

WARREN ZONING BOARD OF APPEALS  
REGULAR MEETING  
February 10, 2016

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, February 10, 2016 at 7:30 p.m. in the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

**Members of the Board present:**

Judy Furgal, Vice-Chairwoman  
Roman Nestorowicz, Secretary  
Charles Anglin  
Jeremy F. Fisher  
Ann Pauta  
Richard Tabbi III

**Members of the Board absent:**

Sherry Brasza, Assistant Secretary  
Henry Brasza

**Also present:**

Roxanne Canestrelli, Assistant City Attorney  
Everett Murphy, Acting Chief Zoning Inspector  
Steve Watrion, Zoning Inspector

**1. CALL TO ORDER**

Vice-Chairwoman Furgal called the meeting to order at 7:36 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**Motion:**

Secretary Nestorowicz made the motion to excuse Board Members H. Brasza and S. Brasza from the meeting; Supported by Board Member Anglin.

**Voice Vote:**

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

**4. ADOPTION OF THE AGENDA**

**Motion:**

Secretary Nestorowicz made the request to move up item number 12, for Brian K. Jilbert/ NSA Architects, and to make that **item number 5a**; Supported by Board Member Anglin.

**Voice Vote:**

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

**Motion:**

Secretary Nestorowicz made the motion to approve the agenda as Amended with the adjustments to move item 12 to **item 5a**; Supported by Board Member.

**Voice Vote:**

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

**5. APPROVAL OF THE MINUTES OF the Regular Meeting of January 13, 2016.**

Secretary Nestorowicz stated he found no changes that needed to be made to the minutes.

Vice-Chairwoman Furgal stated okay; anyone else?

**Motion:**

Secretary Nestorowicz made the motion to approve the minutes of the Regular Meeting of January 13, 2016; Supported by Board Member Anglin.

**Voice Vote:**

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

**5a. PUBLIC HEARING**

**APPLICANT: Brian K. Jilbert / NSA Architects,  
Engineers, Planners**

REPRESENTATIVE: Brian K. Jilbert  
COMMON DESCRIPTION: 31830 Ryan Road  
LEGAL DESCRIPTION: 13-05-301-023  
ZONE: O "Office"

**VARIANCES REQUESTED: Permission to:**

1. Allow a seven (7) foot wide greenbelt for approximately one hundred and forty five (145) feet along the north lot line per the site plan.
2. Allow a seven (7) foot wide grass buffer for approximately two hundred and twenty (220) feet along the south property line per the site plan.

**ORDINANCES and REQUIREMENTS:**

**Section 13A.04: Greenbelt.** All non-residential uses, when adjacent to an existing residence or residential district or an alley which abuts an existing residence or residential district, shall provide, and maintain a twenty (20) foot greenbelt, or decorative wall in compliance with Section 2.26...

Vice-Chairwoman Furgal asked if the petitioner was present.

*Identified individual* stated yes, we are.

Vice-Chairwoman Furgal stated they need to come forward. Asked the individuals at the podium to state their names and addresses for the record.

Brian Jilbert, with NSA Architects and Engineers; 4870 Mountain View, Brighton, Michigan, appeared before the Board.

John Gaber, Attorney 380 North Old Woodward, Suite 300, Birmingham, 48009, appeared before the Board and stated he is the attorney for the applicant.

Vice-Chairwoman Furgal thanked the applicants and asked them to state the reasons for the petition.

John Gaber, Attorney thanked the Board and stated they appreciated the opportunity to be before the Board this evening. As they know, this deal is with Saint Anthony's Nursing Home, which is on Ryan Road, between Chicago and 13 Mile; and essentially they are before the Board tonight...he needs to give some history and some background so that they have some perspective. Saint Anthony's is expanding to add forty (40) beds to its current facility and as part of this expansion, Saint Anthony's acquired the property to the south of its location—it is about a forty (40) foot wide strip of land that runs parallel to the southern boundary; they have a site plan diagram...

Vice-Chairwoman Furgal stated they have the site plan.

John Gaber, Attorney stated okay; essentially they acquire that and then they had that property rezoned by the City Council, to 'Office', so that the rezoning is consistent with same rezoning that Saint Anthony's is subject to. So, they are both 'Office' right now. Then, they obtained approval of the Planning Commission of the site plan for the expansion of this project and that process was—during the site plan approval—they were told by the Planning Commission that essentially along that north property line and the south property line—if they chose—they either needed to have a twenty (20) foot wide greenbelt or a six (6) foot tall screening wall or obtain a variance to those requirements to be in compliance with their site plan. During the site plan process, they worked a lot of it with the residents and the neighbors in that area. Along the whole eastern boundary of their property are homes and to the north, they have a couple of homes as well, so they have worked with the neighbors and they are behind them in the audience as well, some of them representing the neighbors; they have been very active and involved, they were concerned about screening their homes, they have been concerned about parking being too close and they have worked with them at the Planning Commission's request, to come up with compromises in their site plan that ultimately were agreed upon by the neighbors and by them and essentially approved by the Planning Commission last October in their site plan. As part of that site plan that compromise it affects primarily the north property line that they are seeking the variance for. Their Site Plan shows on the north property line a seven (7) foot wide greenbelt buffer; in that seven (7) feet they have narrow evergreen trees being planted the whole width of that approximately one hundred and forty-five (145) feet, and then they have mulch as well and there will be parking up to that particular area.

They have spoken...the lady that owns that property to the north is here in the audience; they have spoken with her about that and that is part of a compromise they worked out as part of the site plan and for the Board's information, her actual house on that property is a pretty good size lot—pretty deep lot—her house is approximately—he believes—it was a hundred seventy-two (172) feet from that property line that they are talking about requesting the variance from. As part of that, they are requesting the variance because she did not want a wall, she would rather have the greenbelt buffer and that was amendable to them, which is why they included it in the site plan and that is why they are before the Board tonight seeking that particular variance. Now, with regards to the variance on the south side, that south side runs about two hundred (200) feet; they are asking for permission to have a variance to just put a seven (7) foot wide grass greenbelt buffer in that area; there will be parking along that property line as well on the other side of that buffer, and the reason they are asking for that is because immediately south of them is a church, the Sharon Fellowship Church, and they have talked to them about this, showed them their plans and essentially, they are in agreement with them that the screening wall would not do any good, because they are not screening a residential neighbor from the activities they have on the site; they essentially are a church and they act that way with parishioners there at certain times and such and then they use their surrounding area too for fellowship purposes. They talked to them about this and they would rather not deal with the esthetic effect—if they will—of the wall in that location as well and so they submitted a letter, which he believes they have in their packet from the church, showing their agreement with their plans to request the variance of that wall in that area as well for the purposes of just having the greenbelt buffer. They are before the Board tonight for obviously the zoning and enabling act requires them to show a practical difficulty for these variances they are requesting and section 20.23 of the City's zoning ordinance as he has read it, sets forth six (6) criteria that have to be met for the Board to be willing to grant the variance. He has submitted with their application, kind of an addendum, that goes through those six (6) criteria and essentially lays out the reasons why they believe that they meet those criteria for the variance on the north side and the variance on the south side; he could go through those again if the Board wishes, but they do have those in writing as part of the information that they submitted. So, if the Board would like, he could do that, otherwise, they are just present to answer questions and clarify issues for them.

Vice-Chairwoman Furgal asked if anyone the board objected. (No response)...she asked the applicants if they completed their presentation?

John Gaber, Attorney stated he was finished unless they want him to go through those reasons.

Vice-Chairwoman Furgal stated no, she believes they are okay.

John Gaber, Attorney and Brian Jilbert thanked the Board.

Vice-Chairwoman Furgal stated this is a public hearing and if there was anyone in the audience that would like to comment on this item?

Dan Zawiejski, 4181 Hillcrest, appeared before the Board and stated he knows the property he (meaning applicant) is talking about with Saint Anthony's. He acquired his lot and what used to be an old home on it and there was a driveway going into it and right now the way it stands, this lot is a whole bunch of old trees on it, he means they are humongous trees and they are always breaking—pine trees—and then they do not even have a sidewalk there, you have to walk in the dirt to get around that property where the house used to be, so he was just wondering, are they going to clear all of those trees out of there and are they going to put a sidewalk in? Because he gets tired of walking in the dirt; as of right now that is the way it sits right now. He means he is talking about humongous trees there and that is right by where that church is; probably that property is butted right up against that church.

Vice-Chairwoman Furgal stated well yes, they have to take down the trees because they are not able to do what they want to do without doing that.

Dan Zawiejski stated is that going to be their parking that they are talking about or is that going to be a building there?

Vice-Chairwoman Furgal stated part of it is the building and part of it is the parking.

Dan Zawiejski asked if they are going to be adding on to the existing building.

Vice-Chairwoman stated yes.

Dan Zawiejski stated well that is a pretty huge project; that is forty (40) beds they are adding; so he does not know how they are going to get enough parking in there.

Vice-Chairwoman asked the applicant if they had a site plan to show the resident.

Dan Zawiejski stated he meant there is parking there now, but if they are going to expand the building with the parking, he just does not see...

*(Inaudible side conversation between resident and applicant)*

Vice-Chairwoman Furgal asked the applicant and the resident if they would be able to discuss the matter later and if there was anyone else who would like to comment on this item...

Dan Zawiejski stated yes, he just wanted to bring that up because he walks everyday and he has to walk through a mud hole over there and there is no sidewalk; that is his biggest concern.

Vice-Chairwoman Furgal stated no; that makes sense; if he would like to speak to the applicant more, that is fine, it is just that...

Dan Zawiejski stated that was all he wanted to bring up; as long as they do the sidewalk and he does not know what they are going to do with the trees, just do not leave the trees a purple wall, so okay, it is all in the plan.

Vice-Chairwoman Furgal thanked Mr. Dan Zawiejski and asked if there was anyone else? Hearing and seeing none, she turns the matter over to the Board.

Secretary Nestorowicz stated he just wanted to read into the record that the Zoning Board did receive a letter from the Sharon Fellowship Church of Michigan, dated January 15<sup>th</sup>; stating that they are in favor of the petitioner's request and to support it.

Vice-Chairwoman Furgal asked if there was anyone else.

Secretary Nestorowicz stated not hearing any comments, he just wanted to state that driving by that property all the time—even on the way here to tonight's meeting—he drove pass that property; it is always a very well taken care of property. Based on the size and shape of the lot and stuff, he thinks that they should approve this request and if there is no other discussion, he would like to make the motion.

**Motion:**

Secretary Nestorowicz made the motion to approve the petitioner's request to:

1. Allow a seven (7) foot wide greenbelt for approximately one hundred and forty five (145) feet along the north lot line per the site plan.
2. Allow a seven (7) foot wide grass buffer for approximately two hundred and twenty (220) feet along the south property line per the site plan.

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

Board Member Pauta supported the motion.

Vice-Chairwoman stated they have a motion by Secretary Nestorowicz, Supported by Board Member Pauta, to grant the petitioner's request as stated, due to Size and Shape of the Lot, and Not a Detriment to the Neighborhood.

**Roll Call:**

A roll call was taken on the motion to approve and the motion carried (6 – 0).

Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Fisher	Yes, for the reasons stated in the motion.



Conduct a SEASONAL **outdoor sales operation in a “P” District** from March 31, 2016 through January 8, 2017, (788 sq. ft.) to no less than 16 ft. from the Schoenherr Rd. property line and 50 ft. from the north property line per site plan and same as last year.

Reasons being: Size and Shape of the Lot.

Board Member Anglin supported the motion.

Vice-Chairwoman stated they have a motion by Board Member Pauta, Supported by Board Member Anglin, to grant the petitioner’s request as stated, due to Size and Shape of the Lot.

**Roll Call:**

A roll call was taken on the motion to approve and the motion carried (6 – 0).

Board Member Pauta	Yes.
Board Member Anglin	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Tabbi	Yes, for the reasons stated in the motion.
Board Member Fisher	Yes, for the reasons stated in the motion.
Vice-Chairwoman Furgal	Yes, for the reasons stated in the motion.

The petitioner’s request has been **GRANTED** as written.

6b. PUBLIC HEARING: **APPLICANT: THRIFTY FLORIST of Warren, #2**  
(Rescheduled from 1/13/2016)  
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’X30’ (600 sq. ft.)** from March 31, 2016 through January 8, 2017, to no less than 58 ft. from the Ryan Road property line and 45 ft. 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.

Vice-Chairwoman Furgal asked the individual at the podium to state her name and address for the record.

Nicole Agbay, 30975 Ryan Road, in Warren, Michigan; appeared before the Board.

Vice-Chairwoman Furgal asked the reason for the petition.

Nicole Agbay stated again they are here asking permission to conduct their seasonal outdoor sales for about six hundred (600) square feet from March 31 to January 8; no less than fifty-eight (58) feet from the Ryan Road property line and forty-five (45) feet from the 13 Mile Road property line; and to waive those five (5) parking spaces in connection with their outdoor sales per the site plan and the same request as last year.

Vice-Chairwoman Furgal stated this is a public hearing; was there is anyone in the audience who would like to comment on this item. (No response) Hearing or seeing none, she turns the matter over to the Board.

Board Member Anglin stated his only question is, they want to waive five (5) parking spaces and that lot carries two and fifty-three (253) that sits around them; is there a leasing problem?...With could not...

Nicole Agbay stated the parking spaces they are asking to waive are directly right in front of where the tent is going to be; they are asking to waive just those ones that they put a few tents right there that are right in front of the front doors, so the customers get to walk through there.

Board Member Anglin stated but they do have access then to that couple of hundred car parking around them then...that is behind them?

Nicole Agbay stated no, that is not their lot that is the party store parking in the plaza behind them; they are not actually attached to that, they are a freestanding building...

Board Member Anglin stated he knew, but they have the use to the parking?

Nicole Agbay stated she did not hear the question.

Board Member Anglin stated they have the use of that parking facility?

Nicole Agbay stated she would imagine so; they do not use it though, but yes, their customers could actually park in the lot behind them.

Board Member Anglin stated that was what he was referring to.

Nicole Agbay stated sure, absolutely they could.

Board Member Anglin thanked the Board and the Applicant and stated he would like to make a motion if no one else had any questions.

**Motion:**

Board Member Anglin made the motion to approve the petitioner's request to: Conduct a SEASONAL **outdoor sales operation 20'X30' (600 sq. ft.)** from March 31, 2016 through January 8, 2017, to no less than 58 ft. from the Ryan Road property line and 45 ft. 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: Due to Not a Detriment to the Area, the Property is Unique, and the Size and Shape of the Lot.

Board Member Pauta supported the motion.

Vice-Chairwoman stated they have a motion by Board Member Anglin, Supported by Board Member Pauta, to grant the petitioner's request as stated, due to it is Not a Detriment to the Area, the Property is Unique and Size and Shape of the Lot.

***(The Reasons in the motion were amended to state: Size and Shape of the Lot)***

**Roll Call:**

A roll call was taken on the motion to approve and the motion carried (6 – 0).

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Tabbi	Yes, for the reasons stated in the motion.
Board Member Fisher	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Vice-Chairwoman Furgal	Yes, for the reasons stated in the motion.

The petitioner's request has been **GRANTED** as written.

7. PUBLIC HEARING:	<b>APPLICANT: Mr. Corry Johnson</b>
REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	4090 Tuxedo Drive
LEGAL DESCRIPTION:	13-05-102-010
ZONE:	R-1-C

**VARIANCES REQUESTED: Permission to:**

1. Construct a 3050 sq. ft. garage.
2. Construct a garage with an eve height of 16 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.

**Section 4.19 Paragraph (b):**...Detached garages shall not exceed one (1) story or ten (10) feet in height to the eaves.

Vice-Chairwoman Furgal asked the individual at the podium to state his name and address for the record.

Mr. Corry Johnson, 4090 Tuxedo, Warren, 48092, appeared before the Board and stated he thanked the Board for listening to him today; he works at the General Motors Tech Center, he has been there as an Engineer for fifteen (15) years and he currently works as a Part Development Manager. He is here tonight requesting a variance for eave height and square footage of the attached garage. The request by itself does not explain the full scope of the plan. His desire is to replace all of the current buildings on the property and erect a thirty-seven hundred and fifty (3750) square foot custom Frank Lloyd Wright style house and a matching detached garage. The two (2) buildings would complement each other in terms of style and design and exterior finishes. The imperious coverage of the two (2) new buildings would be approximately sixteen percent (16%) of the lot, far less than the thirty percent (30%) allowed; it is a unique lot and that it has twenty-five (25) additional feet on this direction (*indicating on his presentation before the Board*) than most of the lots of the street. In regards to hardship, he understands his request does not meet the hardship requirements for the technical definition; if Warren had a process in place for requesting an ordinance amendment, he would be here using that channel instead, but since that is not an option here, he is. The current ordinances were written in 65' and amended in the 80's, but none of those amendments effected the rules on garages; that means the current rules are fifty (50) years old; many things are different now than they were fifty (50) years ago—lifestyles are different, recreational vehicles are different, Warren is different, but the rules have not changed. There are several municipalities locally that have ordinances that fit more with modern lifestyles; for example, if his property was located just thousand (1000) feet north, on the other side of Fourteen Mile Road, the rules say that the garages ruled by how big the lot is and as the lot gets bigger, the allowed gets bigger. That is a worthy method, but there are others. Six (6) miles north in Shelby Township on the north side of 59, they vary the allowed garage sizes and percentage to the finished square footage of the house—also a good method. Beyond that, there are four (4) reasons why the variance should be granted in his case: Maintaining consistency with the intent of the ordinances—the ordinances when they are read as a whole and not individually already describe a garage larger than a 700 square foot rule. The ordinances specifically allow three (3) cars to be stored and a different ordinance allows recreational vehicles to be stored; there is not a limit stated on how many recreational vehicles or their size. The square footage required to store a forty (40) foot motor home is nearly seven hundred (700) square feet all by itself; in addition, he has several other large recreational vehicles. Number two (2), the property is unique—it is

extra large as he has mentioned before; there is an extra twenty-five (25) feet front to back, which makes the property almost an acre; it is .86 acres. The ordinance does not cover lawn equipment; modern lawn equipment is larger than it was fifty (50) years ago, with the large size of the lot, comes large equipment to maintain it and the buildings upon it. Among other tools, he has a professional grade mower, which is approximately half the size of a car. Number three (3), promotion of public safety; being able to store these valuable items indoors will not only minimize the degradation these items from the elements, but it will also keep them out of the eyes of the public. This increases both the safety and the beauty of the neighborhood. The strongest reason to grant a variance is substantial justice. There are also three (3) properties on Tuxedo Drive with garages larger than 700 square feet. There are many other properties in R-1-C zoning districts throughout Warren that also have garages larger than 700 square feet.

He is aware that there is a general concern that large garages would be used for business purposes; he could guarantee them that were not the case. He is a lifer at GM, he will retire from GM, and he plans to retire in this house; so that means he will be at this property for at least the next fifty (50) years; he cannot guarantee what happens beyond that but, he could guarantee the next fifty (50). He likes the city, he likes the neighborhood, he likes the neighbors and he wishes to contribute to the revitalization of the city of where he works. He could move like many of his colleagues have done like Romeo or Lake Orient, or Walled Lake or South Lyon, where he would have no trouble building this exact plan, but he prefers to live here, close to work, close to family and close to all the conveniences that Warren provides. To summarize, the proposed plan is consistent with the intent of the ordinances, the impervious coverage of the lot is roughly half of the allowed, the garage is matched and skilled proportion and style to the house; the proposal is the minimum variance required for reasonable use of the property. The proposed plans will contribute to the revitalization of the neighborhood and the city. He respectfully requests the consideration of the Board in this matter and welcomes any questions the Board has regarding the improvements planned for this lot.

Vice-Chairwoman Furgal thanked the applicant and stated this is a public hearing, if there was anyone in the audience who would like to comment on this item?

Everett Murphy, Acting Chief Zoning Inspector-Warren stated he just wanted to clear up one thing; they actually do have a procedure if someone would like to request a text amendment to the zoning ordinance, so just to let them know.

Vice-Chairwoman Furgal asked if there was anyone else.

Lori Harris, 4047 Hillcrest, Warren, appeared before the Board and stated she is just going to read what her concerns are; these are very nice people, she met them, but these are still her concerns. The City of Warren restricts the size of separate garage on property to 700 square feet, so the request to build something 4 ½ times larger than the city limit is bold; to be willing to downscale the building, depending on how much greet the city gives the homeowner is still bold and it feels like cat and mouse playing games. Their neighborhood is filled with small to medium houses of different ages—she does not want to be known as an area where someone could build large buildings that

potentially could be commercial use. Her house is her home, she wants to know what happens to property values when someone comes in and builds an extremely large home on the lot; does the value of her house—if sold—go down because someone only sees it as something to be torn down. To allow a variance on this property sets a very dangerous precedent she thinks. Realistically speaking, as a mom with children probably close to his (meaning the applicant) age, that is a lot of toys. In the neighborhood, typically when people have toys, they do not store them in a building on their property or build a bigger building to hold all their things and she does not know....this is not personal, but she does not know very many people in her children's ages or even older who stay in one place for very long and jobs are not always the same and transfers could happen; it is a very rare person—she thinks—that stays in a job, so to build a large house and a large building, there is no guarantee that they will be there and who would buy it then? And just because the neighbor next door to him builds a large out building, and somehow the city was not on top of that in terms of not allowing that to happen or following up on that, she is worried that Corry...they may not use it commercially but if the next person in there does, would the city be coming to actually take care of this and not allow commercial use. She thanked the Board.

Gary Trelfa, 4087 Hillcrest, appeared before the Board and stated he lives directly behind Corry Johnson and the neighborhood with the other residents—some of them are sitting here right now—they like the open space in the area and there are not a lot of larger homes in the area in these couple of blocks that they live in. Most of people's garages are just the two and a half (2 ½) car variety or maybe less, which he just happened to find out...after he found out that they wanted a 3,000 square foot garage, he has a two and a half (2 ½) car garage, which is 488 square feet, he could not imagine needing six times that much garage space. The neighbor that Mr. Johnson spoke of that has a large garage; a few years back, they probably all did not come down here to dispute when he wanted to build that garage, and once he built it, even though it is a nice looking building, it is an elephant in the neighborhood; it is too tall, it is too large and it does not fit in with the rest of the residence. They have a quite a few wild animals in the neighborhood coming over from Red Run Drain, a lot of deer coming there just about every day and raccoons and possums and everything else and it would be a big disruption on their little neighborhood there to have these new buildings put in; besides that almost everyone on their couple of blocks has flooding problems part time of the year at least, when the snow melts and everything else at the rears of their properties, hold water for weeks at a time and putting up a 3,000 square foot garage in the rear of the property, would definitely cause more flooding for all of the neighbors involved there, the neighbors within the 300 foot area that is typically requested to come here. He guesses that is about it.

Fran Tarkowski, 4101 Hillcrest, Warren, Michigan, appeared before the Board and stated she has lived there since 1963, built the house. At the time they built the house, they build a two and a half (2 ½) car garage, they had a permit for it; they have a barn in the back for their lawn mower and stuff. At the time in 1969, they bought a 25 foot motor home, they had a 26 foot boat, her son had two (2 ) jet skis and they never went

to the city to build a storage unit for those vehicles, they were stored somewhere else and she feels that that size storage unit to keep their toys in, ruins the neighborhood—she does not care how nice it looks; if they have the toys, then they have to store them somewhere else; they did for...she is still in the house, so she does not have the boat anymore. Over a 3,000 foot storage unit, is what they are building, a storage unit, they are not building a garage; they are putting a motor home, a boat, jet skis and those kinds of things in it, that is a storage unit and as he said, bigger lots then do it in places...then he should have bought a bigger lot, or he should have bought acreage like her son did out in St. Claire—a five (5) acre, so he could build a pull barn and store his toys—he never got to build his pull barn because he was killed by a drunk driver before he did it—but she really thinks that it would deter from the neighborhood..The one that is there, she did come and complain when they were going to build that one because it is an eyesore; it is a nice looking building, but it is like a mansion and it is not used for anything. He has a motor home that is not outside yet, so he does store in it and she just thinks it would deter to the neighborhood; she realizes his (*meaning the applicant*) plans are gorgeous and the house is nice and everything, but that size is a storage unit, it is not a garage and she does not think they need to start putting storage units in residential areas. She thanked the Board.

Dan Zawiejski, 4181 Hillcrest, appeared before the Board and stated when he was in the applicant's age when he moved to Warren, he moved into this area twenty-five (25) years ago; he wanted to do exactly what the applicants wants to do. He wanted the garage, he wanted everything, he was young, he had toys, but do they know what the City told him; first of all they told him, one garage on one property. He has a beautiful ranch home with attached garage, the first thing they told him he has to break up his garage, and once he had that done, then he would have to get approval for cement driveway to go all the way in the backyard with drainage system for water; they would not allow water run-off, he had to have the actual drain going to the sewers because of the concrete he would have back there. Right there he said forget it and he was going to move, but he had his child in the high school and everything, so that never worked out, so he is still living where he is, but he is happy; he has a two-car garage, so he is doing his thing....number two, that big huge building is going to be nothing but an eyesore for those people sitting at the meeting; they have a massive building, and this building has to take up almost ...what is that....90 feet across? He asked the applicant how wide his property is.

Mr. Corry Johnson stated 125.

Dan Zawiejski stated 125; this building has to be anywhere from 80 to 100 feet wide. He has to see the plans, but he is figuring he has four (4) garage doors, fourteen (14) feet high, sixteen (16) feet high; it is going to be a massive wall back there, that is how it is going to be. They noticed on that same street, kiddy corner from him, this is a going trend now; the applicant talks about going out to Shelby or whatever he wants to do and he knows the guy (*pointing at someone in the audience*) there and he has probably

priced his property and he probably priced about five (5) acres, so they know they are going to tell him \$200,000, that he has to put septic in, gas, LP Gas—whatever it is—drainage and everything; he is going to have to pay, pay, pay, so why not come to the city and dump all this in a three-quarter (  $\frac{3}{4}$  ) acre lot and have the city service, the city drain, garbage pickup and everything ...why not right?...pay taxes...he has been there around too. Another thing about business; the applicant said he is not going to run a business in that garage, he has never met any of the neighbors here that would ever prosecute anyone for running a business—which in this area, people do and he knows it because he has been here long enough and they know it too; what is going to stop this guy from putting up an 8 foot fence around that property, how are they (city) going to catch this guy doing a business...it is impossible; no neighbor is going to prosecute this guy because if they would have done it, they would have done it to the guy next door of where he (*the applicant*) wants to build and he does not even know if that guy has permits; that place has been there too...they want a satellite view of that property next door where he (*applicant*) wants to build, it is probably bigger than what he (*applicant*) wants and how he got that, he will never know—they city shut him down. If he gets away with this, this is going to be a trend for the next guy and right behind him he has a \$50,000 house and the property alone is worth \$50,000 to \$75,000 just the dirt; they come there and they bulldoze it and 'hey I have a freebee, I got a nice big house here' then he is going to be looking at a big wall behind his house. He has the same situation just like the neighbors do. And taxes, that is another thing. If they begin a trend there with people starting to build these big homes around there, what is it going to do to the taxes like Gary's house there? He means, he does not know, these taxes are going to be out of this world before they know it and he will be taxed out of his old home and then the next guy that comes by, his property and then they keep building, building, building...where does it stop, when they already have two (2) on that block already. As far as the city goes, like to catch someone doing business and things, he means he has been through this with blight and everything else; once 4:00 o'clock hits at the city, they are gone, nobody is around on weekends, so who is to say that if someone was to run a business over there; who is going to catch them, how are they going to stop something like that? He has been here long enough to know better; he has been shut down so many times, so he is just telling them what he knows. He feels sorry for the applicant because he was in his shoes and from what he knows, this is what the city told him and he said he could not afford that. The city made the rules, one garage, one property; if they have an attached garage, to break it up and then they could do what they want to do, only up to 700 square footing garage and the water drainage, that is a big thing, because two (2) of these neighbors (*point to the audience*) here, spent over \$2,000 apiece; the city would not even help them. The city gave plans to have property built there, they live in low lying water areas over there; they could ask Lori and Chet, they both spend \$2,000 apiece, to have a drainage system built into their property. He used to walk passed there and he thought they had a water main break, it was so bad between the houses; they had to get out of their pocket to have a drainage company go there and have it going all the way right to the sewers, all because that area is low. If he (*the applicant*) wants to build over there, who is to say that he does not elevate his property higher than the guys next to him, if he (*the applicant*) goes three or four feet higher, which most people would do—he would do it—to keep his basement high and then where does the water go...the water goes off the roof, off the drains, it all just goes

to the people on the side to the back. If he (*the applicant*) gets approved, he would definitely have to put a water drainage system in there that is number one. That is all he has to say, he has been burned by the Board; they did not let him do what he wanted to do and that is what he (the applicant) is facing right now. He said he would be honest with him (*to the applicant*); maybe he ought to go get five (5) acres. That is all he has to say.

Vice-Chairwoman Furgal asked if there was anyone else. (No Response) Hearing or seeing none, she turned the matter over to the Board.

Mr. Corry Johnson stated he does have a letter from one of the other neighbors...that is the neighbor directly across Tuxedo, one the north side of Tuxedo.

Secretary Nestorowicz stated he just wanted to read into record that the Board was given a letter in support of the petitioner's request from the neighbors at 4125 Tuxedo Drive, from Kenneth Haran and his entire family, all five (5) of them signed.

Vice-Chairwoman Furgal stated board.

Board Member Anglin stated they have had a couple of people coming from this Board since he has been on it, requesting to have larger garages put on their properties that were even larger than his and the Board denied them due to the fact that it was a self-imposed hardship and that it was a detriment to the area because of the size. His biggest problem is—and it is a beautiful piece of property that he is building there—but where do they tell one person who was actually here at the last Board meeting no, and then tell somebody calling up the next one, yes? He thinks the garage is too large and if he (*the applicant*) wants to resubmit it with a smaller garage, he would be happy to change his opinion on it.

Secretary Nestorowicz stated he drove by that property and it is a beautiful size lot that is...he wishes his lot was that big and it is a beautiful house and he does understand where people need additional space because the days of where the people just had two (2) cars, that is not always the case anymore; people have other things. He has a two-car garage and he never has enough room and it is tough. But, when a garage is bigger than even the house that you are building, he has a hard time with that.

Mr. Corry Johnson stated it is not; it is only 80% of the...

Secretary Nestorowicz stated he was not quite sure exactly, but it looked like it was large. Personally, he would love to come to some kind of compromise, because he knows that the property right now is approved, he has a 1000 square feet existing garage space, existing with the house that is there right now...

Mr. Corry Johnson stated he did not know what the variance allowed was currently, but yes...

Secretary Nestorowicz stated that is what exists, because there was a previous variance that gave 1000 square feet....

Mr. Corry Johnson stated right.

Secretary Nestorowicz stated he would love to see some compromise, Everett, and even if he (*the applicant*) needs to take some time and ask to reschedule, but 3000 is too much, but he would be willing to entertain or talk about something that might be some kind of a compromise and to take his neighbor's concerns too, because they are the ones that have to look at it and they do not want to have them have to look at an eyesore and he knows that the drawings look like it is going to be a beautiful addition, but he wants to be a good neighbor, so, that is his opinion.

Mr. Corry Johnson stated he did not speak about it, but in the plans...he means they already have sixty (60) foot pine trees all along the back, which block most of the view, but in addition part of the plan is to put arborvitae trees in between, because the sixty (60) foot tall pine trees, the leafage does not start until about ten (10) to twelve (12) feet up, so, in between all of those trunks would be arborvitae and along both sides basically a green wall around the whole backyard; the visibility of the building would be essentially non-existent. As far as the drainage is concerned, of course he is working with any...he has an architect that he is working with on the house and they have a full plot plan with elevation kept in mind with the drainage towards the front, so, any water that will drain will drain towards Tuxedo and down the culvert that is along Tuxedo. But, they are right, it is what that is there, the back half of his property does get pretty swampy in the Spring and stuff; that has already been considered in and intended to be gotten rid of.

Board Member Pauta stated she loves his presentation and wishes everyone did that; it was great.

Mr. Corry Johnson thanked Board Member Pauta.

Board Member Pauta stated and she would love to grant this, but, the decision that the Board makes goes with his land forever. If he should happen to move, and a guy has an auto repair shop that decides he wants to move in there, no one will be able to do anything about it...

Mr. Corry Johnson stated they could do something, they have ordinances about it.

Board Member Pauta stated so, what she would like him to do....

Mr. Corry Johnson stated yes...

Board Member Pauta stated is to talk about it and to come back with something a little bit smaller, please.

Mr. Corry Johnson stated okay.

Board Member Pauta stated okay.

Board Member Fisher stated he had a couple of issues. One, he does agree that according to the site plan here, the garage is bigger than the house; it shows that the proposed residence is 2,793 square feet...

Mr. Corry Johnson stated that was just the first floor.

Board Member Fisher stated okay...so it is bigger than the first floor, then? That is what he is saying?

Mr. Corry Johnson stated that also does not include the....yes.

Board Member Fisher stated the second issue is, they have certain rules that they have to follow including having a hardship and when someone comes up and the first thing they say is 'I don't need it' that to him says, 'I can't vote for it'. And, especially when they have so many people here objecting to what is a garage that does not fit the neighborhood, he just cannot support that, he does think that the ordinance is probably outdated but there is a process to fix that and this is not it, but this is just too big and if he wanted to come back, he needs to come back with a hardship and he needs to come back with something smaller in his opinion.

Mr. Corry Johnson stated would the hardship not be substantial justice because other people in the street already have variances for such existing things? He means he understands his neighbors are not happy with his neighbor—his immediate neighbor—that has the large garage; he is not him.

Board Member Anglin stated he had one more comment and then he would like to make a motion if there were no other comments. He knows when he asked for it to come back as a smaller garage, and the reason he is saying this is they had a gentleman previous that had a garage, the same size the applicant wants and he had come back with a couple of hundred square feet smaller and tried to repetition it; that is not in his mind of what he was thinking of a smaller garage. He wants him to know that it is not to be taken to waste his time or spend a lot of time doing little steps to see at what point this chops off at and work for.

Mr. Corry Johnson stated he assumes he has a number in mind.

Board Member Anglin stated he does not have a set number, because...he asked if anyone remembers what that last size he presented to them was, at the top of their head, approximately?

Mr. Corry Johnson stated 2,400 square feet; he has done his research.

Board Member Anglin stated yes, that sounded about right; that did not pass, so, it gives him some type of...

Mr. Corry Johnson stated his property was a quarter of an acre.

Vice-Chairwoman Furgal stated the Board takes each item separately.

Board Member Anglin stated he understood; he was just trying to give him a little of his...

Mr. Corry Johnson stated he understood as well, his property was a quarter of the size of his own lot too, so he certainly understood why the Board rejected his proposal.

*(Inaudible comment from the audience)*

Vice-Chairwoman Furgal stated the audience is finished, she is sorry.

Secretary Nestorowicz stated what he was going to say is if the petitioner would like to maybe table the request to maybe the March 9<sup>th</sup> meeting, to give him a chance to look at lowering the square footage of the garage and come back with a different proposal, something that would work for him and his architect?

Mr. Corry Johnson stated okay.

Secretary Nestorowicz stated something between where it is now and what is being asked.

Mr. Corry Johnson stated he understood.

Vice-Chairwoman Furgal stated she understands that it is difficult; like the petitioner pointed out that the ordinance is 50 years old and there are sometimes things have to change and it is difficult for people who have been living in a place for a long time to see and she has heard about issues in different cities, where people would buy a house and tear it down and then put up these huge houses and...it is an issue and she gets what he is trying to do, she would like to say; however, that most of the engineers at General Motors do not live in Warren.

Mr. Corry Johnson stated that is what he was eluting to and there is a reason for that.

Vice-Chairwoman Furgal stated and there is a reason for it and one of them is that they could not build a big house with a big garage and all of those things, but it would make more sense for Warren if they allowed them to do some of the things they liked to do. That is just an observation she would like to make, that is all.

Mr. Corry Johnson stated that was exactly his point in his whole speech.

Vice-Chairwoman Furgal stated yes, she gets it. She thanked the petitioner. She asked if there was a motion to table.

**Motion:**

Secretary Nestorowicz made the motion to table this matter to the **March 9<sup>th</sup> meeting.**

Secretary Nestorowicz stated that would give him just under a month.

Mr. Corry Johnson stated that was not a problem.

Secretary Nestorowicz asked the petitioner if that would be enough time for him to come back.

Mr. Corry Johnson stated yes.

Board Member Pauta supported the motion.

Vice-Chairwoman stated they have a motion and Support to **reschedule** the item to **March 9<sup>th</sup>**.

**Voice Vote:**

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

Vice-Chairwoman Furgal stated it will be on March 9<sup>th</sup> and it will not be re-noticed.

8. PUBLIC HEARING: **APPLICANT: OAKRIDGE MARKET**  
REPRESENTATIVE: ACME Signs  
COMMON DESCRIPTION: 26700 Ryan Road  
LEGAL DESCRIPTION: 13-20-101-038  
ZONE: C-1 and C-2

**VARIANCES REQUESTED: Permission to:**

Erect three (3) wall signs as follows:

- 1) Wall Sign "OakRidge" 255" x 42" = 74.38 sq. ft.
- 2) Wall Sign "Market" 153" x 36" = 38.25 sq. ft.
- 3) Wall Sign "DELI – PRODUCE – MEAT" 460" x 25" = 79.87 sq. ft.

**Total wall signage = 182.5 sq. ft.**

**ORDINANCES and REQUIREMENTS:**

**Section 4A.35(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.

Vice-Chairwoman Furgal asked the individuals at the podium to state their names and addresses for the record.

Mr. Sam Kizy, Owner of Acme Signs, 23404 Sherwood Avenue, Warren, Michigan, appeared before the Board.

Mr. Nashwan Zoma, OakRidge Market Owner, 26700 Ryan Road, Warren, Michigan, appeared before the Board.

Vice-Chairwoman Furgal asked the reason for the petition.

Mr. Sam Kizy stated of course this time of day, the OakRidge Market only has OakRidge on it as a supermarket and it needs a quite bit more signage; however, the store sits very far away from the street and it is very hard to see. There were quite a few customers that had come in to the store—as his understanding from the owners—that when they see the advertisement delivered to their homes or whatever, they would come in and ask to be visibly seen from the street of somehow, because they could not even find the place and they were complaining quite a bit. The owner, when they bought the store, they spent a quite a bit of money on the inside of the store for remodeling and the signage, of course is like the old saying that ‘a business with no sign, is a sign with no business’; they are just posting up the sales and it is not doing them any good. But, the work OakRidge does not really stand for much, without the ‘Market’ of course and the identification of ‘Deli’, ‘Produce’ and ‘Meat’, is something that tells the customer of what there is inside the store and what they are carrying and selling. The store is very clean—he does not know if the Board members have been in there or not—they have done a quite a bit of work on it; the parking lot is nice, the outside appearance is very nice, the only thing that is missing there is the signage, it...

*(inaudible side conversation with the owner)* yes, the only thing they do need to do is add those three (3) words to it, plus the ‘Market’. These signs are not really flashy, they are not really very, very bright where they would bother the drivers or anyone in the neighborhood there; there are no close neighbors that would be bothered by the lights of these signs; however, they are not bright anyways. They will serve in the daytime more than they would in the nighttime and they would appreciate the opportunity of putting more signage on the store, so they could benefit from.

Vice-Chairwoman Furgal thanked the petitioners and stated this is a public hearing; is there anyone in the audience that would like to comment on this item. *(No response from anyone)*; hearing nor seeing none, she turns the matter over to the Board. She does have one question. These are lit signs? They are not backlit?

Mr. Sam Kizy stated they are backlit, yes, but to the...in the winter time, it does get dark at 4:30 or 5:00 o’clock in the evening really, and these are backlit with LED’s anyways...

Vice-Chairwoman Furgal stated they are backlit with LED’s?

Mr. Sam Kizy stated with LED’s, so they do not consume as much energy and they are not really bright like neon is or florescent lights are and all of that.

Vice-Chairwoman Furgal stated they are very practical though?

Mr. Sam Kizy stated yes.

Secretary Nestorowicz stated he just wanted to state for the record that the Zoning Board did receive a letter from the residents at 4100 John Paul Court in Warren that they had no objection and they are in favor of this, but it is hard to make out the signature though, but it...

Vice-Chairwoman Furgal stated it is signed.

Secretary Nestorowicz stated it is signed.

Board Member Anglin stated if there were no other questions from any of the Board Members, he would like to make a motion.

**Motion:**

Board Member Anglin made the motion to approve the petitioner's request to:  
Erect three (3) wall signs as follows:

- 1) Wall Sign "OakRidge" 255" x 42" = 74.38 sq. ft.
- 2) Wall Sign "Market" 153" x 36" = 38.25 sq. ft.
- 3) Wall Sign "DELI – PRODUCE – MEAT" 460" x 25" = 79.87 sq. ft.

**Total wall signage = 182.5 sq. ft.**

Reasons being: The Uniqueness of the Property, Not a Detriment to the Area and Lack of Identification.

Board Member Pauta supported the motion.

Vice-Chairwoman stated they have a motion by Board Member Anglin, Supported by Board Member Pauta, to grant the petitioner's request as stated, due to Uniqueness of the Property, Not a Detriment to the Area, and also Lack of Identification.

*(Board Member Anglin's motion was amended to reflect the addition to the reasoning: Lack of Identification.)*

**Roll Call:**

A roll call was taken on the motion to approve and the motion carried (6 – 0).

Board Member Anglin	Yes, as stated in the motion.
Board Member Pauta	Yes, as stated in the motion.
Board Member Tabbi	Yes, for the reasons stated in the motion.
Board Member Fisher	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Vice-Chairwoman Furgal	Yes, for the reasons stated in the motion.

The petitioner's request has been **GRANTED** as written.

REPRESENTATIVE: Mr. Greg Morgan/Phillips Sign and Lighting  
COMMON DESCRIPTION: 3333 Eight Mile Road  
LEGAL DESCRIPTION: 13-31-456-010  
ZONE: C-2

**VARIANCES REQUESTED: Permission to:**

Replace the existing projecting wall signs with new projecting wall signs as follows:

Sign #1: "SUEZ" – 178.625" x 60" = 74.43 sq. ft.

Sign #2: "MOTEL" – 202" x 42" = 58.92 sq. ft.

Sign #3: "SHOWTIME/ESPN" – 32.25" x 36" = 8.06 sq. ft.

**TOTAL = 141.41 sq. ft. of wall signage.**

**ORDINANCES and REQUIREMENTS:**

**Section 4A.11 (32) Projecting sign:** A sign that is affixed to any building or part thereof, or to any structure and projects out by more than eighteen (18) inches.

**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.

Vice-Chairwoman Furgal asked the individuals at the podium to state their names and addresses for the record.

Mr. Greg Morgan with Philip Sign and Lighting, 40920 Executive Drive, Harrison Township, appeared before the Board.

Mr. Ben Patel, Owner of the Suez Motel, appeared before the Board.

Vice-Chairwoman Furgal thanked the petitioners and asked the reasons for the petition.

Mr. Greg Morgan stated well they have an existing sign there, which is actually a pole sign; it is not a wall sign; if they look at the structure there, that is a steel high beam that the signs are attached to and that has a footing that goes right into the ground. When this building was originally constructed—he thinks back in 1957—they built the building right up to the end of the property line by the sidewalk there and put the pole sign going right through the building, they could see on the first level that is cut through that softened area there and then on that second level, there is a cutout where that pole sign projects up; the whole sign projects over about eleven (11) feet from, the building. They were told when they first put the application in, to refurbish this is that they would have to get MDOT permission and to get a permit from MDOT before they could proceed to the Zoning Board; they did that and they do have a permit from MDOT to be able to refurbish this sign as it is, and what they want to do is that it is just an old sign, it needs to be perked up, so they want to replace the existing cabinets with new cabinets that are exactly the same size—it is going to have the same copy—and it is going to be at the same height and the square footage of the existing sign is.

Vice-Chairwoman Furgal stated this is a public hearing, is there anyone in the audience who would like to comment on this item.

Mr. Richard Hagopian, appeared before the Board and stated he owns four parcels adjacent to the Suez Motel, right on Eight Mile Road: 3499, 3501, 3511 and 3517; and his problem is what he is doing there tonight is he wants to tell the Board that...he is not going to tell them that he (applicant) did it, but he had someone illegally cut down all of his trees in preparation for his (applicant) new signage and he thinks that is just not right. Now only that, he (applicant) trashed his property with all the litter of the trees and the City is now after him for littering the property and is trying to fine him for not cleaning up the debris. What he is asking of the Board is to have him (applicant) clean up his property; he does not care about his (applicant's) signage, but he is really mad that he (applicant) had someone cut his trees down without asking; he has been in that building before the City of Warren was a City, since 1950 he has been there; his dad then him. The building was sitting vacant for four years and all of the problems that the city has been citing him for trash has been there, but all of the sudden now, the trees are all laying all over his property, right on the front of Eight Mile Road, now they want him to be fined for the litter, because he (applicant) cut the trees down without his permission because he (applicant) wanted all of the trees out of the way of the view of his (applicant) signs. He did not know what was going on until he found that out when the Zoning Board sent him a letter and now he put two and two together.

Vice-Chairwoman Furgal thanked Mr. Hagopian.

Mr. Kirit Patel, 20740 Tanney, appeared before the Board and stated he had no issues with the sign.

Vice-Chairwoman Furgal asked if there was anyone else who wished to speak. (*No response*) Neither hearing nor seeing none she turned the matter over to the Board.

Board Member Pauta stated she is looking at the photograph that they submitted.

Mr. Greg Morgan stated yes.

Board Member Pauta stated and on the old sign, the sign does not go pass the overhang of the building; on the new sign, the 'E' is almost even with the walls that overhang, so her question is, what is the distance between the bottom of the sign and the sidewalk? Because she believes, that there is an ordinance for that too that there is supposed to be X amount of feet. She asked the applicant if she saw what she was looking at.

Mr. Greg Morgan stated yes...the distance...

Board Member Pauta asked how much longer that was.

Mr. Greg Morgan stated he was going to see if he had a different picture to look at. He thinks the Board had an incorrect picture before them. He asked if he could show them this... (*he passed out the photograph*). They had so many drawings on this; he thinks

they have a bad perspective of actually what is going to be there.

Board Member Pauta asked is the sign going to exceed the overhang.

Mr. Greg Morgan stated no, it was not.

Secretary Nestorowicz stated he believes he might be confused, because when the petitioner says that it does not go over the overhang, but it actually looks very much like it does go over the overhang even on this drawing that is...

Mr. Greg Morgan stated yes, if that overhang is twelve (12) inches it is hanging, six (6) inches lower than the other side.

Secretary Nestorowicz stated then the sign is hanging over the sidewalk then?

*(Inaudible conversation)*

Everett Murphy, Zoning Inspector asked but they are saying that this is going to be the exact same size and the old sign.

Mr. Greg Morgan stated yes Everett, they are making this...the work 'Motel' is going to be the exact same size as the existing 'Motel' and then super imposing it onto the new drawing, it looks like it is hanging down further, but it is not going to be any different than from what is existing on the property.

Vice-Chairwoman Furgal asked then it does NOT hang over the sidewalk?

Mr. Greg Morgan stated it does not, no; well it does not hang over the 'E'.

Vice-Chairwoman Furgal stated she does not care about the overhang, she cares about the sidewalk. If it is over the sidewalk, they could not grant it.

Board Member Pauta stated right.

Mr. Greg Morgan stated no, it does not. Well, which part of the sign is not going to be over the sidewalk? This part of the sign up here (*pointing to his presentation before the Board*) is certainly over the sidewalk by eleven (11) feet.

Vice-Chairwoman Furgal stated they could not grant him a variance to put up a sign over the sidewalk, even if it exists now, they could not give him a new sign, because it is considered a public nuisance and it could fall and hurt someone and they cannot be liable for that.

Mr. Greg Morgan stated he believes that was they asked him to get a permit from MDOT in order to have their approval and he has that permit from MDOT...

Vice-Chairwoman Furgal asked does the Board have it.

Mr. Greg Morgan stated well, he could...

Vice-Chairwoman Furgal called on Everett Murphy.

Everett Murphy, Acting Chief Zoning Inspector stated he did see an e-mail saying that they were going to grant it; he had to apply for it, that was dated a while back; this is their right-of-way; this is not the City's right-of-way.

Vice-Chairwoman Furgal stated the sidewalk is their right-of-way?

Everett Murphy, Acting Chief Zoning Inspector stated to his knowledge, that is not the city's right-of-way.

Mr. Greg Morgan stated he has a receipt from MDOT for the permit.

(Inaudible)

Vice-Chairwoman Furgal stated it certainly looks like a city sidewalk because it goes all the way down the road.

(Inaudible)

Board Member Fisher stated he thinks what they might be indicating is that Eight Mile is not a City road, and so that is why he had to go through MDOT, this right-of-way belongs to the State of Michigan.

Everett Murphy, Acting Chief Zoning Inspector stated he has the permit... (inaudible)

Vice-Chairwoman Furgal stated it could be; however, in the past they have had items on Eight Mile that they were not allowed to give them a sign that extended over the sidewalk and this is not the first one that has come up in the 25 years she has been doing this, regardless of who owns the sidewalk and the Showtime/ ESPN, definitely extends over it.

Everett Murphy, Acting Chief Zoning Inspector stated that one was and he is not going to dispute whatever she is saying, but what he is going to say though is that he does know that Lynne Martin did tell him to go to MDOT and get their permission to do that; whatever they do with that information is up to them.

Mr. Greg Morgan stated and they did that and they did approve the permit for this sign as it is and as it exists.

(Inaudible conversation)

Mr. Greg Morgan stated so, what they are asking for is just to replace the existing sign as it exists currently with new cabinets and new lighting in it, so that it is not an eyesore anymore and once they replace those cabinets, it is going to be a sign that would not have a tendency to fall or do anything like that, they will be all new parts, there is not going to be any rested material up there or any of that kind of thing, it will be a strong structure.

Vice-Chairwoman Furgal stated she understood, she does not object to the sign, she is just concerned because of the placement for the sidewalk. If it was not over the sidewalk, then she does not have a problem with it. But, his picture shows that it is and that is why she is concerned about it.

Mr. Greg Morgan stated right, when the building was built and the sign was put up—and he is not sure if the sign was put up in 1957—but what the hardship is, is that there is no other place for signage on the property.

Vice-Chairwoman Furgal stated yes, he is right.

Mr. Greg Morgan stated the signage is where it is...it was approved at one thing...

Vice-Chairwoman Furgal stated she lives around the corner from there, very close, so she is very familiar with this place, and she just does not think that the sign now is hanging over the sidewalk, but she could not...

Mr. Greg Morgan stated he could assure them that the entire sign hangs over the sidewalk by eleven (11) feet.

Vice-Chairwoman Furgal stated eleven (11) feet,

Mr. Greg Morgan stated it is eleven (11) feet; the sign projects from the building, eleven (11) feet towards Eight Mile Road, so it is projecting over the sidewalk. If they look at that original drawing, this one (*pointing to his presentation*), it shows that they have 45 inches from the building to the sidewalk, they have 60 inch sidewalk there, and from the building to the edge of the sign, which is here (*pointing to a document*), is eleven (11) feet.

(Inaudible conversation)

Vice-Chairwoman Furgal stated no, he could not do it, it is a right-of-way... (Inaudible)

Board Member Pauta stated she does not have a record or anything that says that the original sign was even approved, because...

Vice-Chairwoman Furgal stated it might not have been because it was probably before the ordinance was written.

Board Member Pauta stated okay, but even so, the original one extends out passed...

Vice-Chairwoman Furgal stated she has lived there for over sixty (60) years and it has been like that as long as she could remember.

Board Member Pauta stated right.

Mr. Greg Morgan stated right; that is because there is no other place to put a sign and that was why Lynne Martin had them go to MDOT to get their approval to do that sign, before they even came here.

Vice-Chairwoman Furgal stated she thinks that if they are going to have these things in the future, Mr. Murphy, they need to have paperwork that shows that, what they are supposed to do. They cannot just...because if they are supposed to have...she knows that there was a wedding chapel over on Eight Mile, on the other side...near Schoenherr, that the Board did not allow them to put their sign over the sidewalk; she knows for sure.

Mr. Greg Morgan asked would this not be a grandfathered sign though, because it has been here for so long and it was originally constructed in this way...

Vice-Chairwoman Furgal stated the grandfathering only works as long as they do not change it, if they are changing it then that is—she thinks—the problem.

Everett Murphy, Acting Chief Zoning Inspector stated she is right; the grandfathering would not apply illegal non-conforming because he is changing it...

Vice-Chairwoman Furgal stated it does not even say anything about being illegal non-conforming...

Everett Murphy, Acting Chief Zoning Inspector stated as far as sign.... (inaudible)... he called on Roxanne Canestrelli, city attorney.

Roxanne Canestrelli, City Attorney stated she agrees with Chairwoman of her analysis.

Vice-Chairwoman Furgal stated she asked her (Roxanne) before she even said anything.

Roxanne Canestrelli, City Attorney stated yes, they did review that issue.

Vice-Chairwoman Furgal stated she does not know really what to do; if they could get some kind of legal opinion that tells her she could vote yes, then she will; she is not

opposed to it, she is just doing what is right.

(Inaudible discussion)

Vice-Chairwoman Furgal stated she knows she could still vote no, but she would not...

Mr. Greg Morgan stated they would not want them to leave the sign in the condition that it is in, they want to make the sign a better sign and structurally sound not to just maybe put a coat of paint on it and leave it the way it is.

Vice-Chairwoman Furgal stated she knows, she...

Mr. Greg Morgan stated because it would still be over the sidewalk; and it has been over the sidewalk since 1957 and has not obstructed, it has not fallen over, it has not obstructed anyone's passage through there, so, he thinks the risk of having it over the sidewalk—even though the ordinance says that they do not want signs over the sidewalk—and he understands that, but this sign has been there for so long and it has not been an obstruction to anyone, and they do not want it to be in the future either, that is why they want to update it and make it structurally sound and replace the cabinets.

Vice-Chairwoman Furgal stated she does not make motions, so he would have to wait to see if someone else could make a motion.

Board Member Anglin stated he had one more question. When she stated that it was not legal for the Board to be able to make the motion to refurbish this sign and replace...

Vice-Chairwoman Furgal stated that was her understanding but...

Board Member Anglin stated then his next question would go to the attorney; is it illegal for them to make a motion to pass this to upgrade this sign to a same size newer updates?

Board Member Pauta stated it is not the same size.

(Inaudible discussion)

Roxanne Canestrelli, City Attorney asked what Board Member Anglin's question was again?

Board Member Anglin stated that Vice-Chairwoman said that it was illegal for the Board to make a motion or to...

Vice-Chairwoman Furgal stated that she said they were not allowed to.

Board Member Anglin stated they are not allowed to; what is causing them not to allow

them to do that?

Roxanne Canestrelli, City Attorney stated she believes Sherry explained it to the petitioner regarding the location of the sign; it is creating a liability to the public health and safety issues because it is hanging right directly above the sidewalk, which would create a public nuisance.

Board Member Anglin asked if the City of Warren is liable for that sidewalk, or is MDOT liable for that sidewalk.

Roxanne Canestrelli, City Attorney stated she has not done any research on this issue, but according to Ms. Martin—who is no longer in her role as a city official—communications with the petitioner, stated to the petitioner—she is assuming—that it is not owned by the city and that they would have to get permission to have that obstruction there by MDOT and that is what the petitioner brought today, apparently, an email from someone saying that it was fine; she is not sure who...

Mr. Greg Morgan stated he could produce the permit from MDOT—he does not have it with him, but he could get it.

Roxanne Canestrelli, City Attorney stated she would suggest that this would be postponed; she needs to look at the permit, she needs to reach out to find out from whoever approved the MDOT...did he submit his plans to them?

Mr. Greg Morgan stated yes they did, he could give her the girl's name.

Roxanne Canestrelli, City Attorney stated because she has no background history on this item.

Board Member Anglin stated he would like to make a motion to postpone this to the next meeting....could they fit it on the next meeting? And the reason is to give the city attorney time to research the liability of having a structure over that sidewalk—is it the City of Warren's or is it MDOT's.

Secretary Nestorowicz asked if March 9<sup>th</sup> would be enough time, if they move this to the March 9<sup>th</sup>, meeting; that way he could get the permit.

Mr. Greg Morgan stated he could get the permit from MDOT and he could email it to the city attorney if they provide him with her email address, so she would have it and would be able to review it.

Roxanne Canestrelli, City Attorney stated that was fine.

**Motion:**

Board Member Anglin made the motion to **reschedule** this matter to **March 9<sup>th</sup>** meeting.

Board Member Pauta Supported the motion.

Vice-Chairwoman stated they have a motion and Support to **reschedule** the item to **March 9<sup>th</sup>**.

**Voice Vote:**

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

Roxanne Canestrelli, City Attorney stated it does not necessarily matter that this non-issue, they could still continue on regardless of who has ownership of that sidewalk; she just wanted to make that point.

Board Member Anglin stated he was just curious about the liability, if it is MDOT saying that they are responsible for it.

Vice-Chairwoman Furgal stated it is rescheduled to March 9<sup>th</sup> and the city attorney will look into the legal applications and they will go from there.

Mr. Greg Morgan asked if they wanted him to email her the permit.

Vice-Chairwoman Furgal stated yes, they will get him the information.

Mr. Richard Hagopian asked if the city would have a chance to view the trees in front of his property and what he did to them.

Vice-Chairwoman Furgal stated he would need to speak to Mr. Murphy regarding his problems with the trees.

10. PUBLIC HEARING:

**APPLICANT: Allied Signs, Inc.**

*(Rescheduled from January 13, 2016)*

REPRESENTATIVE:

Patrick Stieber

COMMON DESCRIPTION:

8317 E 12 Mile Road

LEGAL DESCRIPTION:

13-10-353-010

ZONE:

C-2 & P

**VARIANCES REQUESTED: Permission to:**

Install two (2) wall signs as follows:

Sign A: 6' x 34' = 204 sq. ft.

Sign B: 5' x 1.5' = 7.5 sq. ft.

**Total wall signage requested for this address = 211.5 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 on site parking in definite relationship to the types of sizes of stores.

Vice-Chairwoman Furgal asked the individual at the podium to state his name and address for the record.

Mr. Jim Fields, Allied Signs, 33650 Giftos Drive, Clinton Township; appeared before the Board.

Vice-Chairwoman Furgal asked the reason for the petition.

Mr. Jim Fields stated they are back before the Board as a continuance from last month to address the square footage in the approval of the signs at the Five Below at the Tech Plaza. At the last meeting, there were some gray areas in the definition of the sign with the added background, so they have resubmitted; the landlord is in presence along with the architect with some more background and information to add this. They have resubmitted the 48" set of letters on the same blue background, so they could open that back up for discussion again and to see if they could get a little more clarity on what the code defines the certain elements. They also have options B and C with the Board's notations of the 88 square feet, which they did opt for, so again, he is going to turn it over to Tom, who is the landlord and they will go from there.

Vice-Chairwoman Furgal asked the individual at the podium to identify himself.

Tom Petzold, 968 Oakland Avenue, Birmingham, Michigan; appeared before the Board.

Vice-Chairwoman Furgal thanked Mr. Petzold.

Tom Petzold stated that he wanted thank everyone for the opportunity to speak tonight. His family owns the shopping center and they have a plan to put twenty (20) stores in business in the shopping center; he has nine (9) of the leases are signed and he is getting close on others. Most of everyone is going to have to come through this process, so he thought that tonight would be a good night for him to just take a minute to explain the plan they have for the shopping center and how signage fits within that plan. Primarily what they are trying to do there is to develop an upscale shopping center that is going to be anchored by several different upscale national retail tenants and he thinks it is important to understand the role that brand identity plays in the success of a shopping center that is attracting national retailers. The branding of the center for these stores has to do with the overall storefront and sometimes it could include elements other than signage in achieving the look the national tenant needs in

order to decide to come into a shopping center. The reason he thinks the importance is growing is because it is getting harder and harder to compete in the industry more of retail with the growth of online sales, so he thinks these national tenants are credibly sensitive to this. He will say that Warren has a very good track record of recognizing this and has examples of Menards and Wal-Mart and Meijer, Buffalo Wild Wings and Applebee's, just to name a few, who are national brands, where when they see the stores that they put in Warren, they really look like what those stores look around the country, so they have done a good job of letting that happen in this City. Tonight, right now they are going to speak about Five Below and then after this, the next motion is going to come regarding Ulta, another national retailer and the designs that they are going to present to them are going to be consistent with what those retailers are looking for and are achieving throughout the country and it is important to them to have a consistency amongst their stores. He just wanted to conclude before he turned this hearing over to his architect, Ben Tiseo—who is standing there and will introduce himself—is that the esthetics of the shopping center are very important to him and he put a lot of emphasis on attention to detail to make sure that this is done right in a way that has a great esthetics; they want it to be a place for people are attracted to work and to shop and his lease includes clauses where no signs could get applied to, to the city, before it goes through their internal review with his architect; so they take this very seriously that the signs be designed in a tasteful and appropriate way. Ben Tiseo's biography as an architect is in their packet; he has 35 years of experience, he is a very highly regarded architect in the region and throughout the state. He hopes they have been out to see what he has done so far with his design, but he is really excited about it because he thinks they have a master plan for this center that is going to make it...restore it to its premier status as the top shopping center in the city and with those comments having been made, he is going to turn this over to Ben Tiseo.

Mr. Ben Tiseo, 19815 Farmington Road, Livonia, appeared before the Board and stated one of the things that Mr. Petzold said to him when he was in the process of buying the shopping center was that they have to change the whole look of it; he wanted an upscale look that was a message that came from the city, so he wanted to look at rich materials, which they did. As they have noticed, they have very minimal EFIS on the center, which was all EFIS before and they had developed it with metal panels, with stone and with brick—they were very deliberate about creating the look of the center; they started with the layout, the L shaped, they also captured the Wal-Mart arch if they look at the entrance and it introduces in their center; they want that whole area to be cohesive. Second, they created a colonnade, so that the public would be walking between stores under cover; also the third masking was the fronting of this colonnade; they did not have just a long linear look, that is why they notice it is broken up not only with different materials but also with different elevations, different heights. And, the fourth element as he said was rich materials. In designing the center, they looked at signage as a part of that façade and on the metal panels they had worked into the proportions that the signage there would be 72"; the stone façades would be between 40" and 72" inches and matches the proportions of that face; same thing with the brick, anywhere from 42 to 48 inches in height and on the 12 Mile Road façade, which is closer to the roadway, is approximately 36 inches in height for that signage. One thing he wanted to point out to the Board is the frontage of the façade from the public right of

way, by example, the Tim Horton façade on 12 Mile Road is roughly 80 feet back from the right-of-way; the Applebee's is 30 feet back; their north building, which this signage is going on is 490 almost 500 feet back from the right-of-way. The east building façade facing Van Dyke, which is where the Marshall sign is, is 1100 feet back from that right-of-way, and also the 12 Mile Road building is 120 feet back; he would like to point out that the Meijer signage on Mound Road is 460 feet back and that sign is 10 feet, 4 inches tall, so there is a need for this branding to come into the center. He did hand out a package of twelve different sets of photograph; the first one if they will notice, is the original photograph of the plaza when it opened up in 1960—that was then almost President Kennedy—he thinks it was ten days before his election, he visited the center. They will notice that the signage on that building at that time, he believes those signs are no less than 8 feet tall. The next page 2, it shows their center as it is today and they will notice how far back that is and the materials and those proportions. Page 3, shows the corner signage as well as the colonnade from underneath the metal canopy—it should be noted that part of their request tonight is that they have these signs that are underneath the colonnade that would be 12 inches tall and 4 inches projecting out and are going to be hung from the actual soffit, so that it would be visible as they are walking down the colonnade, so they know where the stores are. Again, they have a couple other examples of the center on page 4; page 5, is the old Country Buffet sign that was approximately in this same location where they are proposing the Five Below store and they will notice the eaves is front and the size of that sign that was there previously. And again, they did not want to repeat that large EFIS panel. Page 6, is the photo of the leather service shoe repair sign, that is literally across the street from the center and that is that framed inbox sign. Page 7, is an example of the Five Below sign with the louvered background of what they are proposing tonight. On page 8, they have the actual Five Below sign on the stone front with the louvered background—to please note that the section on the right hand side, shows the sign as actually out and it is not attached to the louvers; louvers again are the back route to the sign—they are not part of the signs, part of the look. It is part of the branding for Five Below that have the white letters with the blue background; and again page 9, shows the two related stores, Tim Horton's and Applebee's from 12 Mile Road. On page 10, there are two separate photos, one of Wal-Mart and one of their center that with the Camera was set at the same setting, so they could see that if they are back 500 feet, that 4 foot sign would absolutely not be visible. As part of their objective there, is to have signage as a part of the center and page 11, is the actual Meijer's that sits back 460 feet on Mound Road, which is about 10 feet, 4 inches and 27 plus feet in length; and that background is a painted brick and another example is also on Van Dyke, which is the County Health Department Services—they notice a blue black background there as well. It is common knowledge in the industry that 40 square feet is obsolete and outdated and he understands there has been discussion about having that changed in the city and he applauds them for that. By reading the language in the definition of the measurement of the sign, it says the surface of the sign shall be measured and defined by the area which enclose the extreme limits of individual letters, words, symbol, or message of the sign together with any frame; there is no frame on this sign, the sign is the letters itself, the louvers are its background. Also again, as Mr. Petzold pointed out, one of the big things in the industry is the branding; they are trying to brand the shopping center so that they have consistent look with the national tenants around the country. They have

to have that branding to make this a successful center. They are proposing a sign that is 48 inches tall, 28 feet - 8 inches, which is roughly 115 square feet plus the 4 square feet for the colonnade sign, which brings it up to 119 feet. Again, they ask the Board to consider the setbacks of the center in their review and if they have any questions, he would glad to answer them. He thanked the Board.

Vice-Chairwoman Fugal thanked Mr. Tiseo and stated that this is a public hearing, if anyone in the audience who would like to comment on this item.

Everett Murphy, Acting Chief Zoning Inspector stated the only thing he would comment on is the background; as long as he has been working for the city, that blue background, that is part of the sign...

Vice-Chairwoman Fugal stated as long as she has been here, that has been true also.

Everett Murphy, Acting Chief Zoning Inspector stated exactly; even if they think about the canopies on gas stations and if they put a colored stripe all the way around it, they see that in their sign package; they even count that as part of the sign. Just to say that he is going to reiterate that they consider that background as part of the sign.

Vice-Chairwoman Fugal stated she hears and sees no other comments from the audience; she turned the matter over to the Board. She asked Mr. Murphy that the revised request that they have, asked for a sign A, 6' x 34' = 204 square feet and Sign B, 5' x 1.5' = 7.5 square feet, for a total of 211.5 square feet and that includes the louvers, correct?

Everett Murphy, Acting Chief Zoning Inspector stated that does; just so the Board knows, on Sign B that is actually much bigger than what it is going to be. That is a little blade sign that is going to stick down underneath the canopy.

Vice-Chairwoman Fugal stated she had shopped there since she was a kid and it is good to have those because they could not always identify the stores.

Everett Murphy, Acting Chief Zoning Inspector stated absolutely, but that square footage on that sign is actually going to be a little bit smaller; they had to get a definitive size for posting reasons, so they made sure that they were over, so when they came back with something smaller, they did not have an issue with that.

Vice-Chairwoman Fugal stated okay and thanked Mr. Everett.

Secretary Nestorowicz stated he had a question, because when he was reading this...they basically came up with the new measurement but it is the exact same size

sign that they were with last time, based on when he was reading the package?

Mr. Jim Fields stated that is the first option, the second option is showing at the 88 square feet, which the 42 inch set of letters that Ms. Brasza recommended the Board would approve; that is not taking into account the louvered architectural structure, which is being defined as part of the sign by the Board; that seemed to be the area they are going back and forth on. Either way, they are going to look at the whole blue area and go for the square footage on that and ask for that variance or they are actually going to trim it down to look at the letters. He has examples of three (3) other variances granted by the Board, where there is a defying background that was not considered part of the sign area. The Marshalls location—before they moved here—was on a blue background; the blue background was not considered part their sign area when they presented the variances for them; nor was it for A.J. Wright, which was the prior tenant, which had a red background. They also have a variance that was granted for Advance Auto, where the elevations were called out specifically on red panels with the square footage—as in the square footage the letters—and the Board defined just the letters as the signs, not the red background panels. At the last meeting, that why he said there is a precedence being set in the definition because the Code has not changed; they have history showing just the letters. They have always been under the assumption that it was just the letters being defined and now they are going to run into an issue. What they do not want to do is have the same thing happen for every anchor tenant coming into an upscale retail center such as this coming out of Warren, which is great; it is a great achievement...

Secretary Nestorowicz stated if he could make a comment...that was actually one of the reasons why he—at the last meeting—why he spoke they way he did, because he knows that there are a lot of tenants coming in and what they do is, they will set a precedence for the other tenants, whether it is Ulta or some of the other tenants that they see; they are going to go and say 'they got the sign, we want the same size signage that they would have' or so, and when he looks at 204 square feet for that Sign A, he still thinks that is very large and all Five Below's have that blue background; whether they go to John R, in Troy—that is part of the Five Below Sign and they have always considered that background as part of signage.

Mr. Tom Petzold stated if he could just state something about this...if they want to call that the sign and have him do definition of the word frame, he would say that is probably not...from the meaning of the word frame, he does not think it is, but if they determine it is, he wanted to make sure they understand that the reason that blue is the length it is, is a purely architectural decision; it is about when they look at that building and they look at the size of the stone and where the columns are and if they take those columns and look up, there is an architectural reason that a professional of 35 years of experience determined it should be, so that they could create the most beautiful shopping center possible and he does not want that to get lost at focus of square footages.

Mr. Ben Tiseo stated he understands the issue about frame, but he disagrees. If it has been interpreted that louvers are part of a frame, he could extend that and say that they

could take the louvers off, paint the rich stone blue—like they did at the Meijer's and painted the brick the beige color and put the sign on top of that—to him there is not a logic to include the louvers as the frame of the sign; it is not by the definition that is found in the ordinance; it is not part of the sign, it is the background. He thanked the Board.

Mr. Jim Fields stated he does if the Board wanted to see, he has some handouts of the old Marshalls location with the blue background...

Vice-Chairwoman Furgal stated that was okay.

Mr. Jim Fields stated and the variance permits.

Vice-Chairwoman Furgal stated they have seen it.

Mr. Jim Fields stated and also the Advance Auto Parts...

Vice-Chairwoman Furgal stated they have seen it.

Mr. Jim Fields stated that call out all of that, so that was kind of where they were wondering how...

Mr. Tom Petzold stated he wanted to make one other comment about the business aspect of this. There is a precedent to this decision, but it is a different precedent. His national tenant leases require Five Below to be a tenant or they get to leave. It is an amazing complication to try and fill—to put twenty (20) businesses in a business in Warren—and every one of them put an onus on him to get the others in and if any one of the others do not come in, they all have an out of their lease. They have these other tenants that want this tenant to be able to achieve its national image and also to achieve the image of the shopping center that they promoted to them.

Vice-Chairwoman Furgal asked Mr. Petzold to explain what Five Below is requiring.

Mr. Tom Petzold stated that Five Below requires a blue building; they developed a building that is white because the stone is naturally white, there is no paint on it, it is just the way the stone is. They picked that stone color long before they even knew who their tenants were going to be, they built a building and when Five Below, which is a growing company--and there are not a whole lot of them out there that grow and expand and look for stores, so it could be a strangle—Five Below is a great tenant to bring in. They became aware that they needed the building to become blue and they asked them if they could remove some of the stone and put in a stucco efis and paint it blue, so it could look like all of their other stores and that was just not the upscale standard that they...they were not going to let that happen; that would have degraded the quality of what is a very extraordinary design, so they were not going to do that. They did find an example where an upscale shopping center in Maryland, which photo is in there, was able to solve the same dilemma by designing a rather expensive blue louver system to attach to their building to give their building some blue appearance without being a

painted color blue—it is transparent, they could see between the louvers and see through the stone—he is referring to page number 7—and if they look at that example and that design, that is a very handsome piece of architecture and to look at the length of the blue, that was a decision made by that architect to relate the blue to the architectural design of the building and not different from what they have done. Mr. Tiseo has come up with a shape and a length and a dimension of the blue that is appropriate for the stone structure that they have built.

Board Member Fisher stated looking at the Code of Ordinances, when they look at the general definitions and the definition of the word 'height' it states 'the vertical distance measured from the highest point of the sign including the decorative embellishments' and he thinks that is where part of this comes from. Ultimately that the blue is a decorative embellishment and so it should included in the size of the sign. With that being said, he thinks that they are getting hung up on that to a certain extent because like he said, if the whole building were blue, they would not have had an issue, so they did something there where technically they would have to count the blue as part of the sign, but they did it to make it look better and it does look better, and he does not have a problem with it, he thinks that it looks good and they are doing a lot to bring in business here; he personally is in favor of it, he has no problems with the size of the sign considering the fact they have to count that blue; he is fine with the bigger size to count that because it is architecturally necessary in his opinion.

Vice-Chairwoman Furgal asked Board Member Fisher if he would like to make a motion.

**Motion:**

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

Install two (2) wall signs as follows:

Sign A: 6' x 34' = 204 sq. ft.

Sign B: 5' x 1.5' = 7.5 sq. ft.

**Total wall signage requested for this address = 211.5 sq. ft.**

Reasons being: Uniqueness of the Property, Not a Detriment to the Area and Lack of Identification.

Board Member Pauta supported the motion.

Vice-Chairwoman stated they have a motion by Board Member Fisher, Supported by Board Member Pauta, to grant the petitioner's request as stated, due to the Property is Unique and it is Not a Detriment to the Area, and also because Lack of Identification.

***(The Reasons in the motion were amended to state: Lack of Identification.)***

**Roll Call:**

A roll call was taken on the motion to approve and the motion carried (5 – 1).

Board Member Fisher

Yes, for the reasons stated in the motion.

Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Tabbi	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	No, he still thinks 200 sq. ft. is too much signage.
Vice-Chairwoman Furgal	Yes, for the reasons stated in the motion.

The petitioner's request has been **GRANTED** as written.

11. PUBLIC HEARING:	<b>APPLICANT: Allied Signs, Inc/Mr. Patrick Stieber</b>
REPRESENTATIVE:	Allied Signs, Inc/Mr. Patrick Stieber
COMMON DESCRIPTION:	8325 12 Mile Road
LEGAL DESCRIPTION:	13-10-353-010
ZONE:	C-2 & P

**VARIANCES REQUESTED: Permission to:**

Install one (1) wall sign 15' -4" x 6' -2" = 94.55 sq. ft. of the front elevation.

**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.

Mr. Jim Field, Allied Signs, 33650 Giftos Drive, Clinton Township, Michigan, appeared before the Board and stated they are here to seek the variance for the Ulta location, which is also at the Tech Plaza; they are a set of Channel Letters within the square foot they are proposing and 95 square feet and it is just letters, there are no backgrounds or anything other than the building façade the way it is. That would give them a 1.2 square foot per linear frontage; this is a larger frontage than Five Below, in between where Marshalls is; again they have the same visibility issues, they are not going to do it and actually these letters, they will see in the artwork and the way the package is, blend in a little more, so they are actually taller letters but they are not as big; they do not have the square footage. They will be a face lit LED letter; everything would be penetrated back through the canopies.

Vice-Chairwoman Furgal stated this is a public hearing, was there anyone in the audience who would like to comment on this item?

Everett Murphy, Acting Chief Zoning Inspector stated this one he believes everything was correct. He wanted to let them that he had applications for awning signs as well for Ulta Beauty, so they are going to have to come back for that—he did try to get them combined, but apparently it is two (2) different sign companies that do not know what the other is doing, so he could not get them combined, so just to inform the Board.

Vice-Chairwoman Furgal stated they will see what happens. She turns the matter over

to the Board. He had one question. They are not going to put the little blade sign for this one?

Mr. Jim Fields stated yes, it is part of what Tom was here to...they added to the Five Below but they also need to set a standard for all the tenants to have that blade sign under the marquee.

Mr. Tom Petzold stated they were unaware that the blade signs fell into the sign variance rules; when they became aware of it, it was just like the day prior to when they had to file for Five Below, so it go in, but it was after this had been submitted, so they did not get the chance, so he is going to come back for that; he will say that if they look at some of the design of this, the ceiling of the canopy is at 12 feet, the sign comes down 1 foot, so the bottom of the sign is 11 feet above the sidewalk, the brick of it outside of the canopy wall is at 9 feet, so it is actually 2 feet above the brick so it is almost only visible from within...they almost cannot see both signs at the same time if they know what he is saying.

Vice-Chairwoman Furgal stated she does.

Mr. Tom Petzold stated but he will be back for that one.

Vice-Chairwoman Furgal stated she told him, she had been shopping there since she was a kid, a little kid. She turns the matter over to the Board.

Board Member Anglin stated they are talking about putting the blue or like a façade or the panel on Ulta's background also?

Mr. Jim Fields stated no, nothing at all. Ulta is just the plain masonry, the way the building is finished, and there are no stipulations of any colors corporally, so it is just the channel letters.

Secretary Nestorowicz stated if there were no further discussions, he would like to make a motion, because actually the size of the Ulta sign is the kind of sigs he likes, to be honest.

Mr. Jim Fields stated the 90 square feet like they had at the last meeting.

Secretary Nestorowicz stated he had no problem with that size or design, so he would like to make a motion.

**Motion:**

Secretary Nestorowicz made the motion to approve the petitioner's request to:  
Install one (1) wall sign 15' -4" x 6' -2" = 94.55 sq. ft. of the front elevation.

Reasons being: Due to the Size and Shape of the Property, Lack of Identification, and Not a Detriment. If other tenants were this size, he would have no problem with it.

Board Member Pauta supported the motion.

Vice-Chairwoman stated they have a motion by Secretary Nestorowicz, Supported by Board Member Pauta, to grant the petitioner's request as stated, due to Uniqueness of the Property, Not a Detriment to the Area and Lack of Identification.

**Roll Call:**

A roll call was taken on the motion to approve and the motion carried (6 – 0).

Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Fisher	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Tabbi	Yes, for the reasons stated in the motion.
Vice-Chairwoman Furgal	Yes, for the reasons stated in the motion.

The petitioner's request has been **GRANTED** as written.

12. PUBLIC HEARING

**APPLICANT: Brian K. Jilbert / NSA Architects,  
Engineers, Planners**

REPRESENTATIVE:	Brian K. Jilbert
COMMON DESCRIPTION:	31830 Ryan Road
LEGAL DESCRIPTION:	13-05-301-023
ZONE:	O "Office"

**VARIANCES REQUESTED: Permission to:**

3. Allow a seven (7) foot wide greenbelt for approximately one hundred and forty five (145) feet along the north lot line per the site plan.
4. Allow a seven (7) foot wide grass buffer for approximately two hundred and twenty (220) feet along the south property line per the site plan.

**ORDINANCES and REQUIREMENTS:**

**Section 13A.04: Greenbelt.** All non-residential uses, when adjacent to an existing residence or residential district or an alley which abuts an existing residence or residential district, shall provide, and maintain a twenty (20) foot greenbelt, or decorative wall in compliance with Section 2.26...

**This matter was moved up to item 5a**

17. NEW BUSINESS

Vice-Chairwoman Furgal asked if there was any new business.

## 18. ADJOURNMENT

**Motion:**

Secretary Nestorowicz made the motion to adjourn the meeting; Board Member Anglin supported the motion.

**Voice Vote:**

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

The meeting was adjourned at 9:34 p.m.

Roman Nestorowicz  
Secretary of the Board

APPROVED