

WARREN ZONING BOARD OF APPEALS  
REGULAR MEETING  
January 11, 2017

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, January 11, 2017 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  
Jeremy Fisher, Asst. Secretary  
Henry Brasza  
Charles Anglin  
Albert Sophia  
Jeremy Wallace

**Members of the Board absent:**

Ann Pauta

**Also present:**

Roxanne Canestrelli, City Attorney  
Steven Watripont, Zoning Inspector

1. **CALL TO ORDER**

Chairman Nestorowicz called the meeting to order at 7:30 p.m.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

**Motion:**

Chairman Nestorowicz made the motion to excuse the absence of Board Member Pauta, who had personal issues that came up and could not attend today; Supported by Board Member Anglin.

**Voice Vote:**

A voice vote was taken on the motion. The motion carried (8 – 0).

4. **ADOPTION OF THE AGENDA**

**Motion:**

Board Member Furgal made the motion to accept the agenda as amended; Supported by Board Member Anglin.

Secretary S. Brasza stated there is an adjustment on the agenda if she may; Item number 13 had requested by letter that it would be rescheduled to February, so that would be rescheduled for February 8<sup>th</sup>; to add that to the motion.

Board Member Furgal stated yes.

*(Initial motion was updated to reflect the amendments made)*

**Voice Vote:**

A voice vote was taken on the motion. The motion carried (8– 0).

**5. APPROVAL OF THE MINUTES OF the Regular Meeting of December 14, 2016.**

Chairman Nestorowicz asked if any of the Board Members had a chance to actually read the minutes because he knows that some of the packets just got to them...

Board Member Furgal stated she read them but she was not present at the meeting.

**Motion:**

Secretary S. Brasza made a motion to approve the minutes of December 14, 2016 as written; Supported by Board Member Fisher.

**Voice Vote:**

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

Chairman Nestorowicz and Board Member Furgal abstained from voting, due to not being present at that meeting. But the minutes are approved.

**6. PUBLIC HEARING:**

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

ZONE:

**APPLICANT: Outfront Media-~~USE-~~**

*(Rescheduled from: 12/14/2016)*

Caren Burdi, Attorney

**28219 Mound**

13-17-278-016

C-1

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

- 1) Allow the edge of the billboard to be 15 feet from the south property line along Elmer Avenue.
- 2) Allow a billboard on property that abuts residential property to the west.
- 3) Allow a billboard in a C-1 zone.

**ORDINANCES and REQUIREMENTS:**

**Section 4A.51: Billboard setbacks:** Off-premise signs and billboards shall be set back

pursuant to the setback regulations of the zoning district where the sign is located.

**Section 13.06: Setbacks:** The width of a side yard abutting upon a street shall be not less than fifteen (15) feet when rear yards abut rear yards. However, in the case of a rear yard abutting a side yard of an adjacent residential lot, the side yard abutting upon a street shall be not less than twenty-five (25) feet.

**Section 4A.48 Paragraph (a):** Except as regulated by the Highway Advertising Act, billboards of a size not exceeding four hundred (400) square feet are allowed in M-3 and M-4 industrial zones, provided that the billboard is located no closer than five hundred (500) feet from any residential use.

**Section 4A.53: Off-premise signs prohibited.** Off-premise signs and billboards shall be prohibited in the following districts: a) Residential districts; b) Parking districts; c) Professional business districts; d) Office districts; e) Special services districts; f) Commercial business districts; g) M-1 and M-2 industrial districts.

Chairman Nestorowicz asked the individual at the podium to state her name and address for the record.

Caren Budi, 27299 Bradner, Warren, Michigan 48088; appeared before the Board and stated she has a Use Variance and she would have to get 6 votes out of 9 and the Board is missing a member tonight. She really would like to present this matter in front of a full Board if she may; she apologizes for asking for a tabling. Had they had a full Board, she is prepared. So she asks if they could table this matter to February and she is hoping for a full Board.

**Motion:**

Secretary S. Brasza made a motion to table this matter to **February 8<sup>th</sup>, 2017;**  
Supported by Board Member Furgal.

**Voice Vote:**

A voice vote was taken on the motion. The motion carried (8 – 0).

7. PUBLIC HEARING:

**APPLICANT: Kaiser Real Estate**

*(Rescheduled from: 09/14/2016; 11/16/2016)*

REPRESENTATIVE:

Imad Potres

COMMON DESCRIPTION:

**27333 Van Dyke**

LEGAL DESCRIPTION:

13-16-480-021

ZONE:

C-1

**VARIANCES REQUESTED: Permission to**

Petitioner requests to:

- 1) Allow a south side yard of 6' 8" along Hartsig for a new building.
- 2) Allow a north side yard of 4' 2" near existing building for parking.

- 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: Side 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 13.06: Side 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.

Chairman Nestorowicz asked if the petitioner was present.

Secretary S. Brasza stated may they move this to item number 15a?

(Inaudible)

Chairman Nestorowicz stated yes, they need a motion.

**Motion:**

Board Member Anglin made a motion to move this item 7 to item **15a**; Supported by Board Member H. Brasza.

Chairman Nestorowicz stated they have a motion by Board Member Anglin and Support by Board Member H. Brasza to move item 7 to **15a** to give the petitioner a chance to appear.

**Voice Vote:**

A voice vote was taken on the motion. The motion carried (8 – 0).

- |                            |                                |
|----------------------------|--------------------------------|
| <b>8. PUBLIC HEARING:</b>  | <b>APPLICANT: Dustin Howes</b> |
| <b>REPRESENTATIVE:</b>     | Dustin Howes                   |
| <b>COMMON DESCRIPTION:</b> | <b>11409 Metter</b>            |
| <b>LEGAL DESCRIPTION:</b>  | 13-27-231-013                  |
| <b>ZONE:</b>               | R-1-C                          |

**VARIANCES REQUESTED: Permission to:**

Retain a (16' x 12') 192 sq. ft. shed that projects beyond the existing building lines of the principal building on the lot.

**ORDINANCES and REQUIREMENTS:**

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

**Section 4.20 Paragraph (a) Item (5):** That all accessory structures, excluding garages, will not exceed a total of 120 square feet.

Chairman Nestorowicz asked if the petitioner is present.

(Inaudible)

Chairman Nestorowicz asked the individual to approach the podium. He stated to the individual that she is not Dustin?

Individual stated she does not look like Dustin; she is his power of attorney; she is his mother.

Chairman Nestorowicz asked if she had any identification or something....

Secretary S. Brasza asked if she is Teresa Spence.

Individual stated she does not have identification but he did file that when he...

Secretary S. Brasza asked for the individual's name.

Teresa Spence stated her name.

Secretary S. Brasza thanked Ms. Spence.

Chairman Nestorowicz asked if she may state her address for the record and then the reasons for the petition.

Teresa Spence asked if she should state her address for her son's address.

Chairman Nestorowicz stated her address.

Teresa Spence stated 11401 Miller Road, Gaines, Michigan 48436; appeared before the Board.

Chairman Nestorowicz stated and the reasons for the petition along with the hardship.

Teresa Spence stated the reason is because they have a shed there that was there when he (meaning her son) bought the house. The hardship is that, that is all that is there for outside lawn mower, snow blower, whatever... there is no garage or anything there. It was there when he (her son) bought the house; they are under the understanding that it was not done properly, but when he bought the house, he thought it was.

Chairman Nestorowicz stated this is a public hearing, are there any members of the audience who would like to comment on this item? (No responses) Not seeing any, he turned the matter to the Board.

Board Member Sophiea asked if this is a rebuild. Was her son going to rebuild the shed?

Teresa Spence stated no.

Board Member Sophiea stated there was nothing to do with it now, just to retain it the way it is and has been?

Teresa Spence stated yes. When he bought the house, circumstances in his life, caused them to (him and her) to look for a house that was convenient for him. This was perfect for him; it did not have a lot of maintenance; it had a shed that he could keep his lawnmower and his snow blower in and circumstances he is now in Herndon, Virginia because votes went undecided that he is the perfect candidate for the job that he is in now. Anyhow, she does not know where they would store those things for him if he did not have the shed; she does not know how the shed was built without permission from the Board in advance, but it was there two owners ago.

Board Member Furgal stated she is confused because according to the photographs and stuff there is a shed on the property and this little lean-to looks like it is attached to something so it is pretty confusing. Is that the shed?

Teresa Spence stated yes, the shed is on the property.

Board Member Furgal stated is it open though? Is the building....this picture shows a lean-to, not a shed?

Teresa Spence stated the shed is attached to that lean-to...there is...

Board Member Furgal stated so the white building that is on the picture is the shed?

Teresa Spence stated she does not know; she could not see it and she does not have it. She stated the building they see the lean-to attached to, is the barn in question, the shed in question.

Board Member Furgal stated yes.

Teresa Spence stated how many ever owners ago, added this little lean-to to a barn that they made or that they created. They just put this lean-to...in her world happen all the time; she does not know why they did it, she does not know...

Board Member Furgal stated and they do not use the lean-to?

Teresa Spence stated they have owned the house for literally two (2) months. He bought this house, all of this stuff that they are before the Board because of, was there when he bought the house.

Board Member Furgal stated right, she understood.

Teresa Spence stated he was in circumstances beyond his control.

Board Member Furgal stated she understands.

Teresa Spence stated and he bought a house. They did everything they were supposed to do; they bought a house; that was here.

Secretary S. Brasza asked Board Member Furgal if she could ask a question.

Board Member Furgal stated sure, she was just confused about the lean-to.

Secretary S. Brasza stated she was too. Question, because in this....

Teresa Spence stated just for the record...

Secretary S. Brasza stated she is going to ask the question, if she may. The picture, she sees an air conditioning unit, could she give her more information on the structure that is the shed itself that is twelve (12) feet by sixteen (16) feet?

Teresa Spence stated it is basically a shed; it is just your normal...

Secretary S. Brasza stated her entrance, her entrance into the shed, what is it?

Teresa Spence stated front door.

Secretary S. Brasza stated it is a door?

Teresa Spence stated there is a little...

Secretary S. Brasza stated that comes out this way (motioning with her hand) or slides maybe? It is not a garage door?

Teresa Spence stated yes; no it is not a garage door.

Secretary S. Brasza stated and the air conditioner unit, has it been used as a residence or a place where somebody could...

(Inaudible)

Teresa Spence stated no, the air conditioning that they see there does not exist anymore; it was not there.

Secretary S. Brasza asked when the picture was taken.

Teresa Spence stated she is not sure, but she does not recall seeing an air conditioning unit in the house. She will tell them that there was—in this house—when it was purchased after they got into there was a lot ventilation drain types things that have since been removed.

Secretary S. Brasza stated they are talking about the shed. Is this the house or the shed? (Referring to the photograph)

Teresa Spence stated it is the shed.

Secretary S. Brasza stated okay, and it looks to be quite tall; does she know the height of the shed?

Teresa Spence stated it is twelve (12) feet.

Secretary S. Brasza stated and does it have just a standard roof? What type of roof?

Teresa Spence stated yes.

Secretary S. Brasza stated she would like to add to the motion if whoever makes it that this lean-to be removed from the shed.

Board Member Anglin stated looking at this shed, he agrees with Secretary S. Brasza because it is not built to code, so his opinion would be to at least this lean-to has to come down. If there are no other questions, he could make a motion.

**Motion:**

Board Member Anglin made a motion to approve the petitioner's request to:  
Retain a (16' x 12') 192 sq. ft. shed that projects beyond the existing building lines of the principal building on the lot and **that the lean-to is to be removed.**

Reasons Being: Uniqueness of Property and it is not a hindrance to the neighborhood.

Secretary S. Brasza Supported the Motion.

Chairman Nestorowicz stated there is a motion by Board Member Anglin and support by Secretary S. Brasza approve the petitioner’s request with the **Condition: That the lean-to would be removed off the shed.**

**Roll Call:**

A roll call was taken on the motion. The motion carried (8 – 0).

Board Member Anglin	Yes, for the reasons stated in the motion.
Secretary S. Brasza	Yes, for the reasons stated in the motion.

Chairman Nestorowicz stated he had a question before they proceeded. He asked Teresa Spence if she actually agrees that if the Board makes the motion to remove the lean-to.

Teresa Spence stated absolutely, yes, absolutely; it has no value to them.

Chairman Nestorowicz stated okay, he just wanted to make sure.

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 Fisher	Yes, for the reasons stated in the motion.
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 petitioner’s request is **GRANTED** the request, with the **Condition: That the lean-to would be removed off the shed.**

- |                     |  |
|---------------------|--|
| 9. PUBLIC HEARING:  | <b>APPLICANT: Christopher T. Jenkins</b> |
| REPRESENTATIVE:     | Same as above                            |
| COMMON DESCRIPTION: | <b>11036 &amp; 11052 Hudson</b>          |
| LEGAL DESCRIPTION:  | 13-34-253-005& 033                       |
| ZONE:               | R-1-A                                    |

**VARIANCES REQUESTED: Permission to:**

Retain a detached garage as follows: 22.27’ x 22.25’ = 495.51 sq. ft. in addition to a detached garage 18.3’ x 24.3’ = 444.69 sq. ft. Total accessory space is 940.20 sq. ft.

**ORDINANCES and REQUIREMENTS:**

**Section 5.01 Paragraph (i):** ...All garages and/or accessory building shall not contain more than seven hundred (700) square feet of floor area. Only one (1) private garage for each residential lot is allowed.

Chairman Nestorowicz asked the individual at the podium to state his name and address for the record along with the reasons for the petition.

Christopher Jenkins, 11036 Hudson Avenue, Warren, 48089; appeared before the Board and stated he is present; this past summer, his neighbor lost his house to a fire and he and him are best of friends. He did the property to him; it is a double lot, so he now has three (3) lots. The garage on there is in perfectly good condition, he brought some pictures with him he did not know if the Board wanted to see them or not but what he would like to do is keep the garage so that he has additional storage space for lawn equipment. There is a pool on the property and he needs storage space for that; the garage that is with his house, is just like a one and a half car garage, which is pretty much packed to the gills. What he is asking for is to keep the garage since it is in perfectly good condition.

Chairman Nestorowicz thanked Mr. Jenkins and stated this is a public hearing; are there any members of the audience who would like to speak on this item? (No responses) Not seeing any, he turned the matter to the Board.

Secretary S. Brasza stated just to clarify, 11036 no longer has a home?

Christopher Jenkins stated no, 11036 still has a home; 11052 the house is burned down.

Secretary S. Brasza stated so the concrete that was down the front and across the front of Hudson is that still there?

Christopher Jenkins stated the sidewalk and all of that?

Secretary S. Brasza stated yes.

Christopher Jenkins stated yes.

Secretary S. Brasza stated well in their rendering, it showed that there was like a walkway into a porch area that went into the house that burned down...

Christopher Jenkins stated yes, that is all coming out.

Secretary S. Brasza stated that is all coming out, and so they will keep...

Christopher Jenkins stated everything is coming out except for there is a shed there that is going to go, a little 8' x 8' or 7' x 8' that is going and the house is going. He has a contractor lined up for the house but they have not taken it down yet because they are waiting for a determination on whether or not the garage could stay so he could do everything he wants; if he had to have the garage removed...

Secretary S. Brasza stated just a question; had he ever considered putting these lots in together.

Christopher Jenkins stated he does have that; it is filed on the same day he filed for this with the Planning.

Secretary S. Brasza thanked Mr. Jenkins.

Christopher Jenkins stated to combine the lots to make it one.

Secretary S. Brasza thanked Mr. Jenkins.

Board Member H. Brasza stated if no one else has any questions, he would like to make a motion.

**Motion:**

Board Member H. Brasza made the motion to approve the petitioner's request to: Retain a detached garage as follows: 22.27' x 22.25' = 495.51 sq. ft. in addition to a detached garage 18.3' x 24.3' = 444.69 sq. ft. Total accessory space is 940.20 sq. ft.

Reasons being: Not a Detriment to the Area and it is a Unique Property.

Board Member Wallace supported the motion.

Chairman Nestorowicz stated there is a motion by Board Member H. Brasza, Support by Board Member Wallace.

**Roll Call:**

A roll call was taken on the motion. The motion carried (8 – 0).

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

The petitioner's request is **GRANTED** as written.

10. PUBLIC HEARING:  
REPRESENTATIVE:  
COMMON DESCRIPTION:

**APPLICANT: THRIFTY FLORIST of Warren**  
Ms. Nicole Agbay  
**29010 Schoenherr Road**

LEGAL DESCRIPTION: 13-12-353-010, -027 & -025  
ZONE: C-1 & P

**VARIANCES REQUESTED: Permission to:**

Conduct a SEASONAL outdoor sales operation in a “P” District from March 31, 2017 through January 8, 2018, (788 sq. ft.) to no less than 16 feet from the Schoenherr Road property line and 50 feet from the north property line per site plan and same as last year.

**ORDINANCES and REQUIREMENTS:**

**Section 4.46 Paragraph (a):** The goods, items or articles sold or activities conducted as part of any outdoor retail sale must be consistent with the zoning district where the parcel is located.

**Section 16.01: Uses Permitted.** In all P Districts, no land shall be used for any other use than automobile parking of private passenger vehicles.

Secretary S. Brasza stated that she believes Linda Grogan is representing and they do have a letter to that affect.

Chairman Nestorowicz asked the individual at the podium to state her name and address for the record along with the reasons for the petition.

Linda Grogan, 23557 Roanoke, Oak Park, Michigan; appeared before the Board and stated they are asking for approval from the Board to have the variance for their outside sales so they could have the exposure that they need for the seasonal items and it is the same as it has been for the last few years.

Chairman Nestorowicz thanked Ms. Grogan and stated this is a public hearing; are there any members of the audience who would like to speak on this item? (No responses heard) Not seeing any, he turned the matter to the Board.

Secretary S. Brasza stated just a quick question. They know they only actually have a month and a half they do not have the outdoor sales, had they ever considered expanding their facility?

Linda Grogan stated they use that time to usually try to clean up and get everything organized and everything redone for the following year, so they feel they need that time.

Secretary S. Brasza stated her question is, had they ever thought about expanding their building versus having the outdoor sales three quarters of the year?

Linda Grogan stated she really could not answer that, she would imagine the owner had thought about that but as far as her, she really does not know if they decided to do any expansions.

Secretary S. Brasza stated she sees and if she could pass that information on?

Linda Grogan stated she will.

Secretary S. Brasza stated it would...it is only 20' x 30'; it is 600 square feet and she means to...their facility is a building that could handle an expansion quite easily to cover that square footage.

Linda Grogan stated she agreed, she thinks it would be really nice and she would like it.

Secretary S. Brasza thanked Ms. Grogan and stated if there are no other questions?

**Motion:**

Secretary S. Brasza made the motion to approve the petitioner's request to: Conduct a SEASONAL **outdoor sales operation in a "P" District** from March 31, 2017 through January 8, 2018, (788 sq. ft.) to no less than 16 feet from the Schoenherr Road property line and 50 feet from the north property line per site plan and same as last year.

Reasons being: Size and Shape of the Lot and Needs Permission from the Board.

Board Member Anglin supported the motion.

Chairman Nestorowicz stated there is a motion by Secretary S. Brasza, Support by Board Member Anglin to approve the petitioner's request for the reasons stated in the motion.

**Roll Call:**

A roll call was taken on the motion. The motion carried (8 – 0).

Secretary S. Brasza	Yes, for the reasons stated in the motion.
Board Member Anglin	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 Fisher	Yes, for the reasons stated in the motion.
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 petitioner's request is **GRANTED** as written.

11. PUBLIC HEARING: **APPLICANT: THRIFTY FLORIST of Warren, #2**  
REPRESENTATIVE: Ms. Nicole Agbay  
COMMON DESCRIPTION: **30975 Ryan Road**  
LEGAL DESCRIPTION: 13-07-227-013  
ZONE: C-1 & P

**VARIANCES REQUESTED: Permission to:**

Conduct a SEASONAL **outdoor sales operation 20' X 30' (600 sq. ft.)** from March 31, 2017 through January 8, 2018, to no less than 58 ft. from the Ryan Road property line and 45 feet from the 13 Mile property line. To waive five (5) parking spaces in connection with outdoor sales per site plan and same as last year.

**ORDINANCES and REQUIREMENTS:**

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

**Section 4.52 Paragraph (d):** No sales activity or display of shall be permitted in the area designated for required off-street parking for the existing or temporary use.

Chairman Nestorowicz asked the individual at the podium to state her name and address for the record one more time and...

Linda Grogan, 23557 Roanoke, Oak Park, Michigan.

Chairman Nestorowicz asked the reasons for the petition.

Linda Grogan stated the reason is the same as last year, they want to do the same thing that they are doing on the others, to give exposure for their outdoor seasonal sales; they need that outdoor area.

Chairman Nestorowicz stated this is a public hearing; are there any members of the audience who would like to speak on this item? (No responses heard) Not seeing any, he turned the matter to the Board.

**Motion:**

Board Member Furgal made the motion to approve the petitioner's request to:  
Conduct a SEASONAL **outdoor sales operation 20' X 30' (600 sq. ft.)** from March 31, 2017 through January 8, 2018, to no less than 58 ft. from the Ryan Road property line and 45 feet from the 13 Mile property line. To waive five (5) parking spaces in connection with outdoor sales per site plan and same as last year.

Reasons being: Needs Approval of the Board and Property is Unique.

Board Member Anglin supported the motion.

Chairman Nestorowicz stated there is a motion by Board Member Furgal, Support by Board Member Anglin to approve the petitioner's request.

**Roll Call:**

A roll call was taken on the motion. The motion carried (8 – 0).

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

The petitioner's request is **GRANTED** as written.

**12. PUBLIC HEARING:**

**APPLICANT: Phillips Sign and Lighting Inc.  
Representing MJR Theaters**

REPRESENTATIVE: Ed Phillips  
COMMON DESCRIPTION: 28600 Dequindre  
LEGAL DESCRIPTION: 13-18-101-013  
ZONE: C-2 & P

**VARIANCES REQUESTED: Permission to:**

Install two (2) additional wall signs 8' 1" x 11'7" = 93.64 sq. ft. each (at the North and South entrances) in addition to the 282.94 square foot sign at the west entrance (allowed from 2009 variance) Total wall signage requested for this address = 3 signs at 470.22 sq. ft.

While relinquishing the following previously granted signs:

Cinemark 16 Theatre 2.5' x 26.5' = 66.25 sq. ft. – west elevation (7/22/09 card 6)

Cinemark 2 wall signs 13.33' x 4.5' = 60 sq. ft. each – north and south elevation (7/22/09 card 9)

Cinemark 2 wall signs 24' x 3.17' = 76 sq. ft. each – north and south elevation (7/22/09 card 9)

Total signs relinquished five (5) signs at 498.25 sq. ft.

**ORDINANCES and REQUIREMENTS:**

**Section 4A.37 Paragraph (c): Shopping centers.** Regardless of the zoning district, shopping centers as defined in section 2.67 are permitted the following signage: One (1) wall sign of a size not to exceed forty (40) square feet shall be allowed for each business located in the shopping center.

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

**Variance from 07/22/2009** Granted variance to “allow one (1) wall sign per address”, based on the linear frontage of each tenant space...

Chairman Nestorowicz asked the petitioner to state his name and address for the record along with the reasons for the petition.

Ed Phillips, Phillips Sign and Lighting, 40920 Executive Drive, Harrison Township; appeared before the Board and stated he is present this evening representing the new Warren MJR, located at 28600 Dequindre. Their hardship is the property shape and size. They could look at page one (1) of his handout that he brought in. They could see that the main parking is not in front of the theatre but off to both the north and the south sides. Page two (2) and three (3) demonstrate the vast expanse of parking on both the north and the south sides. He asked to please note also the black lines that they drew on the theatre, those lines are actually—he does not know if any of the Board members visited this site or not—they would know that those walls do not face Dequindre, the walls are very much facing the parking lot. Due to the setback from Dequindre and the angle of the walls, their signs are not visible from any street angle, but the lack of parking on the west or the front elevation and in fact that this is a mall, they feel it is imperative that their MJR theatre entrances are clearly marked ensuring good, clear, safe traffic control and the safety of their patrons. He could answer any questions.

Chairman Nestorowicz thanked Mr. Phillips and stated this is a public hearing; are there any members of the audience who would like to speak on this item? (No responses heard) Not seeing any, he turned the matter to the Board.

Secretary S. Brasza stated on this...he would not happen to have a rendering of this signage that will be 8' x 11', would he?

Ed Phillips stated yes, it is included in the Board's package.

Chairman Nestorowicz stated here.

Secretary S. Brasza stated she did not get...

Ed Phillips stated with the application.

Secretary S. Brasza stated motion, if there is no further discussion. She stated there is a question. Is this an LED?

Ed Phillips stated the signs are internally lit LED, yes they are.

Secretary S. Brasza stated and is the original, the west facing sign also LED?

Ed Phillips stated the west facing sign will be a combination of that...you know what; yes it will be all LED.

Secretary S. Brasza stated okay.

**Motion:**

Secretary S. Brasza made the motion to approve the petitioner’s request to: Install two (2) additional wall signs 8’ 1” x 11’7” = 93.64 sq. ft. each (at the North and South entrances) in addition to the 282.94 square foot sign at the west entrance (allowed from 2009 variance) Total wall signage requested for this address = 3 signs at 470.22 sq. ft.

While relinquishing the following previously granted signs:  
Cinemark 16 Theatre 2.5’ x 26.5’ = 66.25 sq. ft. – west elevation (7/22/09 card 6)  
Cinemark 2 wall signs 13.33’ x 4.5’= 60 sq. ft. each–north and south elevation (7/22/09 card 9)  
Cinemark 2 wall signs 24’ x 3.17’=76 sq. ft. each – north and south elevation (7/22/09 card 9)  
Total signs relinquished five (5) signs at 498.25 sq. ft.

Reasons being: Lack of Identification and Size and Shape of the Lot.

Board Member Anglin supported the motion.

Chairman Nestorowicz stated there is a motion by Secretary S. Brasza, Support by Board Member Anglin to approve the petitioner’s request for the reasons stated in the motion.

**Roll Call:**

A roll call was taken on the motion. The motion carried (8 – 0).

Secretary S. Brasza	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member H. Brasza	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 Fisher	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner’s request is **GRANTED** as written.

Ed Phillips thanked the Board.

13. PUBLIC HEARING:  
REPRESENTATIVE:

**APPLICANT: ITC Holdings-USE-**  
Neal Bishop

COMMON DESCRIPTION: Ten Mile  
LEGAL DESCRIPTION: 13-26-201-001  
ZONE: M-3 & R-1-P

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

Allow two (2) ground signs for shipping and receiving areas in an R-1-P.

**ORDINANCES and REQUIREMENTS:**

**Section 8.01: Uses permitted** – In all R-1-P Districts, no building or land, except as otherwise provided for, shall be erected or used except for one (1) or more of the following specified uses:

- (a) All uses permitted and as regulated in R-1-C Districts.
- (b) Parking of private passenger motor vehicles as prescribed in Article XVI.

This matter was RESCHEDULED to **February 8, 2017.**

14. PUBLIC HEARING: **APPLICANT: Aver Sign Company**  
REPRESENTATIVE: Tim Brown  
COMMON DESCRIPTION: 32912 Van Dyke  
LEGAL DESCRIPTION: 13-03-101-049  
ZONE: C-1

**VARIANCES REQUESTED: Permission to:**

Install three (3) awning signs as follows:

- 1) 289" x 36" = 72.25 sq. ft. sign on front of building the west elevation.
- 2) 224" x 28" = 43.55 sq. ft. sign on side of building the north elevation.
- 3) 224" x 28" = 43.55 sq. ft. sign on side of building the south elevation.

**ORDINANCES and REQUIREMENTS:**

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

Chairman Nestorowicz asked the individual at the podium to state his name and address for the record along with the reasons for the petition.

Tim Brown, 3937 Devon, Royal Oak; appeared before the Board and stated he is present from Aver Sign Company representing the owner of the Mickey Shorr at 32912 Van Dyke. They want to repair his awnings; this is actually going to be a re-skinning or re-facing of the existing awnings. They want to propose a reduction in the square footage that he currently has by about 110 square feet, so a total of 159.35 square feet total, so that would be the

copy area and each side of the awning. The awnings are in a disarray, so they would like to just make them newer and make them nicer looking.

Chairman Nestorowicz thanked Mr. Brown and stated this is a public hearing; are there any members of the audience who would like to speak on this matter? (No responses heard) He closed the audience participation and turned the matter to the Board.

Secretary S. Brasza stated if it is being made smaller, why is it before the Board?

Board Member H. Brasza asked was there a previous variance for this property?

Secretary S. Brasza called on Mr. Watripont to answer the question. Her question was, if it is going smaller, why do they see it?

Steve Watripont, Zoning Inspector stated the previous awning signs were legal non-conforming, so now that they are changing them, they have to become conforming and need a variance.

Chairman Nestorowicz thanked Mr. Watripont.

Board Member Sophiea stated if there are no further discussions from the Board, he would like to make a motion.

**Motion:**

Board Member Sophiea made the motion to approve the petitioner's request to:

Install three (3) awning signs as follows:

- 1) 289" x 36" = 72.25 sq. ft. sign on front of building the west elevation.
- 2) 224" x 28" = 43.55 sq. ft. sign on side of building the north elevation.
- 3) 224" x 28" = 43.55 sq. ft. sign on side of building the south elevation.

Reasons being: Exposure for the business and reduction of the square footage of the sign that currently exists.

Board Member Anglin supported the motion.

Chairman Nestorowicz stated there is a motion by Board Member Sophiea, Support by Board Member Anglin to approve the petitioner's request for the reasons stated in the motion.

**Roll Call:**

A roll call was taken on the motion. The motion carried (8 – 0).

Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Anglin	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 Fisher	Yes, for the reasons stated in the motion.
Board Member Wallace	Yes, for the reasons stated in the motion.
Secretary S. Brasza	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request is **GRANTED** as written.

**15. PUBLIC HEARING:** **APPLICANT: Speedway, LLC**  
**REPRESENTATIVE:** Jonathan A. Ziegan, P.E.  
**COMMON DESCRIPTION:** 5950 Ten Mile & 24900 Mound  
**LEGAL DESCRIPTION:** 13-28-101-001 & -035  
**ZONE:** M-2

**VARIANCES REQUESTED: Permission to:**

Petitioner seeks to have the following sign package:

- 1) Ground sign 21'3" x 8' 2" = **173.55 sq. ft.** – six (6) feet from the north property line (10 Mile) and five (5) feet from the west property line (Mound), 29'5" tall with an eight (8) foot under clearance.
- 2) Wall Signs – on Canopy:
  - a. 2 signs "Speedway" 3' x 15'9" = 47.25 sq. ft. each **Totaling 94.5 sq. ft.**
  - b. 2 signs "S" Logo 3' x 3'8" = 11 sq. ft. each **Totaling 22 sq. ft.**
  - c. 2 signs Architectural Design Only (north & south) 28' x 4' = 112 sq. ft. each **Totaling 224 sq. ft.**
  - d. 1 sign Architectural Design Only (west) 193' x 4' = 772 sq. ft.
  - e. 1 sign Architectural Design Only (east) 9' 8" x 4' = 38.67 sq. ft.  
**Total on canopy (excluding Architectural Design) 4 totaling 116.5 sq. ft.**  
**Total Architectural Design Only on Canopy 4 totaling 1034.67 sq. ft.**
- 3) Wall signs – on canopy supports:
  - a. 8 signs "S" Logo 11" x 9.5" = .73 sq. ft. each **Totaling 5.81 sq. ft.**
  - b. 22 signs directional / informational 1'4" x 10" = 1.12 sq. ft. each **Totaling 24.44 sq. ft.**  
**Total on canopy supports 30 totaling 30.25 sq. ft.**
- 4) Wall signs – on building reader board 5' x 8' = **40 sq. ft.**
- 5) Wall signs – on dispensers:
  - a. 16 signs Special message (top of pump) 4' x 8.75" = 2.92 sq. ft. each **Totaling 46.67 sq. ft.**
  - b. 16 signs "S" Logo 1' x 1'3" = 1.25 sq. ft. each **Totaling 20 sq. ft.**
  - c. 16 signs Promo Toppers 1' 9.5" x 1'2" = 2.10 sq. ft. each **Totaling 33.44 sq. ft.**
  - d. 16 signs Promo Sider 1' x 4" = .34 sq. ft. each **Totaling 5.33 sq. ft.**  
**Total on dispensers 64 totaling 105.44 sq. ft.**  
**Total wall signs (excluding Architectural Design) 99 totaling 292.19 sq. ft.**

Petitioner also seeks to allow:

- 6) Hard surfacing to within 15 feet of the front property lines along 10 Mile and Mound.

- 7) An accessory structure (canopy) to within 44 feet of the front property lines along 10 Mile and Mound.

The petitioner will relinquish all previous variances for both parcels. The petitioner will also be combining both parcels.

**ORDINANCES and REQUIREMENTS:**

**Section 4A.18 Paragraph (b): Freestanding signs.** The height of all freestanding signs shall not exceed twenty (20) feet.

**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.17 Paragraph (c):** Within any required front or corner side yard on any corner lot, no sign or other obstruction to visibility shall be permitted between the heights of two and one-half (2 ½) feet and ten (10) feet above the existing street grade within the triangular area formed by the street property lines and line connecting there at points twenty-five (25) feet from the intersection of the street lines of their extension.

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

**Section 17.02 Paragraph (a):** In M-2 zones, yards fronting on a major thoroughfare as defined by the Master Thoroughfare Plan for the City of Warren or front yards facing a residential district shall be fifty (50) feet.

**Section 4.23:** On double-frontage lots a front yard, as prescribed for the district as herein established, shall be provided on both streets.

Chairman Nestorowicz asked if the petitioner would state his name and address for the record along with the reasons for the petition here today.

Jonathan Ziegan, with Richard L. Bowen & Associates, 13000 Shaker Boulevard, Cleveland, Ohio, 44120; appeared before the Board.

Chairman Nestorowicz asked the reasons for the petition.

Jonathan Ziegan stated the reason for the petition is primarily that most of the signage exist onsite today. The conditions of the property especially the fact that they are combining two properties, therefore making it larger and the situation on Mound Road, which had a posted speed of 50 miles an hour are all part of the hardship for the additional signage here. One thing he would like to note is that the majority of this signage while they are present requesting a variance for it, is not what he would consider advertising signage in the sense that most of this, unless they have super human sight, is not legible or readable from the right-of-way. The advertising signage is more or less contained in the freestanding sign request and the wall signage requested on the canopy. And in terms of this request, he knows that it is very long and he appreciates the Secretary's work to read it all; what he

would like to do is describe the site and the signage a little more simply and see if that lends itself the reason for the variance. The freestanding sign which was mentioned is a replacement for the existing freestanding sign; the existing freestanding sign, which is shown on one of the exhibits in the packet, towards the end, it is exhibit 2283CX1; there is a picture there of besides their sign, they went and had a surveyor measure some of the surrounding signs to get a field for the nature of the community or the nature of the area around the site and in the lower right hand corner of that exhibit, they have a photo of the existing sign. There were variances granted for this sign when it was built; it is larger than required by code both in height and in area. The new sign proposed there represents what they consider a better use of the same square footage that is approved today. He realized the numbers as they were added up in the variance are different but it is effectively a sign area or a message area of 165 square feet and what they have done is they have actually increased the space underneath the sign from the existing 7 feet to 8 feet, which is a move towards complying with the 10 foot requirement and then they narrowed the sign from 15 feet down to 10 feet and the purpose there is again, to reduce the visual impact of the sign on the what he would call the human space or the pedestrian space on the road there. As a result of those changes, they are raising the bottom and bringing in the width, then they are asking for additional height to make up the sign area that they have today. The other signage that has been requested that he would consider advertising signage, which would be the wall signs on the, looks like three (3) sides of the canopy in this case. Those are identical to the existing signage out there with the exception of the fact that the existing signage today includes one more of the Speedway letters on what is the south side of the existing canopy. Part of the reason for this reinvestment by Speedway, was to take advantage of the property that they purchased next door, the former—he believes—is Tubby's Subs and in order to do that, they are actually changing the frontage of the store from Ten Mile where it is today, to Mound Road and as he mentioned, Mound Road is a 50 mile an hour speed limit in that area and for that reason, in order to identify the business, especially with the change in the orientation of the store, they feel that a prominent sign equal to what they have today is important. The other signage, which was described under items 2, under Wall Signs, on item 3, under Wall Signs, and also number 5; these are signs that are more or less markings on the dispensers. There is a photo on the exhibit labeled 2283SS, which is actually their section plan for the signage. In the lower right hand corner, he has a photo of a gasoline dispenser that is outfitted with the same signage that they have on the petition there. As the Board could see, the signage is really more comparable to in a convenience business what they call promotional signs; these are the same kind of signs they put inside the store to tell them that the coffee is on sale or another product is on sale and that sort of thing. These are outside, so they are under the zoning code—he understands that—but all the other signage there that add up to what they are calling 99 signs is located here on the dispenser and then there are what they call lane identifiers on the columns themselves that tell you what pump number you are at, so if you were to pay inside, you would tell the attendant I am at pump number 2, and she could identify which lane you are in. That is the summary of the signage. Regarding item 6 and 7, he thinks that it is important to note that these are also reductions on existing variances. The hard surfacing is closer to both Mound Road and Ten Mile in existing condition and the reason that they could not meet the requirement for the hard surfacing is the nature of this business, the nature of this use as a gas station; they have to have these dispensers at a certain distance from the building. The building has to be a certain distance under code

from the property line, so what happens is as they move the building back away from the property line, it pushes these dispensers further away and then of course they need to be able to get to the car around the dispensers, so that is hard surfacing. The accessory structure again, this accessory structure is just steel columns and a canopy roof over the dispensers and the setback on the existing canopy is actually less than the setback for the proposed canopy, so if they take this site as a whole versus the existing site, they are moving everything further away from the road, which he thinks is ultimately the intent of the zoning code in the setbacks. That is his presentation.

Chairman Nestorowicz thanked Mr. Ziegan and stated this is a public hearing; are there any members of the audience who would like to speak on this item? (No responses heard) Not seeing any, he closed the public hearing and turned the matter to the Board.

Secretary S. Brasza stated she wanted to speak about item number 1, the ground sign. Due to the fact that she is looking at two different pictures on his 2283-SS, the large rendering, they has the fresh coffee above the what looks like a, they have .99 cents Coke 2 liters and it looks like those letters that they actually place on there, themselves.

Jonathan Ziegan stated that is correct, that is changeable font. These two particular items that they bring up, the coffee and the changeable font, those vary site to site. In fact, Speedway may want to change those over the course of the year. These are advertisements that their marketing teams selects very close to the store opening, so what they are representing there is one of the most common choices, which is the coffee and then the changeable text.

Secretary S. Brasza stated right and what she has a problem with and he stated that the traffic on Ten and Mound is fast flowing and so if she is going, to say, north on Mound and she wanted to make an east turn on Ten Mile, that sign is right in her face and to only have 8 feet of clearance, is hard for her because that is so close to the road. Is there anything they could do to give more clearance?

Jonathan Ziegan stated well, the clearance again they are increasing versus the existing condition and when it comes to the vertical clearance when he and she are sitting in their passenger cars or even an SUV, the design requirement for what they call the driver's eye, is about 2 ½ to 3 feet, so if she could imagine herself at that same point in the intersection, for her to look up to that 8 foot level, she is looking up well above the road and because this area is fairly flat, he does not know that there is a safety concern.

Secretary S. Brasza stated well, she thinks what her concern is being that the area is more industrial than residential is the trucks that go through there and...

Jonathan Ziegan stated in the case of the trucks, the design, the national standard is 7 feet, so he thinks the city has a good point there of 10 feet, but he does not know that it is going to improve visibility at traffic level because the truckers are looking at eye level or down...

Secretary S. Brasza stated right but if he is making that same turn, he is going to look into a sign, because there is not that much room between that sign and Ten Mile and so he is asking them to come down 2 feet and that is hard for her to...of course she will hear the other...the rest of the Board members but she appreciates the fact that he has narrowed it and condensed it and it is a good looking sign and she does not have any problem with anything else on this particular property but she does have a problem with that being so, only 8 feet clearance.

Board Member Furgal stated she would like to point out to Secretary S. Brasza that she travels on that little section of the road a lot, almost everywhere she goes, she goes on that section of the road. There is a lane that goes all the way through and there is a turn lane there and she will testify that she has rarely seen a truck that is turning onto Ten Mile because most of them are going to go onto 696, so they do not turn there. That is mostly passenger cars that turn there.

Board Member Anglin stated he is looking at this site plan, the smaller one.

Jonathan Ziegen stated yes sir.

Board Member Anglin stated and number 7 is the sign that they are discussing right now, is that correct?

Jonathan Ziegen stated correct.

Board Member Anglin stated that sign the way it looks on there actually sits on an angle from Ten Mile Road to Mound and not vertical or horizontal to either.

Jonathan Ziegen stated that is correct. In the current plan it is on an angle, so it is visible in either direction or in all four directions he should say.

Board Member Anglin stated okay, so his theory is on it then is the fact that if they are making the turn here, that sign is sitting on an angle, it is not a flat.

Secretary S. Brasza to Board Member Anglin stated so he thinks it is more convenient that way... (Inaudible)

Board Member Anglin stated he likes the way they did this better for traffic, himself.

Board Member Furgal stated because of that...and the triangle; the triangle, yes.

Board Member Anglin stated it sits...

(Inaudible)

Board Member Anglin stated on an angle of the property, which means if you are running here, you are actually seeing the 6 inch pole and not a sign that is blocking your view from making that turn.

Board Member Sophiea stated that is a good point, he would agree with Board Member Anglin. It seems that it would be less of visual impairment in that regard.

Board Member Furgal stated that she did want to tell the young man that she really appreciated this. This plan is a really nice plan.

Jonathan Ziegan thanked Board Member Furgal and stated he wishes that Speedway would have showed up to hear that from her.

Board Member Furgal stated she means really, because she has seen—she has been on this Board a long time—and she has seen a lot of plans for gas stations and she also appreciates they bought that property next door, which has been probably 50 things in her lifetime.

Jonathan Ziegan stated he knows. (Laughter)

Board Member Anglin stated he could always get a copy of the minutes and show his boss.

Jonathan Ziegan stated okay and thanked the Board.

(Laughter)

Board Member Anglin stated if there is nothing further from the Board.

**Motion:**

Board Member Anglin made the motion to approve the petitioner's sign package as read by Secretary S. Brasza previously.

Reasons being: It is an Enhancement and Not a Detriment to the Area and the Property is Unique.

Board Member Wallace supported the motion.

Chairman Nestorowicz stated there is a motion by Board Member Anglin, Support by Board Member Wallace to approve the petitioner's request for the reasons stated in the motion.

**Roll Call:**

A roll call was taken on the motion. The motion carried (8 – 0).

Board Member Anglin	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 Fisher	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Secretary S. Brasza	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request is **GRANTED** as written.

Jonathan Ziegan thanked the Board.

Secretary S. Brasza asked if the representative for....is here and this would be item number...

Chairman Nestorowicz stated 15a.

Board Member Furgal stated formerly number 7.

Secretary S. Brasza stated 15a, previously item number 7.

**15a. PUBLIC HEARING:**

**APPLICANT: Kaiser Real Estate**

*(Rescheduled from: 09/14/2016; 11/16/2016)*

REPRESENTATIVE:

Imad Potres

COMMON DESCRIPTION:

**27333 Van Dyke**

LEGAL DESCRIPTION:

13-16-480-021

ZONE:

C-1

**VARIANCES REQUESTED: Permission to**

Petitioner requests to:

- 1) Allow a south side yard of 6' 8" along Hartsig for a new building.
- 2) Allow a north side yard of 4' 2" near existing building for parking.
- 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: Side 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 13.06: Side 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.

Chairman Nestorowicz asked the individual at the podium to state his name and address for the record.

Imad Potres stated he apologized for being late 10 minutes, he did not know it would be that fast. He asked if Steve is going to speak or he should.

Chairman Nestorowicz stated he may speak but he needs to state his name and address for the record first.

Imad Potres, with Futuristic Design, 520 East Twelve Mile Road, Madison Heights, 48071; appeared before the Board and stated he is there to present the property owner, Doctor Bothra; he knows in the last meeting he was present. And he knows the Board and all the members and then after, he convinced him to reduce the size of the building, meet all the parking requirements that would make the project probably go better than what they were proposing before. He (Dr. Bothra) thought if he had all these properties, he could combine and that is going to take a longer process. He sat down with him (Dr. Bothra) and they met with Mr. Steven and he appreciates his assistance and they came up to reduce the building, so they could get all the parking required by the zoning code and they are not short of any parking and they are only seeking these variances so they could proceed to the next step for a building permit. He appreciates all their assistance and patience. He thanked the Board.

Chairman Nestorowicz thanked Mr. Potres and stated this is a public hearing; are there any members of the audience who would like to speak on this item? (No responses heard) Not seeing any, he closed the public hearing and turned the matter to the Board.

Board Member H. Brasza stated he is confused. He thought they requested that for this address they would have everything in one meeting, not separated into separate meetings, not separated into separate requests; have one plan that has been approved by the Planning Department or the Planning Commission and then come before the Board for variances.

Imad Potres stated he did e-mail everything to the Planning Commission, he did not hear any comments and he spoke with Michelle and Steve they met and he forwarded everything to them...

Board Member H. Brasza stated he has a note that says next month they are going to talk about signs.

Imad Potres stated yes.

Board Member H. Brasza stated that to him means, he is not in favor of this that is his personal opinion. If they want to delay, that is a different subject, but he is not in favor of this. He wants them all presented at the same time so he could get a picture of what is going to happen on this property. That is his...that is all he has.

Imad Potres stated he is not involved in the sign. He is only the architect for this property.

Board Member Wallace stated he is confused also because he thought this was all going to be lumped into one because it was such a...the project is getting so big and this is happening here and....

Roxanne Canestrelli, City Attorney stated she was going to address that.

Board Member Wallace thanked Ms. Canestrelli.

Roxanne Canestrelli, City Attorney stated the Board members are correct sir. Both of these issues, which is the sign and what he is asking for tonight, were to be conducted on the same evening.

Imad Potres stated he has never been informed about the signs or to combine all these in one meeting.

Board Member Fisher stated he thinks what they are asking; he is coming back before the Board again in February, correct, on the sign issue?

Imad Potres stated that is the sign company.

Board Member Fisher stated this property, is coming back.

Imad Potres stated yes, for this property.

Board Member Fisher stated so what they would like to do is adjourn this to February and hear both of them together, so that they could make a decision based on everything that is going on with the property.

Imad Potres stated he apologizes; he did not have any idea about, because the sign was represented by a sign company hired by the landlord and...

(Inaudible)

Board Member Fisher stated he would like to make a motion.

(Inaudible)

Chairman Nestorowicz stated there is further discussion.

Secretary S. Brasza stated and in regards to that, she wonders if that arch is not a portion of the sign package versus the structure of the building number one, number two, she would have to really thank him for downsizing the building and allowing them not to have to deal with parking and she apologizes that they would have to have asked him to come back but it just is, it has been so many times that they have confronted this and to have it all in front of

them at once would be such a help for them. But, Mr. Watripont, she does believe that decorative arch should be in the sign package. She knows she posted this...posted this way, so just FYI.

Board Member Furgal stated she wanted to ask about that decorative structure as well but she does want to point out that when they were talking about this last time, they did not even have a picture that looked this good. It was like there was all these, there was a smaller thing, there was all these... and he has owned several properties next to each other and he wanted to combine those properties the parking from all those properties with this one, but now this gentleman has done really what they asked him to do, which was give them a picture of what he wanted to do on this property and he accommodated the Board. She is confused why the Board is confused to tell them the truth because she thinks he did a good job to do what they asked him to do. She really does, she believes he did. He had one piece of property, he has reduced the size of the building, he is asking for a couple of setbacks, which are most always to be done on some kind of commercial property and hard surfacing is also something that they always do and the sign, he even...it says new pole sign to comply with City of Warren zoning ordinance, so that means, that that sign that he wanted to do, play games with, is no longer being done either. So, she personally does not see any reason to put it off and just do the sign next time. She does not see any reason. That is just her opinion; the Board could do what they want.

Secretary S. Brasza stated she thinks they have to notate though and she agrees with Board Member Furgal totally, they should just deal with this, it is a beautiful layout.

Board Member Furgal stated that is what she said.

Secretary S. Brasza stated but again this decorative structure...

Board Member Furgal stated the decorative structure; she would like to look into that.

Secretary S. Brasza stated needs to be considered signage. That is not...

Board Member Furgal stated she thought that it should be signage.

Secretary S. Brasza stated that is signage, and what they are doing is, she knows that they are allowing the structure's position, but they are literally allowing the structure. She thinks they need to, in the package that they receive for the sign, include the square footage, which she does not have there, of what that will entail in that arch.

Chairman Nestorowicz asked Mr. Watripont to step up. Could they get clarification; is the arch signage or not?

Steve Watripont, Zoning Inspector stated there have been previous items with churches and so forth where the banking included as signage and there has been stuff where they have been included as structures themselves. So, he has no problem including that and if they want to table that, they could actually get that posted for the next meeting for that part of it.

Again, they worked closely with him, Michelle and him on trying to meet the Board's requirements. He knows the sign that is coming back next month, is coming back because it is the last one that needs, as an electric message center before the moratorium. The sign he thinks is supposed to meet the standards of everything except for the electronic message center. So he thinks that is the only difference that that is. That is the sign company bringing it, it is not the architect. Does that answer the questions?

Chairman Nestorowicz stated yes.

Secretary S. Brasza stated yes.

Steve Watripont, Zoning Inspector stated if he gets the dimensions and he is sure, Imad will get it to him tomorrow, if they wanted to postpone that and they could do that as a sign with two different presenters basically at the next meeting for the signage. He has no problem getting that set.

(Inaudible)

Secretary S. Brasza stated she does not think they need two presenters; the sign package guy could present it. She means if he has the information. Just to make sure the application has that.

Steve Watripont, Zoning Inspector stated the change on that.

Secretary S. Brasza stated right. So, if there is no further discussion, she would like to make a motion.

Board Member H. Brasza stated has this been approved by the Planning Commission?

Steve Watripont, Zoning Inspector stated not this exact plan. They went through everything with Michelle from Planning. He believes what was approved is 99 percent here. The setbacks they are going to send back to them anyways, so they said to go through, to see if they get the variances, if they get the variances for setbacks, then they will do a minor amendment for the plans at Planning.

Imad Potres stated they give them final sets for final Planning approval.

Board Member H. Brasza stated so they have approved it, but there is some...

Steve Watripont, Zoning Inspector stated they originally...

Board Member H. Brasza stated minor adjustments in some of the footings.

Steve Watripont, Zoning Inspector stated but they made the building smaller, they got more parking now, so all that stuff goes along with the stuff that Planning wanted and Michelle

said it should, make sure they have the variances before they bring it back, otherwise, it would be going around and around.

(Inaudible)

Imad Potres stated the concept elevations of the building stay the same. All the (Inaudible)

Board Member H. Brasza stated he appreciated all the work he has done because it is much better presentation, he agrees with that. It is just very frustrating that they asked multiple times do everything at once and now here they are split again. That is very frustrating.

Steve Watripont, Zoning Inspector stated well, it is two different...

Board Member H. Brasza stated it is one piece of property.

Steve Watripont, Zoning Inspector stated it two different applications and two different presenters, so.

Board Member H. Brasza stated it is one piece of property.

Steve Watripont, Zoning Inspector stated he understood that as well.

Imad Potres stated it has already been three months, three times meeting, so he appreciated all their decisions anyways.

Secretary S. Brasza stated she would like to make a motion if there is no further discussion.

**Motion:**

Secretary S. Brasza made the motion to approve the petitioner's request to:

Petitioner requests to:

- 1) Allow a south side yard of 6' 8" along Hartsig for a new building.
- 2) Allow a north side yard of 4' 2" near existing building for parking.
- 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. (Eliminated out of this variance request)*
- 4) Allow hard surfacing to within 13'6" from the front (Van Dyke) property line.

Reasons being: Due to the Size and Shape of the Lot and Not a Detriment to the Neighborhood.

Board Member Furgal supported the motion.

Chairman Nestorowicz stated there is a motion by Secretary S. Brasza, Support by Board Member Furgal, but before they take a vote, he just wanted to make sure from the petitioner that he is fine with the Board voting on 1, 2 and 4 and number 3, they are going to hold off to include with the sign package.

Imad Potres stated that is fine.

Chairman Nestorowicz stated okay and thanked Mr. Potres.

**Roll Call:**

A roll call was taken on the motion. The motion carried (8 – 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 H. Brasza	Yes, because he did a good job on the plan.
Board Member Fisher	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
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 petitioner's request is **GRANTED for variance items: 1, 2, and 4.**  
Number 3 will eliminated out of this variance request and will be heard with the sign package.

Imad Potres thanked the Board.

Chairman Nestorowicz stated for the Board members, they are not going to get a copy of the Plan in February, so to please keep that for reference for next month.

**16. NEW BUSINESS**

Chairman Nestorowicz stated there is no new business.

**17. ADJOURNMENT**

**Motion:**

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

**Voice Vote:**

A voice vote was taken on the motion. The motion carried (8 – 0).

The meeting was adjourned at 8:36 p.m.

Sherry Brasza  
Secretary of the Board

APPROVED