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Zoning Board of Appeals
Office of the City Council
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AGENDA

A Regular Meeting of the Zoning Board of Appeals – **Wednesday, August 24, 2016** at **7:30 p.m.** in the Warren Community Center Auditorium, 5460 Arden, Warren, MI 48092.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPTION OF THE AGENDA
5. APPROVAL OF THE MINUTES OF THE **Regular Meetings of August 10, 2016.**

6. PUBLIC HEARING: **APPLICANT: Najib Atisha – A.L.I. Eight Mile LLC-USE-**

(Rescheduled from 7/13/16)

REPRESENTATIVE: Najib Atisha
COMMON DESCRIPTION: 11177 Eight Mile Road
LEGAL DESCRIPTION: 13-34-401-006
ZONE: M-3

VARIANCES REQUESTED: Permission to-USE-

1. Allow hard surface parking in front yard setback on:
 - a. East side of property to within 20' of the south property line.
 - b. West side of property to within 18' of the south property line.
2. Waive 70,243 square feet of required off street parking.
3. Waive the required greenbelt and/or wall and allow a steel/metal fence on the east property line.
4. Allow parking spaces to be 20' in length on the east property line.
5. Waive the required hard surface and drainage and allow asphalt millings.
6. Allow an outdoor scrap metal processing.
7. Allow open storage of other waste products in an M-3 zone.
8. Allow a 12 foot green belt along the west property line.

ORDINANCES and REQUIREMENTS:

Section 2.26 Paragraph (b): Greenbelt, 20' wide, a decorative masonry wall, not more than six (6) feet in height and not less than eight (8) inches in thickness may be substituted for the greenbelts, upon approval of the Planning Director, and shall be maintained in an attractive condition and structurally sound.

Section 4.32 Paragraph (h) Item 23: One (1) square foot of parking area required for each sq. ft. of floor area for buildings in M-3 Districts.

Section 4.32 Paragraph (i): All spaces that abut a continuous curb required in accordance with Section 16.07 of this Ordinance or a common property line shall be laid out with 22' length.

Section 4.32 Paragraph (k): All off-street parking areas shall be provided with adequate ingress and egress, shall be hard surfaced, shall be maintained in a usable dustproof condition, shall be graded and drained to dispose of all surface water, provide protective bumper curbs as per Sections 4.32 (i) and 16.07, and shall otherwise comply with Section 2.46 and 16.05 of this Ordinance.

Section 17.02 Item (a): Front Yard, Front yard setback shall be 150 feet.

Section 17.02 Item (c): Greenbelt, Along all zoning district boundary lines which border on a more restrictive zoning district. Along all street property lines but may be omitted along the front yard when the front yard is landscaped. 20' wide as per Section 2.26.

Section 17.02 Item (s): Open storage other than junk, All open storage shall be located in a designated area approved by the Planning Commission as a part of site plan approval. The area shall be enclosed on three (3) sides by chain link fencing with metal/plastic slats used for screening as deemed necessary by the Planning Commission. In M-3 and M-4 zones the Planning Commission shall determine whether screening of the outside storage is necessary based on the relationship of the storage to properties zoned residential as identified in Section 3.01 (1-7) of the Zoning Ordinance.

Section 17.02 Item (v): Off-street parking for any permitted use as required and regulated by Section 4.32.

Section 17.02 Item (t): Open storage other waste products, Allowed in M-4 only – When enclosed within a tight unpierced fence not less than six (6) feet in height, when not less than one hundred fifty (150) feet from any street or right-of-way line, when not less than twenty (20) feet from any interior lot line, when surrounded with a greenbelt planting strip not less than twenty (20) feet in width and not less than eight (8) feet in height to completely screen yard from outside view, and when complying with Section 4.13.

Section 4.13: Storage, dumping of waste, junk, garbage, and other similar materials, The use of land for the storage or collection or accumulation of used lumber, and other used materials, or for the dumping or disposal of broken concrete, scrap iron, junk, garbage, rubbish or other refuse or of ashes, slag or other industrial wastes or by-products shall not be permitted in any district, except as specifically specified in Section 17.02(t) of this Ordinance and under a Temporary Certificate from the Building Department, after approval of the Board of Appeals after the recommendation of the Planning Commission which may be issued in appropriate cases upon the filing of an application accompanied by a suitable agreement and bond that such dumping or disposal will not pollute the waters of the City or cause stagnant water to collect, or leave the surface of the land, at the expiration date of such permits, in an unstable condition or unfit for the growing of turf or for other land uses permitted in the district in which such dumping occurs.

No land within the City, regardless of zoning district, shall be used for dumping, burying or otherwise disposing of any toxic substances. For purposes of this Ordinance, toxic substance means any material in concentrations which, alone or in combination presents a significant threat to the health, safety or welfare of human life or which has the capacity to produce injury or illness through ingestion, inhalation, or absorption through the body surface.

7. PUBLIC HEARING: **APPLICANT: Robert Meitzler**
 REPRESENTATIVE: Robert Meitzler
 COMMON DESCRIPTION: 28415 Malvina
 LEGAL DESCRIPTION: 13-13-151-013
 ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Build a (10' x 12') 120 sq. ft. shed that project beyond the existing building lines of the principal building on the lot.

ORDINANCES and REQUIREMENTS:

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

8. PUBLIC HEARING: **APPLICANT: Matthew Bugosh**
 REPRESENTATIVE: Jason McFall
 COMMON DESCRIPTION: 14118 Alger
 LEGAL DESCRIPTION: 13-12-129-011
 ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Install a carport 22' x 11' = 242 sq. ft. constructed on the west side of the dwelling to within 3' of the property line and with a side yard on the east side of 5' 1" having a combined width of both side yards of 8' 1".

ORDINANCES and REQUIREMENTS:

Section 2.09 Carport: A partially open shelter or structure for housing of vehicles. Such structures shall comply with all yard requirements applicable to garages.

Section 7.06 – Side yards: All lots in R-1-C Districts shall have two (2) side yards, each having a width of not less than five (5) feet and the combined width of both side yards shall be not less than thirteen (13) feet; provided, that principal buildings on adjoining lots shall be located not less than thirteen (13) feet apart, provided the overhang shall not exceed twenty-four (24) inches, not including gutter. On lots less than sixty (60) feet in width, which were of record on the date of adoption of this Ordinance, or on lots in a proposed subdivision which has received the approval of the City Council as to lot and street layout at the time of adoption of this Ordinance, a minimum side yard of three (3) feet and minimum combined width of both side yards of eleven (11) feet shall be permitted, provided that the principal buildings on adjoining lots shall be located no less than ten (10) feet apart, and provided the width of the overhang shall not exceed twelve (12) inches, not including gutter.

9. PUBLIC HEARING: **APPLICANT: Spirit Halloween**
 REPRESENTATIVE: Ed McHale
 COMMON DESCRIPTION: 26475 Hoover Road
 LEGAL DESCRIPTION: 13-22-278-040
 ZONE: C-1, C-2, R-1-P & P

VARIANCES REQUESTED: Permission to

Allow a temporary banner; 7' x 30' = 210 square feet on the front elevation. From August 10, 2016 to November 15, 2016.

ORDINANCES and REQUIREMENTS:

Section 4A.41 Temporary Signs Permitted: In all districts, one (1) temporary sign may be approved for each parcel based on the permanent parcel identification number, two (2) times per calendar year for a temporary time period not to exceed thirty (30) days as follows: Paragraph (a): Signs located along major thoroughfares shall not exceed thirty-two (32) square feet in total area.

10. PUBLIC HEARING: **APPLICANT: Dan W. Lorimer**
 REPRESENTATIVE: Charles H. Earl, Attorney
 COMMON DESCRIPTION: 28000 Mound
 LEGAL DESCRIPTION: 13-16-151-009
 ZONE: M-3

VARIANCES REQUESTED: Permission to

Waive 9,411 square feet of required off-street parking in connection with a building addition.

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (h) Item 23: One square foot of parking area required for each sq. ft. of floor area for storage buildings.

11. PUBLIC HEARING: **APPLICANT: Dart Machinery, Ltd**
 REPRESENTATIVE: Michael J. O'Leary
 COMMON DESCRIPTION: 2097 Bart
 LEGAL DESCRIPTION: 13-30-308-008
 ZONE: M-2

VARIANCES REQUESTED: Permission to

1. Waive an additional 2,734 square feet of required off-street parking in connection with a building.
2. Allow hard surfacing and a parking lot in the front yard setback to no closer than 9.9 feet from the south property line along Bart.

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (h) Item: One (1) square foot of parking area required for each sq. ft. of floor area for manufacturing buildings.

Section 17.02 Paragraph (a): Front yard setback for M-2 is 25 feet.

12. PUBLIC HEARING: **APPLICANT: Sherwood Warren LLC**
 REPRESENTATIVE: Robert Tobin
 COMMON DESCRIPTION: 6732 Maxwell
 LEGAL DESCRIPTION: 13-33-203-004 to 13-33-203-009
 ZONE: M-1

VARIANCES REQUESTED: Permission to

1. Allow 3,240 sq. ft. outdoor storage on gravel surface.
2. Waive 5,945 sq. ft. of off street parking.
3. Allow a 6 foot chain link fence with plastic slats and waive the required greenbelt or wall.
4. Allow a 6 foot chain link fence in the front yard.

ORDINANCES and REQUIREMENTS:

Section 17.02, Item (s) Paragraph (2): Industrial Standards, Open storage other than junk... The designated area shall be hard surfaced and screened from the public street

and any residentially zoned areas... Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure.

Section 17.02, Item (c): Industrial Standards, Greenbelt None, except when a side or rear yard abuts a zoning district other than industrial then eight (8) feet wide as per Section 2.26.

Section 2.26, Paragraph (a): Greenbelt An eight (8) foot greenbelt... and which shall be planted and maintained in a healthy growing condition by either the occupant or owner of the property.

Section 17.02, Item (v): Off-street parking for any permitted use as required and regulated by Section 4.32.

Section 4.32 Paragraph (h) Item 23: Industrial Establishment Provide upon land owned by such establishment about each industrial building... and in no case shall the area allotted to off-street parking be less than one hundred (100) per cent of the total floor area.

Section 4D.07: Setback required Walls, fences and landscape screens shall conform to the setback requirements for the zoning district, unless otherwise provided in this article.

Section 4D.08: Fences, walls and landscape screens in front yard between building line and front property line No fence, wall or landscape screen shall be constructed between the established building line and the front property line.

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| 13. PUBLIC HEARING: | APPLICANT: Crown Enterprises Inc.-USE- |
| REPRESENTATIVE: | Daniel Onifer |
| COMMON DESCRIPTION: | 2400 Frazho |
| LEGAL DESCRIPTION: | 13-19-326-020 |
| ZONE: | M-2 & R-3 |

VARIANCES REQUESTED: Permission to-USE-

1. Allow open storage in an R-3 zone.
2. Allow a total 165,200 sq. ft. of open storage on the site.

ORDINANCES and REQUIREMENTS:

Section 17.02, Paragraph (c): Industrial Standards; Greenbelt required along all zoning district boundary lines which border on a more restrictive zoning district. Along all street property lines but may be omitted along the front yard when the front yard is landscaped. 8' wide per section 2.26.

Section 2.26, Paragraph (a): Greenbelt. An eight (8) foot greenbelt... and maintained in a healthy growing condition by either the occupant or owner of the property. A decorative masonry wall, not more than six (6) feet in height and not less than eight (8) inches in thickness may be substituted for either of the above greenbelts, upon approval of the Planning Director, and shall be maintained in an attractive condition and structurally sound.

Section 17.02, Paragraph (s): Industrial Standards; All open storage shall be located in a designated area approved by the Planning Commission as a part of site plan approval. The area shall be enclosed on three (3) sides by chain link fencing with metal/plastic slats used for screening as deemed necessary by the Planning Commission. The designated area shall always be hard surfaced and screened from the public street and any residentially zoned areas. Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site in M-2 zone and is not allowed in an R-3 zone.

14. PUBLIC HEARING: **APPLICANT: State Crushing Inc**
REPRESENTATIVE: Robert Tobin
COMMON DESCRIPTION: 25501 Sherwood
LEGAL DESCRIPTION: 13-21-326-009 to 13-21-326-012
ZONE: M-3

VARIANCES REQUESTED: Permission to

1. Retain the truck scale in the front yard to within 70 feet of the front (east) property line along Sherwood.
2. Allow hard surface parking in the front (east) yard setback along Sherwood.
3. Retain 6 foot chain link fence on the front (east) property line along Sherwood.
4. Retain 6 foot chain link fence with vinyl slates along the rear (west) property line, waiving the required greenbelt or wall.
5. Waive the 60 foot rear and side set back from the southwest stock pile "A" of broken concrete.
6. Retain the gravel surfacing and existing drainage on the site.

ORDINANCES and REQUIREMENTS:

Section 17.02 Paragraph (a): Front yard setback for M-3 is 150 feet.

Section 17.02 Paragraph (a) Item (3): In M-3 zone, front yards may be utilized for parking or vehicles provided that the front fifty (50) feet of a lot or tract in an M-3 district shall be landscaped and the balance shall be depressed at least two (2) feet so as to have all parked vehicles therein, completely out of sight or view of the roadway.

Section 4D.39: All fences and walls constructed or installed between lots shall not exceed a height of six (6) feet above the average grade of the two (2) adjoining lots and shall not extend closer to the front lot line than the established building line or front set back line.

Section 17.02 Paragraph (c): Greenbelt – along all zoning district boundary lines which border on a more restrictive zoning district. Along all street property lines but may be omitted along the front yard when the front yard is landscaped.

Section 2.26: Greenbelt – A decorative masonry wall, not more than six (6) feet in height and not less than eight (8) inches in thickness may be substituted for either of the above greenbelts, upon approval of the Planning Director, and shall be maintained in an attractive condition and structurally sound.

Section 17.02 Paragraph (b): Side yards, and rear yards setbacks for M-3 is 60 feet, each.

Section 17.02 Paragraph (s): Open storage other than junk. All open storage shall be located in a designated area approved by the Planning Commission... shall not be located in any area required for parking... The designated area shall always be hard surfaced and screened from the public street and any residential zoned areas... In M-3 the outside storage may not be closer than one hundred and fifty (150) feet from any street right-of-way line.

15a. PUBLIC HEARING: **APPLICANT: General Motors**
REPRESENTATIVE: Mr. Jason A. Harris
COMMON DESCRIPTION: 30100 Mound Road
LEGAL DESCRIPTION: 13-09-300-001
ZONE: M-3

VARIANCES REQUESTED: Permission to

Construct a parking deck to 49' – 1" in height as per the plans.

ORDINANCES and REQUIREMENTS:

Section 17.02 Paragraph (d): Building height not to exceed 40 feet.

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| 15b. PUBLIC HEARING: | APPLICANT: General Motors |
| REPRESENTATIVE: | Mr. Jason A. Harris |
| COMMON DESCRIPTION: | 30003 Van Dyke Avenue |
| LEGAL DESCRIPTION: | 13-09-400-002 |
| ZONE: | M-3 |

VARIANCES REQUESTED: Permission to
Construct a parking deck to 68' in height as per the plans.

ORDINANCES and REQUIREMENTS:

Section 17.02 Paragraph (d): Building height not to exceed 40 feet.

16. NEW BUSINESS

17. ADJOURNMENT

Sherry Brasza
Secretary of the Board