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Zoning Board of Appeals
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AGENDA

A Regular Meeting of the Zoning Board of Appeals – **Wednesday, September 28, 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 September 14, 2016.**

6. PUBLIC HEARING: **APPLICANT: Najib Atisha –**
A.L.I. Eight Mile LLC-USE-
(Rescheduled from 7/13/16, 8/24/16)

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: Kaiser Real Estate**
 (Rescheduled from 9/14/16)
 REPRESENTATIVE: Imad Potres
 COMMON DESCRIPTION: 27333 Van Dyke
 LEGAL DESCRIPTION: 13-16-480-021
 ZONE: C-1

VARIANCES REQUESTED: Permission to

1. Allow a south side yard of 12.2 feet along Hartsig.
2. Waive 11 parking spaces.
3. Allow a decorative structure (arch) 18 feet tall and 38 feet wide over parking ingress/egress to within 5 feet of the front (Van Dyke) property line.
4. Allow hard surfacing to within 13' 6" from the front (Van Dyke) property line.

ORDINANCES and REQUIREMENTS:

Section 13.04: Front yard setback. A fifteen (15) foot front yard setback shall be provided by all commercial buildings in a C-1 District, measuring from the proposed right-of-way line established by the City's Master Thoroughfare Plan.

Section 13.06: Sid yard setback. The width of a side yard abutting upon a street shall be not less than fifteen (15) feet when rear yards abut rear yards.

Section 4.32, Item (22): Off street parking. One (1) parking space for each one hundred fifty (150) square feet of floor space.

8. PUBLIC HEARING: **APPLICANT: Ameer Jameel Abdulahad**
 REPRESENTATIVE: Same as above.
 COMMON DESCRIPTION: 8275 Essex
 LEGAL DESCRIPTION: 13-27-307-025
 ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Install 64 linear feet of four (4) foot high chain link fence to 15 feet from the front (south) property line, as well as the side property to the 15 feet from the front property line.

ORDINANCES and REQUIREMENTS:

Section 4D.08 – Fences in front yard between building line and front property line: No fence shall be constructed between the established building line and the front property line.

9. PUBLIC HEARING: **APPLICANT: Billy Foster-USE-**
 REPRESENTATIVE: Robert Naeyaut/Sean Horvath
 (Great Lakes Home Improvement)
 COMMON DESCRIPTION: 2324 Eleven Mile Road, Lot 12 E. Maple
 LEGAL DESCRIPTION: 13-19-127-002
 ZONE: R-4

VARIANCES REQUESTED: Permission to-USE-

1. Allow a garage in an R-4 zone.
2. Waive the approval of the Planning Commission.

ORDINANCES and REQUIREMENTS:

Section 11.01: In all R-4 Districts no building or land, except as otherwise provided in this Ordinance, shall be erected or used except for one (1) or more of the following specified

uses, on approval of the Planning Commission with respect to site layout and pedestrian and vehicular circulation: (a) Mobile home courts and trailer coach parks.

- 10. PUBLIC HEARING:** **APPLICANT: 8 Mile Groesbeck Prop LLC**
REPRESENTATIVE: Mr. Joseph G. Arcori
COMMON DESCRIPTION: 11817 Eight Mile Road
LEGAL DESCRIPTION: 13-35-353-004
ZONE: C-1

VARIANCES REQUESTED: Permission to

1. Waive twenty-one (21) parking spaces.
2. Allow 21 parking spaces along Eight Mile and 26 parking spaces west of the buildings to be at a length of 17 feet.

ORDINANCES and REQUIREMENTS:

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

Section 4.32 Paragraph (i): Parking dimensions. All spaces that do not abut a continuous curb required in accordance with Section 16.07 or a common property line shall be laid out with a minimum length of 20 feet.

- 11. PUBLIC HEARING:** **APPLICANT: Mike Shaba**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 4415 E Eight Mile Road
LEGAL DESCRIPTION: 13-32-357-025
ZONE: M-2

VARIANCES REQUESTED: Permission to

Operate a major auto repair facility, in Suite A, that is 105 feet from a residential district.

ORDINANCES and REQUIREMENTS:

Section 14.01 Item (j): Automobile repair shops, including body and fender business, provided that such uses are conducted entirely within an enclosed building, and provided further that such establishments are located at least two hundred (200) feet from any residential district.

- 12. PUBLIC HEARING:** **APPLICANT: National Illumination & Sign**
REPRESENTATIVE: George Jeakle – National Illumination & Sign
 Kevin Foley – Speedway
COMMON DESCRIPTION: 32123 Van Dyke
LEGAL DESCRIPTION: 13-04-276-006
ZONE: M-1

VARIANCES REQUESTED: Permission to

Erect signs as follows:

1. On canopy:
 - a) North elevation:
 - i) Total side 28' x 4' = 112 sq ft
 - ii) 15' 3" x 3' illuminated "Speedway" = 47.25 sq ft
 - iii) Total with verbiage 47.25 sq ft and 64.75 sq ft of non verbiage

- b) South elevation:
 - i) Total side 28' x 4' = 112 sq ft
 - ii) 15' 3" x 3' illuminated "Speedway" = 47.25 sq ft
 - iii) Total with verbiage 47.25 sq ft and 64.75 sq ft of non verbiage

- c) East elevation:
 - i) Total side 148' x 4' =592 sq ft
 - ii) 5' 8" x 3' illuminated "Speedy Cafe" = 17 sq ft
 - iii) 13' x 3' non illuminated "made fresh for you" = 39 sq ft
 - iv) Total with verbiage 56 sq ft and 536 sq ft of non verbiage

Total wall signage on the canopy 816 sq ft with 150.5 sq ft of verbiage and 665.5 sq ft of non verbiage.

- 2. On building above door:
 - 5' 8" x 3' illuminated "Speedy Cafe" = 17 sq ft

ORDINANCES and REQUIREMENTS:

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

Section 4A.16 Measurement of sign area (a): The surface area of a sign shall be measured and defined by the area which encloses the extreme limits of individual letters, words, symbols or message of the sign together with any frame.

13. NEW BUSINESS

14. ADJOURNMENT

Sherry Brasza
Secretary of the Board