Mr. Johnson is building is much larger in square footage than what's there now and this is in keeping basically with size. We all wish we could have such a beautiful lot and could afford to put storage like that on there. She thanks Mr. Johnson for coming down which is being

stated at thirty by fifty and the height would stay at a ten foot eave, not to exceed eighteen foot total.

Board Member Furgal is good with that.

Motion:

Secretary S. Brasza made the motion to approve the variance request: 1. Remove existing shed and construct a 1500 square foot detached garage with ten foot eaves, not to exceed 18 feet in height. 2. Remove detached garage and construct an 800 sq ft attached garage. Total accessory buildings = 2300 square feet. Due to size and shape of the lot and the property is unique. Board Member Furgal supported the motion.

Lori Harris shouted the Board ruined the whole neighborhood now.

Inaudible shouting from audience.

Chairman Nestorowicz has a motion to approve the request as stated by Secretary S. Brasza, support by Board Member Furgal. Roll Call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (6 – 1).

Secretary S. Brasza	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 Pauta	No, can't see the hardship.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Wallace	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petition has been **granted.**

Lori Harris shouted shame on you.

Corry Johnson's wife thanked the Board.

7. PUBLIC HEARING: **APPLICANT: Mr. Glenn Holman-USE-**
(Rescheduled from 3/9/16)
- REPRESENTATIVE: Kerm Billette PCP, Glenn and Larry Holman
COMMON DESCRIPTION: 3599 Nine Mile Road
LEGAL DESCRIPTION: 13-30-453-031
ZONE: C-1

VARIANCES REQUESTED: Permission to-USE-

1. Operate an automotive repair business (major) in a C-1 zoned district.
2. Allow an automotive repair business (major) adjacent to a residential district.

ORDINANCES and REQUIREMENTS:

support poles up on her land, in front of her drive because it was concrete and then attach the fence accordingly; which meant the good side was facing in. Had they had full access to all of the area and cooperation from all of the neighbors then they could have done it the other way. At the time he did notice quite a few fences that were erected that way. She thought that two things, it was court ordered so she had to do it and she couldn't remove her driveway, etc. to give herself more room so they could erect the fence and have enough room and actually attach it to the other side of the pole, making the good side face out. It was prudent to move forward and make sure she had her fence up in time for her to have her court date, which then her actions were approved by the court. So, that was the reason for erecting it that way.

Lisa Gardner said the neighbor was satisfied as well that requested the fence.

Chairman Nestorowicz thanked them. He stated this is a public hearing and asked if any members of the audience would like to speak on this time.

No response.

Chairman Nestorowicz turned the matter over to the Board.

Secretary S. Brasza is confused with the fact that the ordinance states that when you erect a fence that you have to have the good side facing out. She asked if they pulled a permit on this fence.

Carlton Martin answered absolutely.

Secretary S. Brasza asked when they came back to inspect the fence that's when they were brought here, in front of the Board.

Lisa Gardner said right, she guesses. There was only one inspection, as far as she knows, and that resulted in the notice saying there was a violation.

Secretary S. Brasza asked if the case was the fact that she couldn't get the post on the side towards the neighbor, couldn't you have brought the fence in a little to get behind it?

Carlton Martin answered no. He explained she has about eighteen inches of area where the fence can be erected because he has a driveway and a garage. In order to get anymore room they would have to take out the concrete, basically move the whole garage and driveway.

Secretary S. Brasza asked if they only had the eighteen inches to work with.

Carlton Martin answered yes, that's why.

Secretary S. Brasza thanked him.

Board Member Pauta informed Ms. Gardner that the ordinance was passed in 2013, she did not put her fence up until 2015 and that was two years later. She spoke with Mr. Everett Murphy today about this and she still cannot understand why this could not have been put up the way it was supposed to be. She is not seeing a hardship in her case. She doesn't know why this can't be turned around. There is no way, she saw today, there is no way to maintain that fence on your neighbors' side, no way the way it is right now.

Carlton Martin asked if Board Member Pauta noticed that the neighbors fence, the cyclone fence, that was on the north side of the property was right up against where the poles had to be placed to erect the fence. In order to erect the fence with the paddles on the opposite side, you have to have enough room to work. Because the neighbor didn't grant them that ease, in other words they couldn't operate from his side of the yard, which is normally what happens. His fence normally would have been taken out, but you can't do that unless it's agreed upon. They still had the responsibility to put up the fence because the court ordered it. So now they're working with eighteen inches and the fact that it's hard to maintain is a fact. But also the fact that remains is that this was the demand of the court to put this fence up. They had eighteen inches of room to work with and they did the best they could with that room.

Board Member Pauta said her problem is this. First of all, the ordinance says that she should have come here first to begin with, between going to court and having this installed. She should have come here first. Now, he asked if the permit was pulled before or after because her information is that they pulled the permit after the fence was up.

Carlton Martin said her information would be incorrect. He pulled the permit before the fence.

Board Member Pauta asked what day.

Carlton Martin doesn't have the day, but he pulled the permit before the fence was erected. That can be determined but he doesn't have that information in front of him.

Lisa Gardner said she does have a copy of it but she doesn't have it with her.

Board Member Pauta is not seeing a hardship. She's seeing a hardship now, the way it exists, not the way it should have been. There is no way she's going to approve this.

Chairman Nestorowicz asked Everett Murphy if all permits were pulled on this.

Everett Murphy understands they tried to pull a permit now, he couldn't tell the Board if the fence was up prior to the permit or not; he just doesn't know.

Lisa Gardner does have a copy of it, she just didn't bring it with her. She has a copy of the permit.

Everett Murphy believes they have the permit, he just doesn't know which came first; the permit or the fence.

Chairman Nestorowicz thanked him.

Everett Murphy said it should have been stated right on the application that the good side had to face out.

Board Member Furgal has been around this place a long time. Ninety percent of fences in Warren are built this way already, this ordinance is really new and sometimes things don't work the way you want them to, that's all. She will make a motion.

Motion:

Board Member Furgal made a motion to grant permission to retain a six (6) foot wood privacy fence installed with the good side facing inward as per the plan because of size and shape of the lot and not a situation they created themselves. Secretary S. Brasza supported the motion.

Chairman Nestorowicz has a motion by Board Member Furgal and support by Secretary S. Brasza to grant the petitioner's request. Reasons being: Size and shape of the lot and not self imposed.

Board Member Furgal added not a detriment either.

Chairman Nestorowicz asked for a roll call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (5 – 2).

Board Member Furgal	Yes, for the reasons stated in the motion.
Secretary S. Brasza	Yes, for the reasons stated in the motion.
Board Member Pauta	No, it's not right and looks very bad.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Wallace	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	No, this stays with the property and thinks it's going to be a hardship to maintain both those fences the way they are.

The petition has been **granted.**

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| 9. PUBLIC HEARING | APPLICANT: WWT Booster Club |
| REPRESENTATIVE: | Mr. Norbert Coles |
| COMMON DESCRIPTION: | 13400 Twelve Mile Road |
| LEGAL DESCRIPTION: | 13-14-226-013 |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to

Conduct Annual Spring Fair in the parking lot from Friday, May 20, 2016 to Sunday, May 22, 2016 as follows:

Friday, May 20, 2016	4 p.m. to 12 a.m.
Saturday May 21, 2016	noon to 12 a.m.
Sunday May 22, 2016	noon to 11 p.m.

ORDINANCES and REQUIREMENTS:

Section 4.35: Fairs require the approval of the Zoning Board of Appeals

Chairman Nestorowicz asked him to state his name, address and reason for the petition.

Norbert Coles, 29519 Norma in Warren, said the reason for the petitioner is to get approval to hold their annual fair at the middle school on Twelve Mile to raise funds for their Booster Club to support the kids at the school.

Chairman Nestorowicz thanked him and stated this is a public hearing. He asked if any members of the audience would like to speak on this item.

No response.

Chairman Nestorowicz turned this matter over to the Board.

Board Member H. Brasza if they understand that they like to have the music turned off by 10 p.m. He asked if that was acceptable.

Norbert Coles explained in years past the Board had asked to quite it down at 10 p.m. and have it off by 11ish; they have conformed to that in years past, yes.

Board Member H. Brasza believes last one was music was to be turned off by 10 p.m.

Norbert Coles said ok.

Motion:

Board Member H. Brasza made the motion Conduct Annual Spring Fair in the parking lot from Friday, May 20, 2016 to Sunday, May 22, 2016 as follows: Friday, May 20, 2016 4 p.m. to 12 a.m.; Saturday May 21, 2016 noon to 12 a.m.; Sunday May 22, 2016 noon to 11 p.m. with the condition the music is to be turned off each night by 10 p.m. Reason being: they need approval by the Board. Board Member Pauta supported the motion.

Chairman Nestorowicz has a motion by Board Member H. Brasza and support by Board Member Pauta to approve the petitioners request for a reason being it needs approval by the Board. Roll Call.

Roll Call:

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

Gene Guenther stated their back garage is considered a shed, but over time it's deteriorated and because of the fact that they have so many things for their property, equipment and things like that, it's just become they need more storage. Over the years a few things have disappeared because they haven't been able to be put in the garage and put away properly being that they are so open to everybody walking by. They would just be able to build this, secure their things and keep everything nice.

Chairman Nestorowicz said this is a public hearing and asked if any members of the audience would like to speak on this item.

Everett Murphy just noticed and asked how long they have owned the home.

Gene Guenther replied since 2000.

Everett Murphy explained in 2010 there was a complaint about some temporary signs out front and they were given notice that they could not run a business from the residence. This was apparently during the time that they owned that so he would certainly like the Board to get down to a little bit more detail about what they want to do with the garage; just want to make sure that they're not going to have a business ran out of the garage.

Debera Guenther stated there is no business being ran out of the garage, its storage only.

Gene Guenther said nope.

Chairman Nestorowicz stated this has been turned over to the Board.

Secretary S. Brasza asked what type of signs they had out there in 2010.

Debera Guenther said it was to do uncontested divorces.

Secretary S. Brasza stated they have a rendering in the Board's package. She held the picture up and asked if this is what they're still going with and if they could see it at all.

Board Member Furgal said the picture of the garage.

Chairman Nestorowicz said the picture that was submitted.

Gene Guenther said yes, it would be in the exact place that their garage/shed is now.

Debera Guenther said it's what they submitted.

Secretary S. Brasza asked if it's still going to be that.

Debera Guenther said thirty by forty.

Secretary S. Brasza asked their wall height is 109, nine foot eaves.

Gene Guenther replied yes,

Secretary S. Brasza thanked them.

Chairman Nestorowicz asked about the cement driveway that their pouring around the side of the house, he wondered if that's going to be concrete from the house to the wall.

Gene Guenther explained at first it's just going to be gravel because he has to, part of it is where a gas line runs and he has to contact the gas company because they say no matter what he might have to put pavers in for a certain section in case they have to come in and maintain the pipe. They said they'll cut out whatever they... Obviously they will do whatever they have to do so he may have to determine where it may be. It's going to start with gravel so he can compact it and then it will be cement in probably a year or so. But it's all virgin ground so they're trying not to have busted cement in a year or so. The driveway will not be from the house to the brick wall. There will be a portion of rock, may do some planted bushes, but it will be rock, it won't be cement to the wall.

Chairman Nestorowicz is just curious because with the...

Gene Guenther informed there is fourteen feet there and he really doesn't want to pay for that much cement.

Chairman Nestorowicz said understood. He said it's 1600 square feet of storage space and asked what they do store in that back garage.

Gene Guenther explained that their back garage is filled with their lawnmower, snow-mobiles...

Debera Guenther said they have two lawnmowers because they have 0.86 acres.

Gene Guenther said yes, they have a lot of equipment; their garden and they haven't even bought their till yet. They do have a lot of things between bikes, all the kids and grandkids, wheelbarrows and things of that nature.

Debera Guenther said the Board can come by and look at it if they'd like. Really, they have four kids, four grandkids and the grandkids are always over at their house. They have the pools so they have everything that is stored in the garage, they have a patio, their patio furniture, two patio sets, two table sets, everything is in the garage and they even have things hanging from the rafters.

Secretary S. Brasza said it kind of hit her hard because her home is only that big. So, please don't think it is not a large facility.

Gene Guenther said they did put a big addition on.

Debera Guenther said they put a big addition on their house too.

Secretary S. Brasza said they have two dogs and four people and plenty of room. Her question though, or a statement to them and it's only because of her background in the planning also, she asked when they pulled permits for that garage and saying you're going to put gravel, they're going to have a difficult time getting that through. We don't do gravel to garages. She informed them to be prepared when they do this and pull the permits that they know exactly what's happening with their gas line, exactly when they're going to get their cement in.

Everett Murphy said it's a little bit odd because he's not supposed to address them directly. He asked if there are any cars being stored in this back garage.

Gene Guenther replied no.

Everett Murphy asked why they need the gravel in the mean time. He's very concerned about that gravel. Starts out as a year and then it's the next year then it's they ran out of money and it's the next year. He can't say that will happen here but he's concerned because he sees that all the time. Why don't we get those issues worked out with the gas company first? Then do your construction, then do your concrete work. The gravel, that's not going to work. The ordinance doesn't even allow any kind of driving over the gravel, parking on gravel; it has to be concrete or asphalt.

Secretary S. Brasza said the facility itself has to sit on a rat wall platform.

Debera Guenther said it will be on cement, that's a whole separate issue.

Everett Murphy said it's the traveling back if they're not driving cars back there why does gravel need to go down before being ready to put the concrete down.

Inaudible.

Everett Murphy said that would be the question for them to explain to the Board. Those are the problems that he sees with that and he's just concerned with that.

Debera Guenther said that's a whole separate issue, where here for the garage.

Secretary S. Brasza stated it's not a separate issue because this is a garage with a garage door.

Gene Guenther explained they can put cement, if it needs to be first.

Debera Guenther said to them it's not an issue, it can be done if that's...

Gene Guenther said if it states they have to have a driveway put in first, then they'll put a driveway in first. That he didn't know.

Debera Guenther said they're here because they were told this is what they have to do first.

Secretary S. Brasza said because technically you're not allowed to have it at all. They're here tonight to get permission to have it in the first place.

Gene Guenther explained the existing one they have is smaller and just deteriorating.

Secretary S. Brasza can understand it because they don't have a basement.

Board Member Pauta suggested to table this until these people get the proper information. Perhaps Everett Murphy can help them because...

Inaudible.

Secretary S. Brasza isn't sure she has a second on that.

Debera Guenther said if the issue...

Motion:

Secretary S. Brasza made the motion to grant permission to remove an existing garage and construct a detached garage (40' x 30' = 1200 sq ft) in addition to an existing attached garage (440 sq ft) for a total of 1640 square feet of accessory buildings. Prior to the construction of the detached 40 x 30, that the driveway be paved and the issue with DTE or the gas line be worked out to know where pavers would have to be place. Reasons: size and shape of the lot and not a detriment to the area.

Board Member Furgal supported the motion.

Chairman Nestorowicz has a motion by Secretary S. Brasza, support by Board Member Furgal to approve the petitioner's request. Reasons being: size and shape of the lot and not a detriment to the neighborhood. Per the conditions that Secretary S. Brasza stated in her motion.

Roll Call:

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

Secretary S. Brasza	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Wallace	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petition has been **granted**.

Gene and Debera Guenther both thanked the Board.

11. PUBLIC HEARING **APPLICANT: X-finity Freight Systems, Inc**
Jane Neuman
- REPRESENTATIVE: Kerm Billette PCP
COMMON DESCRIPTION: 25585 Sherwood
LEGAL DESCRIPTION: 13-21-326-006
ZONE: M-3

VARIANCES REQUESTED: Permission to

Permission to waive the required greenbelt or masonry wall along the rear (west) property line.

ORDINANCES and REQUIREMENTS:

Section 17.02 (c): Greenbelt. Along all zoning district boundary lines which border on a more restrictive zoning district.

Section 2.26 (a): Greenbelt. An eight (8) foot greenbelt shall be maintained on a healthy growing condition buy either the occupant or owner of the property.

Chairman Nestorowicz asked them to state their name, address and reasons for their petition.

Kerm Billette, 38628 Warwickshire Drive in Sterling Heights, he is here tonight with the owners of the property at 25585 Sherwood. The site plan thus presented to the Board of Appeals has been approved by the Planning Commission on March 7, 2016.

Chairman Nestorowicz asked him to speak a little closer to the microphone, he's having a hard time hearing him.

Kerm Billette continued to say it was approved by the Planning Commission March 7, 2016 and they've received from the ZBA approvals for two different items; one in 1970 and one 1976 for the property. One was for the installation of a chain link fence, 6 foot high with barbed wire on two sides, the west and the north, north and the south. The other was for the building located five feet from the north property line and five feet from the east property line. In difference to the required, at that time believes 50 foot setback. ZBA's approval of an outdoor diesel fire station for the previous occupants of the building, was approved by the Board of Appeals in 2009. Earlier this year for site plans approval, the owners relinquished that approval for outdoor storage of a diesel tank and the accessories that go with it. The owners were required to perform a survey for the property, which they did. The survey was done by Fenn Associates, it's a very large survey and done on September 21, 2015. He believes they satisfied all the requests by the Planning Commission on the site plan. One was for roll over for the truck traffic coming off Sherwood that would not harm the grass on the turn coming. They were required to do something about the trash disposal; they have a four yard compactor or bin that has been put in the building which is high enough to receive the trash truck or any kind of truck for loading and unloading the trash. They're here tonight to present their petition to waive the only requirement left on the site plan by the Planning

Commission and the Planning Director was to install a six foot masonry wall on the west property line. They have no complaints from any of the residents that he knows of and they're here tonight to request that this wall be waived and they still have the requirement of putting the roll over. They complied with the other requirements and they will comply with marking the parking lots and putting off a handicapped space at fourteen foot wide close to the door for the property. Besides marking the parking stalls, putting the rollover over and putting a trash bin inside, they've reduced the number parking spaces on the south property line for drivers who leave their automobiles there while they take out the truck; they've reduced that in number to comply with the requirements of the Planning Director. They believe that the wall is petitioned or required by the Planning Director, there is almost a mile of property the same as theirs, exact same as theirs. It's industrial, backs up to residential and its' about a half mile long from Ten Mile Road all the way north to about Eleven. There is about one square inch of wall on any of those properties, those properties have had site plan approvals, he did one himself further down for a trucking company and there is no wall required anywhere where it abuts a residential. He thinks that a wall here would serve no useful purpose in that the residences are 235 feet maximum from the west property line. He has pictures to be passed around. The pictures were just taken today, there are only four of them. One of them shows the trucks lined up, another shows the distance between the back of the trucks and the west property line where the fence line is, it's about 8 feet of vacant area between the huge bumper blocks for the semi's, the rear part of the property to the west is the main storage area for trucks, as well as the north property adjacent to the building. They find that the no other wall is being constructed along there, there are certainly residents that are closer than their property that would probably deserve a wall. They're next to the concrete crushing plant which spews out all kinds of dust and has to wash the trucks at about \$100 a piece quiet often. They're pinned in by the north side which previously was a yard for the material, the electrical material for Consumers. They had presently stored trucks back there and there is one picture that shows a bunch of junk on their property, but their property is immaculate as far as compared to that property. The two owners that are here, the ladies that inherited the property and managing the property can answer any of the questions. He thanked the Board.

Jane Neuman, 27240 Ryan in Warren, said she is one of the owners. She's asking tonight that the Board look upon waiving having to put any type of wall up or greenbelt. They also looked into putting up a greenbelt and she had Fritz Nursery come out and give her their explanation, or look at the property and tell her what they could do with it. Fritz Nursery said if she put six foot shrubs across the back, they would have to come in and put all new soil throughout there because there is a vicious vine that grows through that area, within two years that vine would kill these ferns. To put \$10,000 worth of shrubbery and it be destroyed in two years is kind of senseless. Also, she would think too as if they would have to put up a wall, you have two residents that have huge trees that are in the fence that would have to be taken out and demolished. She's asking tonight if the Board could please comply with what they're asking and just leave it the way it is. They do keep their fence lines very clean, as you can see and their property is kept up.

Chairman Nestorowicz thanked them. He stated this is a public hearing and asked if any members of the audience that would like to speak. Please approach the podium and state your name and address for the record.

Thomas Smith, 6220 Warner, he's the resident immediately to the west of the property on their north end. The fence that they were talking about that is adjacent to them on the north where the electrical stores material, that property ends about four feet past the front of his garage. So, going towards the back of the yard, about four feet past the front of the garage is their property line; approximately four to eight feet at the most. That property owner did go to him several years back and asked to put a, and he doesn't know if this was in regards to a Planning request, but they did put up a vinyl fence and had to take out a bunch of poles that were already existing there. His property is the lowest resident in that encompasses those several homes. His back end of his property abuts up against the side of a property on Peter Kaltz. So, he has a large amount of property that abuts to the property in question. He hasn't been back there since Saturday, he's been working in Toledo and he does construction so he's familiar with fences, drains and the such. He has a drain on his property right along their fence line that is there mainly because his property is lower than everyone else's. Also, that business in question has put stone down and raised the elevation of that lot. He doesn't know if the present owners were the ones that did that or not but that was done over a period of two or three years, he's been there since 2000. That property line along the fence has been raised approximately eight to ten inches, at least. In fact, the fence that is currently there is pushed into his property along that two foot, twenty inch elevation change directly at the fence line. Now he is familiar with the trees that they're talking about, that's further to the south of his property along another neighbors property line and he is familiar with the vine because last year they sprayed weed killer along the fence and pulled down all the vines. He had a trumpeter vine that he was trying to grow there for the last year and a half to block the blight from the area. Currently, like he said he hasn't been there since Saturday so he doesn't know, but they have do have semi trucks backed up to within eight feet of the fence, there is a boat stored within about six to eight feet of the fence and there's other items, there's a boat chair, a boat trailer, a boat commode all stored within hand, if he could reach through the fence he could touch them. In regards to the cleanliness and how nice it looks, he doesn't know since Saturday, maybe they cleaned it up but it wasn't like that before. In regards to the dust from the concrete crushing, that is true but there is also dust from the trucks that go around in that parking lot because it's all gravel. It is very unsightly, it is a nice a neighborhood and that's one of the reasons why he purchased there is because it is such a nice big back yard. He knew that it was industrial next to him so he had to expect some industrial but he didn't know that Planning Commission wanted them to build a wall; that would be great, he would love that. The greenbelt that's in question is not there currently, he doesn't know what that would look like if they were to put up shrubs there he's sure he would keep those vines from growing and killing at least the portion blocking his yard. If they wanted to put up a vinyl fence it would be a lot cheaper than a block fence, they could go along with that because that would be a more pleasant site than what's currently there now. He thanked the Board.

Chairman Nestorowicz asked Everett Murphy if he had a comment to make.

Everett Murphy said Mr. Billette has been coming before the Board for a long time. He's been asking him repeatedly for some time now to start listing better hardships; he's not listing hardships. On his application, "a masonry wall serves no useful purpose." That's not a hardship, that's personal. One of the things they really like to do is protect the residents and here they have they want to put all the trucks back against his property, he's just saying that because the neighbors property is so deep they don't need that wall there because they can't see anything. Well, they know they can. Again, with the lack of hardships listed here everything he's heard is sort of personal; maybe not the greenbelt for the vine reason but the wall he doesn't see any reason why they can't do that. It's possible they may have to look into the issue with the properties grade being raised inappropriately, that requires engineering's approval if you're going to put in more than fifty yards and if they raised it that much there is a good possibility that over time that there has been more than fifty yards put in there to have this difference in height between the properties. That may be something they should look at before going on as well. He hasn't been back there lately either but clearly if they're talking about putting trucks back there, boats and things like that should never be stored on these properties; you need approval for that. If that's the case then they're in violation right there. As of right now he doesn't see a hardship and doesn't know why they can't put in a wall, maybe if they had a better one but he just hasn't seen one and they do have a resident right behind them that would be effected by this request without that wall.

Chairman Nestorowicz asked Mr. Billette if there was a hardship he would like to state clearly to the Board in response to the comments that were just made.

Kerm Billette thinks that the fact that the petitioner has been there for so long, been fifty years now, no wall has been required is a hardship for them to go ahead and spend twenty-five to thirty thousand dollars right now to build a wall because someone wants to comply with the ordinance that was not in effect when the building was built nor has it been in effect for the last fifty years.

Chairman Nestorowicz thanked him and turned this matter over to the Board.

Board Member Pauta told Mr. Billette and Ms. Neuman that's she doesn't understand what they're here for to begin with because the issue they have to address was approved in 1976. They already know the fence was approved. So, her problem is she doesn't know what initiated this; they're talking about other issues or items that are being asked to do, to her that's a grocery list. The owner of the property was permitted to put the outside storage, the trucks, the trailers on gravel on gravel as per the plan along the east and south property lines, truck and trailer parking and gravel in plan no less than forty feet in front of the property line. That was done in June 10, 2015; she asked what they're doing here. She really doesn't understand it. In 1976, she believes it was her father that purchased the property, he jumped all the hoops, he came to ZBA, more than likely he was in Planning at that time. So why are they looking at this in 2016, she has no idea. If it was up to her she would make a motion to approve the petitioners request to retain a six foot fence along the west property line. It was already

approve in 1976 so she wondered why they're talking about it now. If there is no other objections...

Chairman Nestorowicz wanted to get clarification from Everett Murphy. He said looking back at what was approved back in 1976, it says 1030 linear feet of six foot high chain link fence was approved in 1976. He wondered if that would be this fence that's in the back.

Everett Murphy thinks they should table it and look into that because he's not convinced yet, he's just looking at this right now. Planning has determined that they need to come here, that's fine, he'll look at that. He suggested we take some time to look at the reasons, what's holding it over going to hurt? He's not being compelled to put the wall in the mean time. The petitioner is the one that brought this to us, and now presenting it to the Board.

Chairman Nestorowicz was just wondering if that fence was approved in 1976 is that fence...

Everett Murphy said that's why it's good to go back and look at the findings, talking to Planning and find out maybe something they know that the Board doesn't. Like he said, this petitioner is the one that brought the request, we didn't go to them and say come over here, they brought that request to us.

Jane Neuman said no the Planning Committee...

Kerm Billette said no that's not right..

Everett Murphy told them to stop. He said no, it's not right. He told Kerm Billette that zoning did not go to him saying he needed the variance. The petitioner came to zoning and asked for this variance. Let's just table it, figure it out, if we don't want to be here, we won't be here.

Board Member Pauta asked Mr. Neuman why she is here.

Chairman Nestorowicz said no to Board Member Pauta.

Jane Neuman said she is here because the head of Planning told them they had to come in front of the Board and get a non variance for this wall. They knew they had granted for the chain link fence, but he is saying that they need to put a green belt or cement wall in there even though they had been granted for the fence.

Everett Murphy said to get to the bottom of the story. Lets table it.

Chairman Nestorowicz asked to have it tabled to the May 11th meeting and therefore Everett Murphy can investigate it. It's possible that maybe Planning didn't understand; he would just like to make sure it's clear. If that approval from 1976 is this fence then

there is nothing for the Board to approved because it's already been approved previously, he thinks.

Kerm Billette said he has the Planning Commission remarks made at the time of the approval. It says five copies of revised plans submitted pursuant to the conditions, which they complied with, the following variance may be obtained from the Board of Appeals prior to the release of the site plan to the Building Division. Item: Greenbelt or concrete wall would be required across the west property line in a performance bond of \$500. Enclosed you'll find the forms and the request for...

Secretary S. Brasza asked when they were in front of Planning. She wondered what the date was.

Kerm Billette replied March 11, 2016.

Roxanne Canestrelli wanted to point out what was granted on May 26, 1976, additional research will probably need to be conducted because the variance is running with the land. The notation we have doesn't state the location of what was granted. It just states that the request was granted so it doesn't specifically state the location of the chain link fence. She would advise the Board that some additional research would be needed to determine the May 26, 1976 granting and what that actually pertained to. She wondered what property line it pertained to, it doesn't state the west property line, it doesn't state any property line. So, she would just advise the Board that some additional research could be conducted for clarification purposes.

Chairman Nestorowicz would like to motion it to the May 11th.

Motion:

Board Member Furgal made motion to reschedule to May 11, 2016. Board Member H. Brasza supported the motion.

Voice Vote:

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

Chairman Nestorowicz said this would give time to do additional clarification so they will address this again on May 11th.

Jane Neuman asked if they'll show up on May 11th.

Kerm Billette said yes, May 11th and thanked the Board.

- | | |
|---------------------------|-----------------------------------|
| 12. PUBLIC HEARING | APPLICANT: Mr. Bryon Gibbs |
| REPRESENTATIVE: | Same as above. |
| COMMON DESCRIPTION: | 8527 Thirteen Mile |
| LEGAL DESCRIPTION: | 13-03-377-003 |

ZONE: C-2 & P

VARIANCES REQUESTED: Permission to

Operate a second hand goods/antique business 200' from residential zone.

ORDINANCES and REQUIREMENTS:

Section 14.01 Paragraph (r): Pawnshops and second hand dealer shall be permitted in C-2 if the following locational criterion is complied with. ITEM 1: The site for a pawnshop or second hand dealer shall be located more than five hundred (500) feet from all residential districts.

Bryon Gibbs, 30059 Mirage Court, is here to ask for permission to reopen a resale at a different location, which is at 8527 Thirteen Mile Road. On November 18, 2015 he was granted permission to open a resale shop 5823 Thirteen Mile, which was also less than 500 feet from residential. The last store at 5823 Thirteen Mile the landlord asked him to move out because of future renovations which led him to panic a little bit. He signed the lease at 8527 Old Chicago Road. He's here to ask the Board to grant him permission to open up the resale shop and if the Board doesn't grant him permission, he's stuck paying for a vacant building for a year. He thanked the Board.

Board Member Pauta said she has been asked to refrain from voting on this item.

Motion:

Secretary S. Brasza made a motion to grant Board Member Pauta to be excused. Board Member H. Brasza supported the motion.

Voice Vote:

A voice vote was taken on the motion. The motion carried (6 – 0).

Chairman Nestorowicz said this is a public hearing and asked if any members of the audience would like to speak on this item. He asked Everett Murphy if he had any comments.

Everett Murphy has two concerns from the Mayor's office, they wanted him to just mention these to the Board. The Mayor's office has expressed that they're concerned that granting the variance could serve as a guide or justification for substantial situations and set a precedent. They're concerned that it has the potential to become an unregulated pawnshop operating close to a residential district. Those are just the concerns that were stated to him by the office.

Chairman Nestorowicz thanked Everett Murphy and turned this matter over to the Board.

Secretary S. Brasza asked Mr. Gibbs if there was any possibility that this would turn into a pawn shop.

Bryon Gibbs replied no way. He will not be selling refrigerators or stoves, he was here in November and he was asked that question. No it will not be turned into a

pawnshop. He's really close to everyone because it's Thirteen Mile, as someone said earlier, feel free to come and he sells nothing but household stuff. He did pretty well over there on Thirteen and Mound, he got along with everyone, he cleaned a lot everyday to represent the place. No way will he be dealing with a pawnshop. He feels safe, he doesn't want to go to Detroit, he loves Warren. He feels safe out here, he knows he's going to be watched and he likes that. He could have gone to Detroit and open up one but he chose Warren because he wants to represent himself well out here. No pawnshop whatsoever, like he said he's really close so the Board is welcome to come see. His store will be absolutely, perfectly clean just like it was on Thirteen and Mound.

Secretary S. Brasza believes there is another second hand goods antique right at Hoover and Thirteen across from the ice cream. She asked if that's Swanson.

Board Member Furgal said yes, it's where Swanson's is.

Secretary S. Brasza said he has a little competition there.

Bryon Gibbs said he won't be doing too much antique, he doesn't know too much about antiques. Like he said, there will be no refrigerators or stoves, small to medium items.

Chairman Nestorowicz wanted to state for the record for the benefit of the two newer members that were not here when Bryon Gibbs was not here previously. This petitioner was here last in 2015 and the Board approved him for his business at the strip mall that is at Thirteen and Mound. There is some redevelopments going on there and that's why he has to move. So the Board has previously approved the petitioner and he's just moving down Thirteen Mile.

Board Member Sophiea and Board Member Wallace thanked Chairman Nestorowicz.

Roxanne Canestrelli wondered if there has been any issue in the past. Ask Everett Murphy.

Board Member Furgal asked if the Board is done and if they're waiting on a motion.

Motion:

Board Member Furgal made the motion to grant permission to operate a second hand goods/antique business 200' from residential zone. Reasons being: Needs approval by the Board and not a detriment to the area. Secretary S. Brasza supported the motion.

Board Member Pauta supports the motion.

Chairman Nestorowicz has a motion by Board Member Furgal, support by Secretary S. Brasza to approve the petitioners request, reasons being: not a detriment to the neighborhood.

Chairman Nestorowicz called Everett Murphy up.

Everett Murphy said he worked with Mr. Youkhana for quite a while on this. He believes he does have valid concerns here. When you're going at that speed and by the time you notice that sign you have very little time to make up your mind. You're either going to stop or keep going. There is no deceleration lane or anything like that so by the time you see it, it's there. When they originally constructed that facility they did it in such a way they didn't have to ask for variances to encroach into the front and setback with the building or the sign. As a result of it, he is sort of penalized by that. He actually asked him to make those colored drawings to really show that it does stick out; it really does show what's going on over there. He thinks his hardship is real.

Chairman Nestorowicz turned this matter over the Board. He said he is very familiar with that location even though he buys his coffee at the one on Twelve Mile. But it's true when you're actually heading south on Mound Road, with that building on the corner to the north, you really do not see the sign until you're right there. He does have a valid hardship there.

Sherry S. Brasza agrees. She said it's sad that he has to come back to the Board and move the sign because of that doughnut shop it can't be seen at all. Going north bound its fine but south bound you're on it when you see it.

Motion:

Secretary S. Brasza made the motion to grant permission to relocate the existing free-standing sign 90" x 114.25" (71.41 square feet), overall height 20' with a 12'-6" under clearance to the front property line as per the plans. Due to lack of identification and it's not a detriment to the area. Board Member Pauta supported the motion.

Chairman Nestorowicz has a motion by Secretary S. Brasza, support by Board Member Pauta to grant the petitioners requests. Reasons being: lack of identification.

Roll Call:

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

Secretary S. Brasza	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Wallace	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petition has been **granted.**

Sami Youkhana thanked the Board.

14. PUBLIC HEARING

**APPLICANT: Gregory Jackson
Prestige Cadillac**

REPRESENTATIVE: Gregory Jackson/Anthony Delicoli/
Anika Jackson/Josh Wagensomer

COMMON DESCRIPTION: 29900 Van Dyke

LEGAL DESCRIPTION: 13-10-301-016

ZONE: C-2

VARIANCES REQUESTED: Permission to

Install four wall signs as follows:

1. One (1) sign 1'6"x8'6" = 12.75 sq. ft. (Prestige) on the west elevation
 2. One (1) sign 2'1"x5'x5" = 11.285 sq. ft. (Cadillac Logo) on the west elevation
 3. One (1) sign 3'6"x15'10" = 55.417 sq. ft. (Cadillac Script) on the west elevation
 4. One (1) sign 3'0"x15'10" = 47.5 sq. ft. (Certified Service) on the west elevation
 5. One (1) sign 1'6"x4'0" = 6 sq. ft. (Parts) on the south elevation
- TOTAL OF 132.952 sq. ft. of wall signage.

Install ground signs as follows:

1. One (1) ground sign: (Certified Pre-owned) 36' overall height from grade; 11' 3.25" x 11' 3.25" = 127.69 sq. ft., located 17 feet from property line as per plan. (North entrance)
2. One (1) ground sign: (Cadillac Brand) 47' overall height from grade; 15' 0.5" x 11' 0.5" = 228.01 sq. ft., located approximately 20 feet from property line as per plan. (South entrance)
3. One (1) ground sign: (Directional sign) 8' 8" overall height from grade; 3' 2" x 12' 6" = 39.584 sq. ft. with an under clearance of 5' 6".

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.

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.17 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.19: All freestanding, projecting, and marquee signs shall have a clearance of ten (10) feet beneath the sign, structure, excluding monument signs.

Chairman Nestorowicz said to state their name, address and reason for the petition.

Gregory Jackson, 8162 Jefferson Avenue in Detroit, said the reason he's here is to get variances for both wall and ground sign for the new Cadillac dealership that he's building on Van Dyke in front of the Police Department Headquarters and across from the General Motors Tech Center.

Chairman Nestorowicz asked if there are any hardships or anything he wants to state with his case.

Gregory Jackson said the hardship would be is that if he did not have signage that is typical for an automotive dealership it would be hard to operate a business there. The building that he's building is 30,000 plus feet is set back off of the road about 200 feet. It would be hard for customers to see the property and therefore restrict trade and sales in that location.

Chairman Nestorowicz said this is a public hearing and asked if any members of the audience would like to speak on this item.

No response.

Chairman Nestorowicz turned this matter over to the Board.

Secretary S. Brasza said he's got a beautiful piece of property here, very large. She's good with the installing the four wall signs as follows: the one thru five. She is not good with installing ground signs that in overall height are forty-seven feet. Van Dyke at that location has a variety of commercial entities and there are really not any that are that tall. She asked for his reasoning for forty-seven feet from grade and then having the sign, which is above.

Gregory Jackson said a couple of things. One is that there are substantial trees as you come north on Van Dyke as you pass Kmart and you also don't see his facility until you get right up on it. The other one is he's putting a substantial investment there and he wants to make sure that he maximize all that he can in order to be able to make a profit and be successful there in what represents the downtown city center area. There are not a lot of other signs along that area at all, as far as ground signs, so it didn't really seem like it was really a nuisance. These signs are typical for the size of sign that he actually has at the current facility, down at 696, but they are similar signs.

Secretary S. Brasza said going down Van Dyke, she was looking at the dealers. Fourteen Mile has some dealers and they are more in keeping with between a thirty and forty foot sign. She's not so worried about the size of the sign, just the height of it. She would think though that with the frontage that he has on Van Dyke and the ability to have the product along that would be good enough indication that this is an auto dealership. She assumes that we all know, at least every resident in Warren, that this is a Cadillac dealership. She just wants to put that out there; she's not comfortable with the thirty-six and forty-seven feet.

Board Member Furgal is not either.

Chairman Nestorowicz wanted to add in that the petitioner mentioned that this is keeping in with his current facility which is taller but it's only next to 696 so that will be able to be seen from 696. It's tall enough so you can see it as your driving down the highway. The petitioner even mentioned that there isn't a lot signs in this stretch because all of the businesses that are around there, they're smaller signs or they're monument signs, they're not very high signs. He has no problems with any of the signs on the

building, he just has a problem with a thirty-six foot and forty-seven foot sign along Van Dyke.

Board Member Sophiea shares those concerns. He is very familiar with that stretch of Van Dyke and he thinks the ground signs of that size, and especially height, would really be a detriment to the area.

Board Member Pauta lives right there, right behind him. She asked Gregory Jackson if she would consider lowering some of these signs because there are no signs in that area. She asked if he would take that into consideration to lowering to thirty feet.

Gregory Jackson said there are some other signs and he actually photo copied some that General Motors recommends because they have certain sayings. They don't just let them put up whatever they want to put up; they actually suggest a certain size. These were the sizes that GM was actually suggesting. He did have some concern that the Board might have some concern about forty-seven feet but certainly he could lower the signage and maybe if he could make a proposal.

Board Member Pauta asked if he could go back to his...

Gregory Jackson continued to say that he was going to make a proposal. The main sign is the brand sign that says Cadillac, that's the one he wants to have the biggest sign on. The next size down is a thirty-seven foot sign. If he could be approved the Cadillac, the main brand sign, that size and then the Certified sign is twenty-eight feet. So they're stepping everything down one size. He thinks the Board would find that those would be complementary to the area. It wouldn't block anyone else's signs. He has around six and a half acres, a lot of frontage, beautiful building and he thinks it would be a compliment to that area.

Secretary S. Brasza said that's coming down. She was looking for it to not be taller than the Wal-Mart sign, which at forty-seven feet it would be. She could do that.

Board Member H. Brasza said he's ok with the thirty-seven foot for the Cadillac symbol. He would really prefer the used car one or pre-owned one to be smaller. Everybody knows that new car dealerships sell certified pre-owned cars. He doesn't think Gregory Jackson is going to draw any extra people into the lot with a sign that's twenty-eight feet. He said if he could get it down to twenty feet for that one, he thinks it would be much more appropriate for the area. He understands that Gregory Jackson wants the symbol out there so he's willing to compromise on that one but the other one, he just doesn't think he's going to draw in extra people with a sign of that size. That's just input.

Chairman Nestorowicz asked if there is any other comments or any motions.

Board Member Furgal agrees with Board Member H. Brasza.

Board Member Sophiea also would agree with Board Member H. Brasza's suggestion on the second sign.

Gregory Jackson said there are some other sign sizes. One is a pole sign, some of them are two pole signs and some of the difference is, what are the wind loads in certain areas in terms of the window blowing, if it's stable enough to make sure it doesn't cause a safety hazard. There is a twenty... The font is small and it's hard for him to read the small print on his paper.

Secretary S. Brasza asked if it would be easier to mull this over and table this to the next meeting.

Gregory Jackson would hate to do that because he's hoping to be open by June 1st.

Secretary S. Brasza said we can do this tonight.

Gregory Jackson said he has to get them ordered.

Board Member H. Brasza asked Gregory Jackson if he wanted someone else to look at the print.

Gregory Jackson said if he could find someone with better eyes, like Everett Murphy, that could maybe help him and he could make a suggestion for the Board.

Secretary S. Brasza said they could to the eleven feet by eleven feet, just put the pole down to twenty feet.

Everett Murphy said he doesn't have his regular glasses...

Secretary S. Brasza jokingly said he's got his cheaters.

Everett Murphy pulled out his portable reading glasses.

Gregory Jackson pointed out to Everett Murphy what he was trying to read. He explained to Everett Murphy that he was suggesting the twenty-eight.

Everett Murphy said what that is right there is a fuzzy number. He can't read that number, it is so small. It is actually blurred on the picture.

Gregory Jackson said it's below twenty-eight feet.

Secretary S. Brasza asked if it was the next size down.

Gregory Jackson said it's the next size down. If he could get some agreement with Everett Murphy and he will prove out whatever this is. It is below twenty-eight feet, it looks like at least four or five feet smaller.

Everett Murphy couldn't tell him what that number was.

Chairman Nestorowicz asked if he wanted to pass that up to the Board so they can see what Everett Murphy and Gregory Jackson are looking at.

Gregory Jackson said yes.

Everett Murphy circled the number they're trying to read.

A member of the audience came up asking to take a look at it. He says he deals with these all the time. He suggested it was a max height of twenty-six feet, four inches. Right around there.

Gregory Jackson jokingly asked if he was under forty years old.

The gentleman answered no, he just turned forty-four but he just deals with those numbers all the time.

Board Member Furgal asked if there were any monument signs that they have. She likes monument signs. The point of having a downtown area is to have it nice and signs just make it sort of... She thinks monument signs look better, that's all. There are many city's that down even allow to have these big, tall pole signs.

Secretary S. Brasza asked if that's all he had a choice of. She asked if he could keep the top big and just have it lower. The Board is just talking about height, not the width.

Gregory Jackson said if he could get an approval not to exceed a maximum height.

Secretary S. Brasza asked if he'll work it out.

Gregory Jackson said he'll work it out and he will bring back to the Board.

Secretary S. Brasza said the Board won't need it. Maybe he could do a brick or do something to contain the size.

Gregory Jackson said the height.

Board Member Furgal likes the one that's twenty feet.

Chairman Nestorowicz asked if Cadillac did monument signs. He knows with a lot of areas, you look at the developments that went in on Mound Road where the Meijer is and all those, the monument signs tend to look a lot nicer, especially with such an elegant dealership, upscale dealership. He wonders if they actually offered such a thing.

Gregory Jackson is not sure and he will check tomorrow. He said if he could get a maximum height.

Inaudible.

Board Member H. Brasza asked Gregory Jackson how twenty-two feet sounds. The next size down there is twenty feet, five inches or something like that. There is one below that. Again, he doesn't think he's going to convince people to turn in because of the pre-owned car sign. That would be his personal opinion and if Gregory Jackson is agreeable to that they will make a motion.

Gregory Jackson said he's more than agreeable.

Secretary S. Brasza said they're going with Certified Pre-Owned at twenty one a max and then the Cadillac brand at thirty-seven.

Motion:

Secretary S. Brasza made the motion to grant permission to install the four wall signs as previously stated and permission to install ground signs as follows: 1. One (1) ground sign: (Certified Pre-owned) 21 feet overall height from grade; 11' 3.25" x 11' 3.25" = 127.69 sq. ft., located 17 feet from property line as per plan. (North entrance) 2. One (1) ground sign: (Cadillac Brand) 37 feet overall height from grade; 15' 0.5" x 11' 0.5" = 228.01 sq. ft., located approximately 20 feet from property line as per plan. (South entrance) 3. One (1) ground sign: (Directional sign) 8' 8" overall height from grade; 3' 2" x 12' 6" = 39.584 sq. ft. with an under clearance of 5' 6". Due to lack of identification and not a detriment to the area.

Board Member H. Brasza supported the motion.

Chairman Nestorowicz has a motion by Secretary S. Brasza, support by Board Member H. Brasza to approve the petitioners request as stated by Secretary S. Brasza in her motion. Reason being lack of identification.

Roll Call:

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

Secretary S. Brasza	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Wallace	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petition has been **granted.**

Gregory Jackson thanked the Board and looked forward to hosting them all at the new Prestige Cadillac.

15. PUBLIC HEARING
REPRESENTATIVE: Mr. Mike Kean/LaVanway Sign Co.
COMMON DESCRIPTION: 6611 Chicago Road
LEGAL DESCRIPTION: 13-04-329-008
ZONE: M-2 & R-1-P

VARIANCES REQUESTED: Permission to

Install a new LED message center on existing foundation with an overall height of seven (7) feet. The new sign in total will measure 84" x 168" = 98 sq ft with the LED portion measuring 36" x 168" = 42 sq ft.

ORDINANCES and REQUIREMENTS:

Section 4A.14 Paragraph (a): Prohibited 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.11 Item (22): Monument sign. A sign mounted directly to the ground with a maximum height not to exceed five (5) 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.

Chairman Nestorowicz asked for him to state his name, address and reason for petition.

Michael Kean, LaVanway Sign Co.; 46825 South Chigwidden in Northville. He introduced Amy Person, representative with Extra Credit Union. The purpose of the variance requests are two allow Extra Credit Union to modify their existing sign and add in an electronic message center below their standing signage.

Chairman Nestorowicz said this is a public hearing and asked if any member of the audience would like to speak on this item.

No response.

Chairman Nestorowicz turned this matter over to the Board.

Secretary S. Brasza loves how on their rendering they have General City Election November 8, 2016 Are you registered to vote? She asked if they know that LED's in the City of Warren they don't like scrolling, blinking, flashing and only every five minutes.

Michael Kean said that's correct. They've already been notified that there would likely be some limitations placed to the duration of the scrolling, the moving of the messages.

Board Member H. Brasza questioned the under clearance. He said the way it is in the picture it's kind of floating in the middle of the lawn area. He asked what the base is going to be like.

Michael Kean said that bottom gray portion, as they commonly refer to as a skirt, it's going to be seven inches of aluminum. The reason being is they wanted to get some clearance between that and the bottom of the electronic message center, because that's a fairly expensive piece of equipment. During landscaping when the lawn maintenance crew comes around with their weed whips and lawn mowers they didn't want any damage to occur to the sign.

Board Member H. Brasza asked if it would be pretty close to where snow comes.

Michael Kean said with our more recent Michigan weather, that's a probably a good observation but there it's still a two and a half inch border so it's getting closer to that ten inch to twelve inches of snow on the ground prior to obscuring the message.

Board Member H. Brasza wondered about the existing sign size. He asked if seventy square foot is correct.

Michael Kean said correct, that's the first drawing of what's existing.

Board Member H. Brasza asked if he's going to a total of ninety-eight square feet.

Michael Kean said correct.

Board Member H. Brasza said that clarifies his questions and thanked him. He wondered if anyone else had any further questions.

Motion:

Board Member H. Brasza made the motion to grant the petitioner's request for a variance to install a new LED message center on existing foundation with an overall height of seven (7) feet. The new sign in total will measure 84" x 168" = 98 square feet with the LED portion measuring 36" x 168" = 42 square feet with an acknowledgement there will be no scrolling, blinking or anything and the message can only be changed once every five minutes. Reasons being: lack of identification and not a detriment to the area.

Board Member Furgal supported the motion.

Chairman Nestorowicz has motion by Board Member H. Brasza, support by Board Member Furgal to approve the petitioners request as stated. Reason being: lack of identification.

Roll Call:

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

Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.

by at least six (6) inches within two (2) years of planting.

Chairman Nestorowicz said to mention their name, address and reason for their petition.

Jeff Eckhout, 3171 Smugglers Ridge Drive in Commerce Township, explained he's here on behalf of DTE and General Motors to request the variances for setbacks, parking requirements, signs and landscaping in order to install this solar PV at the GM Warren Transmission Operations.

Chairman Nestorowicz thanked him. He said this is a public hearing and asked if any members of the public would like to speak on this item. He called up Everett Murphy.

Everett Murphy just wanted to mention they have not been to the Planning Commission yet; they're scheduled to go Monday. Planning is aware of the variances they're requesting tonight because he knows the Board likes them to go to Planning Commission first. It didn't work out that way in this case but Planning is very well aware of what they're asking for tonight.

Chairman Nestorowicz thanked him and turned this matter over to the Board.

Secretary S. Brasza wondered about item number 3, the two six foot by four foot signs in connection. She wondered if she has a rendering of those and asked what that is.

Jeff Eckhout said those will be one sign on the south fence and one along the west fence. There should be a rendering in the packet, he has a drawing with him.

Secretary S. Brasza asked one on Nine Mile and one on Mound.

Jeff Eckhout said correct. He explained there is an existing six foot fence that surrounds the property that they just remounted to them.

Board Member Furgal is wondering if they have a drawing of what it would look like from the street. Another Board Member showed her a picture and she said that's a bunch of lines. She wondered if it's underground, sticking up and wondered how tall it is.

Jeff Eckhout said it would be about thirty inches off the ground to the bottom of the solar module. So to the top it will be about eight feet tall.

Secretary S. Brasza asked eight feet in height.

Jeff Eckhout replied yes.

Board Member Furgal asked how they're protecting this; with just the fence that's there already?

Jeff Eckhout said there's an existing fence around this parking lot.

Board Member Furgal asked if he's not worried about that.

Jeff Eckhout said that's typical.

Board Member Furgal said they just approved a sixteen foot wall for protection for communications or something rather last meeting; a transmission station. She's just concerned because Edison has the place on Eight Mile and they have tall fences with barbed wire on top of it. She's just concerned about that.

Jeff Eckhout said that's typical for a substation for a solar array they typically have a four foot fence.

Secretary S. Brasza asked if they're good with that.

Board Member Furgal said if they're good with it she's ok with it, she just wanted to know.

Jeff Eckhout said they put proper signage up to let everyone know that it's electrical generating facility. He would believe that GM would have security.

Greg Combs explained they have security on the property that monitors the facility.

Board Member Furgal said she lives very near there, she's lived there her whole life so she's very familiar with that property; she remembered when Ford owned it. She doesn't have an issue with putting it there because they don't use the parking lot, she knows that. She's never seen a car in it in years. She was just concerned about security. If they're satisfied then she is.

Jeff Eckhout said yes, they're satisfied.

Motion:

Secretary S. Brasza made a motion to grant permission to: 1a. Install a ground mounted solar photovoltaic (PV) system to within approximately 40 feet from the Nine Mile property line. 1b. Install a ground mounted solar photovoltaic (PV) system to within approximately 51.5 feet from the Mound property line. 2. Waive an additional 183,000 sq ft of required off-street parking. 3. Allow two (2) 6 ft x 4 ft signs in connection with solar photovoltaic. 4. Waive the landscape screen required per section 4D.44(a) at the corner of Nine Mile and Mound. Due to: not a detriment to the area and the property is unique.

Board Member Sophiea supported the motion.

Chairman Nestorowicz has a motion by Secretary S. Brasza with support by Board Member Sophiea to grant the petitioners request as per stated in the variance. Reasons being: property is unique and not a detriment to the neighborhood.

Roll Call:

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

Secretary S. Brasza	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion and said she's really excited about this, very cool.
Board Member Wallace	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petition has been **granted.**

Jeff Eckhout thanked the Board.

17. NEW BUSINESS

Chairman Nestorowicz had one item to remind everybody, especially with the new Board Member that joined today, that on Wednesday, June 1st at 7 p.m. they're having a spring training session for Zoning Board Members; starting at 7 p.m. at the Warren Community Center.

Secretary S. Brasza informed right around the corner, Conference Room A.

Board Member Wallace what date that was again.

Chairman Nestorowicz said June 1st.

Board Member Furgal said Wednesday, June 1st and told Board Member Wallace he definitely should show up.

Secretary S. Brasza asked if everyone received their invites to the appreciation dinner. She said that she and Chairman Nestorowicz are going to be attending, if anyone else?

18. ADJOURNMENT

Motion:

Board Member Furgal made the motion to adjourn the meeting and Secretary S. Brasza supported the motion.

Voice Vote:

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

The meeting was adjourned at 9:43 p.m.

Sherry Brasza
Secretary of the Board

APPROVED