WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
February 11, 2015

A Regular Meeting of the Warren Zoning Board of Appeals was called for Wednesday, February 11, 2015 at 7:30 p.m. in the Warren Community Center Conference Room A, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:
Steve Watripont, Chairman
Judy Furgal, Vice-Chairwoman
Roman Nestorowicz, Secretary
Jean Becher
Jules Descamps
Ann Pauta
Sherry Brasza

Members of the Board absent:
Jennifer Vigus, Asst. Secretary
Henry Brasza

Also present:
Roxanne Canestrelli, City Attorney
Lynn Martin, Zoning Inspector

1. CALL TO ORDER

Chairman Watripont called the meeting to order at 7:40 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Motion:
Board Member Descamps made the motion to excuse both Board Member Jennifer Vigus as she had already notified the Board at the prior meeting that she would not be present at tonight's meeting and Board Member Henry Brasza as he was just reappointed to the Board and was not able to be sworn in today.

Board Member Nestorowicz supported the motion.

Voice Vote:
A voice vote was taken on the motion. The motion carried (7-0).

4. ADOPTION OF THE AGENDA

Board Member Nestorowicz stated there were two changes that he would like to bring to the Board as follows:

1) Item #12, which was 29200-29300 Dequindre Road, for Produce Palace, needs to be reschedule to the March 11, 2015 meeting, due to the fact that the new site plan were submitted.

APPROVED

2) Item #15, 20787 Mound, needs to be removed from the agenda, as there was an error on the site plans and the building department was waiting back to hear from them, and that would be republished and placed back on the agenda at a later date.

Board Member Descamps stated he also had a scheduling request for today's meeting and requested to move item #9 to #5a, due to medical reasons.

Chairman Watripont stated as the agenda stands now with the proposals were there any motion for the agenda as changed.

Motion:
Board Member Descamps made the motion to adopt changes the agenda; Board Member Brasza supported the motion.

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

Agenda was adopted.

5. **APPROVAL OF THE MINUTES OF the Regular Meeting of December 10, 2014 and January 14, 2015.**

Motion:
Board Member Becher made the motion to approve the minutes of December 10, 2014 and January 14, 2015; Board Member Furgal supported the motion.

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

Chairman Watripont stated if anyone was present for number #12; it would not be heard tonight for Produce Palace, it will be heard next month. If anyone was present for item # 15, that item will be reposted; therefore a post card once more stating when that item would be heard.

5a. PUBLIC HEARING **APPLICANT: Ronald Lomasney and Michael Lomasney**
(Withdrawn from 1/14/15)
REPRESENTATIVE: Ronald & Michael Lomasney and Kerm Billette
COMMON DESCRIPTION: 24895 Mound Road
LEGAL DESCRIPTION: 13-29-228-007
ZONE: M-2

VARIANCES REQUESTED: Permission to
1. Retain hard surface for parking in front setback to within 4' of the east property line along Mound Road as per the plan.
2. Allow open storage of vehicles on a gravel surface.
3. Allow 31,262 sq. ft. of open storage for vehicles as per the plan.

ORDINANCES and REQUIREMENTS:
Section 17.02 Paragraph (a) Item (2): Industrial standards… in M-2 zones, yards fronting on a major thoroughfare as defined by the Master Thoroughfare Plan for the City of Warren or front yards facing residential district shall be fifty (50) feet.

APPROVED

<u>Section 17.02, Item (s) Paragraph (2):</u> Industrial standards, open storage other than junk… the designated area shall be hard surfaced and screened from the public street and any residentially zoned areas.. Further, the designated area shall not exceed 50% of the building size and in M-2 zones the designated area shall not be located any closer than seventy-five (75) to the front property line…

Kerm Billette, 38628 Warwickshire Drive, Sterling Heights, MI 48312, appeared before the Board and stated that he was present at the meeting with Mr. Lomasney requesting of the Board of Appeals for a tower on the property that was made some time ago and was part of the conditions for approval of the cell phone tower that a site plan be submitted for the property. There are a number of things for the property that had been found to be requiring the Board of Appeals approval. This is an existing building, it had been there since 1963 he believes; everything has been in place, the sidewalks, the parking, the building itself, and there had been some improvements. Most of the west 203 feet of this property is used for storage of construction equipment, including front end loaders, mobile cranes, bulldozers, dump trucks, gravel trains, and company owned vans and SUVs. This property is leased to Matthew Addol of M&B Demolition and at the west end of the property, it had been required by the Planning Director to appear before the Board of Appeals to request maintaining the outdoor storage of vehicles and the equipment on a gravel surface. There has also been found that the sidewalk at the front of the property on Mound Road is only 4 feet from the property line and as this strip was supposed to be set back he believes at 20 feet. The petition to the Board of the Appeals was to request a continuation of outdoor storage, the demo vehicles and equipment on the west 203 feet of the property on gravel surface and use this for 31,262 sq. ft. Maintain the existing building as it is with the existing parking 4ft within the property line from Mound Road, and that parking lot was to be increased in size at the front to include as part of Mr. Ron Wuerth's requirements to have two handicapped parking spaces out in the front; which can be.

Chairman Watripont stated that this was a public hearing and anyone in the audience wishing to speak on this matter, to approach the podium. Hearing and seeing none, the Chairman turned the matter over to the board.

Board Member Pauta asked exactly what the hardship was.

Kerm Billette stated the hardship was the existing properties, that the hardship was put on them by the planning department to put a towering in; they wanted a complete site plan for the whole property. He prepared the site plan as the property exists and found out that it was not in compliance with the zoning ordinance.

Board Member Pauta asked then they still do not have a new site plan then correct, that was what he was stating.

Kerm Billette stated yes, the new site plan but without the …

Board Member Pauta stated, but without the tower.

APPROVED

Ronald W. Lomasney, 24895 Mound Road, Warren, MI, appeared before the Board and stated that he was the property owner. They have been in business in Warren, MI since 1962 on Mound Road, down the street and then he moved there in 1990 and the property is as it has been when he had it in 1990 and nothing had been changed. But they did a new site plan, because they were going to be putting a building up in 1998, so a builder had submitted a new site plan which showed the 20' setback because the City was going to have them change that should they go through with a new building, but the person who wanted to put the building up backed out of the deal cause it took a year to get it done and they bought a building elsewhere. Then after, the project was stopped when the builder moved on, so they were not caused to pull the parking lot out of that first 20'. It does not go through across the whole front of the property, it is only on the either side of the approach that there is a 4' grass section, and when it comes back, he was not sure how many feet over the setback is all green until what he believes 70' or something…

Kerm Billette stated both 65'.

Ronald W. Lomasney stated he believes that answers the question.

Board Member Pauta stated she still does not understand what his hardship was. What was the hardship?

Ronald W. Lomasney stated nothing had been done, this building the parking lot had been existing since 1960 and are they now caused to change it just because they came and looked at the property or, they are not doing any construction there of any kind on the building.

Board Member Pauta asked who was placing the tower up.

Ronald W. Lomasney stated AT&T was if it ever does happen; it has not been set in stone yet even.

Board Member Pauta asked then how does it affect the petitioner.

Ronald W. Lomasney stated they would be receiving rent from AT&T when they go forth with the project. He has made several calls to them and it feels as though they are going to be backing out of the project, to be honest. It is as though a scary feeling to him because he has already spent about $6,000.00 to get this all done and ready for them to come in and now they may never come in. Then did the city want him to tear the parking lot out now to put a new greenbelt in.

Board Member Pauta asked what type of vehicles he was going to store on the gravel.

Ronald W. Lomasney stated in the back they have been storing tractor trailers and construction equipment, and then when they heard word of this, they went and obtained a license to store open parking station from the city, and they were granted. He does not have a hardship, but he does not know the reason why

APPROVED

they would make him tear his front parking lot all up because they have not done any type of work there and are not planning on any.

Board Member Pauta stated if he had spoken to Ron Wuerth, she was sure he would have explained it.

Ronal W. Lomasney stated when he was there he recommended this would be accepted but they tabled it instead.

Board Member Pauta asked if Lynn Martin, Chief Zoning Inspector had anything to add on this item.

Lynn Martin, Chief Zoning Inspector stated yes. When they came in for the site plan for the tower, the planning department looks at the entire site and there was never a site plan approval for the storage in the back…

Board Member Pauta stated, to begin with…

Lynn Martin, Chief Zoning Inspector continued to stated, on gravel and that was what started all this process. Now everything had to be brought into compliance or get variances. The front parking lot she believes that had a variance in the past that they did not comply with, so now Ron Wuerth was requesting that they obtain a variance to keep it at the 4' and the back has been gravel for years and they have used it for storage and they had some property maintenance issues that they have cleaned up and now with the site plan for the tower, it has to be brought into compliance or get variances and that was what happens; it opened a can of worms when they asked to put the tower in.

Board Member Pauta asked that in the event that they approve this, what makes the owner think that he was going to maintain this, if he has not done so in the past.

Lynn Martin, Chief Zoning Inspector stated they will be enforcing the ordinances.

Ronald W. Lomasney stated that it has been cleaned up.

Lynn Martin, Chief Zoning Inspector stated yes, it has been cleaned up a lot over the last couple of years and her inspectors will be writing tickets if it gets to be more than what was approved of junk and debris; the inspectors will be out there and they will do enforcement.

Board Member Pauta stated okay.

Board Member Brasza stated if there was no further discussion, she would like to make the motion.

Motion:
Board Member Brasza made a motion to approve the request as follows: 1) Retain hard surface for parking in front setback to within 4' of the east property line

APPROVED

along Mound Road as per the plan. 2) Allow open storage of vehicles on a gravel surface. 3) Allow 31,262 sq. ft. of open storage for vehicles as per the plan.

Reason being: Due to the size and shape of the lot, and needs permission of the Board.

Board Member Descamps supported the motion to approve.

Roll Call:
A roll call was taken on the motion to deny and the motion carried (7-0).

Board Member Brasza	Yes, for reasons stated in the motion.
Board Member Descamps	Yes, for reasons stated in the motion.
Board Member Becher	Yes, for reasons stated in the motion, and not a detriment to the area.
Board Member Pauta	Yes, for reasons stated in the motion.
Board Member Furgal	Yes, for reasons stated in the motion, and not a detriment to the area.
Secretary Nestorowicz	Yes to deny for reasons stated in the motion.
Chairman Watripont	Yes to deny for reasons stated in the motion; not a detriment to the area and also the property is unique as it has been there for a long time.

The petitioner's request was GRANTED.

Board Member Becher stated she had just realized she had a note on this piece of property. She asked if it was possible that the racks for the barb wire could come down off the fences.

Ronald W. Lomasney stated it had been done already.

Board Member Becher stated okay, good and thanked Mr. Lomasney.

6. PUBLIC HEARING **APPLICANT: Mr. Roy Mills-USE-**
(Rescheduled from 4/23/14, 5/28/14, 7/9/14, 9/10/14, 9/24/14, 11/5/14, 12/10/14)

REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	7552 Republic
LEGAL DESCRIPTION:	13-28-483-005
ZONE:	R-1-C

VARIANCES REQUESTED: Permission to-USE-
Have a two family dwelling, upper and lower units, in a single family residential zone.
ORDINANCES and REQUIREMENTS:
Section 5.01 thru 7.01: Uses in residential districts: Multi family dwellings are not allowed in single family districts.

APPROVED

Roy Mills, 14229 34 Mile Road, Romeo, MI, appeared before the Board and stated he sent a letter out on this issue; did the board get that…

Secretary Nestorowicz confirmed receipt of the letter.

Roy Mills stated it was kind of a summary that they have been doing for almost a year now in trying to obtain an approval. A quick overview of the letter that was sent, there were some things that were asked of him from the Board over the course of a couple different meetings and he has included some of those in the packet that he sent to the Board. They are at the point right now where all the City certifications have been approved with the exception of zoning and the two items left for zoning approval would be for the parking area; which would allow for two tenants to park and that would be proposed for the existing garage site that was torn down in 2009 and then of course the other is the rezoning. He is requesting the Board's approval of this based on the fact that he has done all that was asked of him and he is ready to proceed.

Chairman Watripont stated this was a public hearing, anyone wishing to speak on this item to approach the podium.

Lynn Martin, Chief Zoning Inspector stated that this was really not a rezoning, it is a use variance. They are not rezoning the property to R-2, it was going to stay a single family residential with a use variance if the Board grants it to be a two-family in a single family residential zone. So it was not a rezoning. Rezoning is done at the planning Commission, it is a use variance.

Chairman Watripont thanked Ms. Martin for the clarification. Hearing and seeing no one else, he turns the matter over to the board.

Secretary Nestorowicz stated he had one question. When the petitioner sent the revised documentation to the Board, was the laundry still on the back porch area, is that where it was going to be.

Roy Mills stated yes, it was still there. That was a heated area, with front heating ducts to it as part of the City certifications, they have heated that area.

Secretary Nestorowicz asked Lynn Martin, so if that was heated, was that well to have that in back there.

Lynn Martin, Chief Zoning Inspector stated yes.

Board Member Becher stated as she was going through the paperwork, she noticed on one of the City of Warren Certification inspection reports, it observed that there was one gas meter and one electric meter, and also she could not find on his plans where the furnaces were located, where the hot water tanks were located and where the thermostats were located, and she was a little curious about that. Are there separate furnaces for each unit and all of that?

APPROVED

Roy Mills stated the utilities are paid by him as he worked it out with his tenants. By the way the Building and Rental department had been gracious enough to let him keep his tenant upstairs until he obtains the zoning decision. They do have separate furnaces; one is upstairs that heats the upper unit, one downstairs that heats the lower unit, but he does pay the utilities and he charges that as part of the rent and so he covers that for them.

Board Member Becher stated so that each have their own thermostat.

Roy Mills stated yes.

Board Member Becher asked Mr. Mills what about the hot water is currently a single tank; which is shared by both units, and Everett and he discussed that and that was another one of the other items that they would look at once the approval was given if they needed to increase the size of that.

Board Member Becher stated she had no other questions.

Board Member Pauta stated that Board Member Becher had asked the petitioner why there was only one gas meter and one electric meter, if there were two furnaces and each unit was on a separate circuit. So why was there only one meter instead of two?

Roy Mills stated that when the city certifications were done, they were done as two units, so when he paid for the permits to have the city certifications redone on this home, he did it as a two unit dwelling as if it was already approved to do that. That was his request as to have the city certifications completed and approved based upon a two unit approval and that was the way they inspected it and they did not require him to split the meters at that time and he had explained to them that he was paying the utilities and they told him it was okay.

Board Member Pauta stated that was not really the answer.

Board Member Becher confirmed and stated she knows.

Roy Mills stated he believes a more direct answer would be it was not required.

Board Member Pauta stated if he has two units, then he should have two meters. Was he trying to explain to her that the gas for both furnaces is attached to one meter?

Roy Mills stated yes ma'am.

Chairman Watripont asked Lynn Martin, Chief Zoning Inspector if she could shed some light on the matter.

Lynn Martin, Chief Zoning Inspector stated apparently she was looking at the reports and it was it was not written up to add another meter, the electrical. He wrote it up for the lower unit to have a new service but it was not written on the upper unit and the same with the mechanical. They did not write it up that way and they had ap-

APPROVED

proved it with the way it is; the inspectors had. Everything was approved except for the zoning.

Board Member Pauta stated that she reviewed the petitioner's plan that was dated 2009 for the additional parking in the back of the building, does he really believe that he is going to have cars back there, because there was surely not enough room. She had been to the property a couple of times.

Roy Mills stated the two-car garage site that was there previously was what he proposes to use and reviewing this with the Zoning Inspector Everett Murphy, was that he needed a 10' wide section for each car, and his proposal was to put a 20' wide section there so that there was room for two cars to park where the garage used to be.

Board Member Descamps stated if there was no other Board discussion and since the petitioner had gone through and made all of the requirement changes based on what the City asked him to do; he would like to make his motion.

Motion:
Board Member Descamps made a motion to approve the petitioner's request for use variance to have a two family dwelling, upper and lower units, in a single family residential zone, as long as he pulls the permits, gets the parking done, and of course he knows the petitioner was waiting to obtain an approval for that prior to paying the expense.

Reason being: Due to the size and shape of the lot, and not a detriment to the area.

Secretary Nestorowicz supported the motion to approve.

Roll Call:
A roll call was taken on the motion to deny and the motion carried (5-2).

Board Member Descamps	Yes, for reasons stated in the motion.
Secretary Nestorowicz	Yes, for reasons stated in the motion.
Board Member Furgal	Yes, for reasons stated in the motion.
Board Member Pauta	No, for reasons stated in the motion, because she believes there is additional work that needs to be done before this happens.
Board Member Brasza	Yes, for reasons stated in the motion.
Board Member Becher	No, for the reasons stated in the motion; she believes it is a detriment to the area and it was a self-imposed hardship.
Chairman Watripont	Yes, for the reasons stated in the motion.

Chairman Watripont stated that this being a use variance, the petitioner received only five (5) votes and he needs to ask the attorney. (Asking the attorney) Does that mean it has been voted down because it did not have six (6) votes?

APPROVED

Roxanne Canestrelli, City Attorney stated that was correct.

Chairman Watripont asked the City Attorney; so it would be denied.

Roxanne Canestrelli, City Attorney stated that was correct.

Chairman Watripont stated, then he would have to change something if he returns before the board

Roxanne Canestrelli, City Attorney stated that was correct.

Roy Mills asked Chairman Watripont if he could repeat what was lately stated.

Chairman Watripont stated that without receiving the six votes, his motion had been denied; he would have to change something in his petition if he wanted to return before the Board again.

Roy Mills asked if it could be done under the same petitioner. Could he request to come back?

Chairman Watripont stated he would like to verify this with the City Attorney. The Board did not put notice that they did not have a full board…

Roxanne Canestrelli, City Attorney stated that was correct.

Chairman Watripont stated to Roxanne Canestrelli, City Attorney that they can ask him if he would like to reschedule and go from there.

Roxanne Canestrelli, City Attorney stated that was correct.

Roy Mills stated that being the full board was not present, could he request to reschedule this.

Secretary Nestorowicz stated March 11, 2015.

Chairman Watripont stated to the petitioner that his item has been rescheduled to March 11, 2015.

Motion:
Board Member Furgal made a motion to reschedule to March 11, 2015.

Board Member Brasza supported the motion.

APPROVED

Voice Vote:
A voice vote was taken on the motion. The motion carried (7-0).

The item has been RESCHEDULED to March 11, 2015.

Chairman Watripont stated that for those that are present before the Board with a Use Variance, the Board does not have a full member board present today; if they wish to reschedule they must notify the board once their item has been called.

7. PUBLIC HEARING **APPLICANT: C & C Fruit & Flowers, LLC-USE-**
(Rescheduled from 12/10/14)

REPRESENTATIVE:	Caren M. Burdi
COMMON DESCRIPTION:	5823 E Thirteen Mile
LEGAL DESCRIPTION:	13-05-476-006
ZONE:	C-2 & P

VARIANCES REQUESTED: Permission to-USE-

1. Conduct temporary seasonal outdoor retail sales in a C-2 Zone from March 5, 2015 to December 28, 2015 (20, 000 sq. ft.) as per the plan.
2. Waive 50 required off-street parking spaces for the proposed temporary seasonal outdoor retail sales area.
3. Display flowers in the P Zone to no less than 10' of the 13 Mile property line, as per the plan.
4. Allow a total of 10 signs, 4' x 2' (8 sq. ft. each) (total of 80 sq. ft. temporary sign-age) in addition to the 32 sq. ft. sign allowed by ordinance.
5. Have a 60' x 90' receiving area from May 15 to June 15, 2015 as per the plan.

ORDINANCES and REQUIREMENTS:

Section 4.48 Temporary outdoor retail sales in commercial/industrial districts Paragraph (a): One (1) temporary outdoor retail sale may be conducted per parcel for a period not to exceed thirty (30) days.

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

Section 4.32 Paragraph (h) Item (22): One (1) parking space required for each one hundred and fifty (150) sq. ft. of building and outdoor sales combined.

Section 4.51 Variances in conjunction with an outdoor retail sales permit: Upon a finding of unnecessary hardship and pursuant to the standards set forth in Article XX of this ordinance, the zoning board of appeals for the City of Warren may grant a temporary variance in conjunction with a temporary outdoor retail sales permit. Any temporary variance granted in conjunction with an outdoor retail sales permit shall automatically expire upon the expiration of the temporary outdoor retail sales permit.

Section 4.53 Paragraph (k): Signage for the temporary use shall be noted on the approved plan. The sign shall be limited to a double-faced or back to back sign no greater than thirty-two (32) square feet and shall be set back not less than the established setback or parking line whichever is less. For double-faced or back to back signs, the allowable sign surface are shall be calculated by using the area of only one side of the sign, provided that the front and back of the sign are separated by no more than three (3) feet.

APPROVED

<u>Section 16.02 Limitation of the use of P Zone:</u> (a) parking for private passenger vehicles only.

Chairman Watripont asked the individual at the podium to state their name and address for the record.

Charles Earl, 31851 Mound Road, Warren, MI, appeared before the board and stated he is an attorney at law and was asked to come today by Ms. Burdi and Mr. Knackery; obviously Ms. Burdi was to his right, and Mr. Knackery was seated at the front row. He was asked to come sort of as the historian and he wanted to make a few comments about the property from a historic nature that there have been outdoor sales on this site at 13 Mile and Mound since the 1980s…

Chairman Watripont stated to Mr. Earl that he was going to assume that he wishes to move forward on this at this point...

Charles Earl states yes, they do.

Chairman Watripont stated because it is a Use Variance

Charles Earl stated they were going to have some thoughts about that too. In about 1994 Mike Knackery came along and began performing outdoor sales on this site, he believes it was 1996 that he obtained a permanent outdoor sales approval through the planning commission, planning staff and this Board back at that time and that was the sales site right out on the corner that most likely the Board was familiar with from pre-2014. That site was still an approved permanent outdoor sales site but it was not used in 2014. In 2013 in August, the shopping center was sold, the buyer of the shopping center in conjunction with Mr. Conakry and with some encouragement from what he believes the planning department, it was decided that the outdoor sales are would move over to the 13 Mile Road side of the shopping center. That process went through the planning staff, it was approved and recommended by the planning staff; it went through the planning commission, it was approved by the planning commission on the site that was in place in 2014 and it came before this board about a year ago and was approved on the site that was there 2014 and the exact same site that they see before them tonight. The plan tonight was that Ms. Burdi would discuss the changes that were made based on the idea of the use variance to try and withdraw a couple of the requests to put this back into the non-use variance arena and with that he would like to turn the discussion over to Ms. Burdi concerning what they want to have considered tonight.

Caren Burdi 27299 Bradner, Warren, MI appeared before the board and stated as many of the board members know they are working very hard at this time to revitalize the corner of 13 Mile and Mound and that was part of the reason that the center was moved down 13 Mile. They are working in negotiations, trying to have regional tenants and national tenants to try and improve the center; however, the traffic that the garden center generates is what they need at this time to show activity at that center so that they can try to attract some of these regional and national types of tenants. It is clear that as they try to revitalize the center and get these types of tenants that the garden center would then be phased out; it would not be compatible with what they are attempting to accomplish at 13 Mile and Mound at that shopping

APPROVED

center, but for now it was a critical part of their plan to have that type of activity to revitalize that center. At the last hearing, there were many comments made by different members of the board and they took the time in between the two hearings to discuss the comments made and to really think about them and incorporate them into their request tonight, so they are making some changes tonight to their request. Their initial request was that they were asking for the temporary seasonal outdoor sales from March 05, 2015 through November 1, 2015; they would end their outdoor sales right after the Halloween pumpkin sales. In addition to that, item #3, they will no longer ask to display flowers in the P-zone, they were asking to display flowers up to 10 feet of the 13 Mile Road, there was a 30 foot P-zone there; which means that they are taking out of their footprint 20' x 200'; which was 4,000 sq. ft. that then reduces their footprint size in that location to 16,000 sq. ft. The fact that they are taking their request away to do anything in the P-zone, no longer makes them a use variance request. In addition, item #4; which they had asked for several small signs, they are no longer asking for any variances for signs. They will be following the zoning ordinances as it relates to signs for this type of use. Given that she believes that they have addressed some of the concerns that were expressed to them and they ask for positive consideration of this matter.

Chairman Watripont stated that this was a public hearing, anyone wishing to speak on this item to approach the podium.

John Renaud, appeared before the board and stated that he actually came to the wrong meeting tonight, he was supposed to be at the Council meeting. He stated that he had come tonight to discuss the neighborhood watch program, so this was coincidental, he did not know about this. He stated that their neighborhood had been buying flowers from this place for 25 years where he lives and he has been there for over 35 years. His wife died almost 3 years ago from breast cancer, and one of her last requests was—this was just strange, he had come tonight and looked to the side and had seen the gentleman who owns the shop—at the time his wife wanted to know if she could have yellow daises that she could place outside the window in the room that she had died in and he had agreed, and took his wife to the flower shop at the time and she looked around; this was about four weeks before she passed away, and he did not even know the owner's name…

Chairman Watripont stated, the owner's name was Mr. Knackery.

John Renaud stated that Mr. Knackery had seen his wife and he went up to her and said hi and asked her how she was doing and told her to pick whatever she wanted and to whatever she wanted out of shop and it was from him as a gift. Mr. Renaud stated that he had thought to himself that they need a 100 more gentleman like this man in their community, they need businessmen like this. He had treated his wife with respect, so when she died she was able to look out of the window at the flower pot that his son had put there and see his flowers there in the window and if the board turns this gentleman down, then there would be something wrong with them; he was great. He thanked the board.

Chairman Watripont stated hearing and seeing no one else, he closed the public hearing, and he had a question for the city attorney. They can grant less and that takes the use off of this so it was a regular item at this point and time.

APPROVED

Roxanne Canestrelli, City Attorney stated yes.

Chairman Watripont stated that he had been by 13 Mile and Mound many times. In the past he was opposed to some of the additions and some of the things that were going on there, now he had been by there and he believes the owner has kept it really clean considering all of the construction that has been going on there and everything else, and he does not have an issue with this either. He turned the matter over to the board.

Secretary Nestorowicz stated based on the feedback from the last time when this was before the board back in December, it seems as though many of the concerns have been addressed and it has actually been downsized to what the board had actually approved in the past, and when he looks at what was approved in 2013, the petitioner is actually asking for less now; which he believes it would actually improve that site and he personally does not have any issues with this either.

Board Member Pauta stated that all of the requests that she had in question have been addressed, answered, and taken care of.

Motion:
Board Member Pauta made a motion to approve the petitioner's request to conduct temporary seasonal outdoor retail sales in a C-2 Zone from March 5, 2015 to November 1, 2015. Waive 50 required off-street parking spaces for the proposed temporary seasonal outdoor retail sales area. Have a 60' x 90' receiving area from May 15 to June 15, 2015 as per the plan.

Reason being: Not a detriment to the area.

Board Member Brasza supported the motion to approve. She stated that she would like to have the maker of the motion state that it had also gone down to 16,000 sq. ft.

Board Member Pauta stated okay. The area has also decreased to 16,000 sq. ft.

Roll Call:
A roll call was taken on the motion to deny and the motion carried (7-0).

Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Brasza	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Descamps	Yes, for the reasons stated in the motion.
Board Member Becher	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

The petition has been GRANTED.

Board Member Pauta called on Ms. Burdi and stated that the shop owner's landlord was doing things that were not addressed with the city and the sign that was out on

APPROVED

the front on the corner of 13 Mile and Mound, they bricked it and now was leaning towards 13 Mile Road, and she was not sure how much of a wind it was going to take to be on 13 Mile. There was not a permit for anything.

Caren Burdi stated that she would check on that with the city and let the landlord know.

Board Member Pauta stated thank you and she just did not want the brick ending up on his flowers.

Caren Burdi stated she understood.

8. PUBLIC HEARING **APPLICANT: Mr. Leo Hudson, Homeowner**

REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	5969 Ten Mile
LEGAL DESCRIPTION:	13-21-353-013
ZONE:	M-2

VARIANCES REQUESTED: Permission to
Retain an inverted gable roof constructed over the front porch of an existing legal non-conforming dwelling to within 16'-9" of the front (south) property line with the condition that the variance will be rescinded should the building or use thereof be structurally changed, altered or enlarged, unless such altered or enlarged building or use conforms to the provisions of this Ordinance for the district in which it is located.
ORDINANCES and REQUIREMENTS:
Section 4.17 Paragraph (a): ***Non-conforming Use-Continuance.*** Any lawful non-conforming use consisting of a building or land usage existing at the time of the effective date of this Ordinance may be continued, except as herein prohibited or restricted, provided that the building or use thereof shall not be structurally changed, altered or enlarged, unless such altered or enlarged building or use shall conform to the provisions of this Ordinance for the district in which it is located.
Section 17.02 Paragraph (a) item (2): In M-2 zones, yards fronting on a major thoroughfare as defined by the Master Thoroughfare Plan for the City of Warren shall be fifty (50) feet.

Chairman Watripont asked the individual at the podium to state their name and address for the record.

Leo Hudson, 5969 Ten Mile Road, appeared before the board and stated that he had over the front of his house the front porch, he had a big aluminum awning that was built back in the 60s and it had deteriorated badly and needs to be demolished and something else built and he had some plans made and had an inverted gable…he had actually already taken the awning down and the inverted gable would dress up the whole front of the house very nicely and it would be basically about 8' x 20' and the same size as the awning that was there. For appearance wise, it would improve it tremendously and it would replace the deteriorating one that was there.

Chairman Watripont stated that this was a public hearing and anyone wishing to speak on this item to approach the podium. Hearing and seeing none, he turned the matter over to the board.

APPROVED

Board Member Pauta stated that on the request on the application, it stated gable roof over front porch, 16' x 9" from north property line. What size was that?

Leo Hudson stated it was approximately 8' x 20' right over the front porch.

Board Member Pauta asked so that it was not 16' x 9'

Chairman Watripont stated that it was 16 feet by 9 inches from the north property line.

Leo Hudson stated that was correct.

Board Member Becher stated that she had went passed his place recently and in fact she sees it quite often since he resides next to Gary DeCarlo's and he resides in the middle of all of the commercial properties and she is always amazed because his property always looks very nice. She was a little bit confused, if he already placed the awning up did he already take the aluminum awning down and put the new awning up.

Leo Hudson stated yes, it was already down.

Board Member Becher asked if he was going to do additional construction, was that what he wanted.

Leo Hudson stated yes…

Board Member Becher stated then the way it stands today, or was he done.

Leo Hudson stated yes, it was basically done.

Board Member Becher stated so that would be the way it would normally look as it looks today.

Leo Hudson stated yes, it was finished actually. There was a two week window that turned like summer time when it was in the dead of winter and it was just two weeks and he had the crew there and they wanted to do the work on while in that two weeks…

Board Member Becher stated she understood that, so he had the work done because…

Leo Hudson stated it has been all trimmed out and everything…

Board Member Becher stated it looked really nice the other day.

Leo Hudson stated it was pretty extensively done.
Board Member Becher asked if anyone else of the board members had any other comments.

APPROVED

Board Member Descamps stated that as long as he had pulled the permits.

Board Member Becher asked the petitioner if he had pulled the permits.

Leo Hudson stated that they had a permit for it now, yes.

Board Member Becher asked the petitioner that he would have to obtain all of the permits and everything that he would need.

Leo Hudson stated yes, and actually when he pulled the permit for it, the inspector person came out and looked at it and he had said that it was nicely done. It was done top notch by real professional people. He gets so many compliments on it because of the workmanship that was done to it.

Board Member Becher stated yes and that his place always looks nice.

Motion:
Board Member Becher made a motion to approve the petitioner's request to retain an inverted gable roof constructed over the front porch of an existing legal non-conforming dwelling to within 16'-9" of the front (south) property line and with all of the conditions and variances.

Reason being: Not a detriment to the area, and size and shape of the lot.

Secretary Nestorowicz supported the motion to approve.

Roll Call:
A roll call was taken on the motion to deny and the motion carried (7-0).

Board Member Becher	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Descamps	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Brasza	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

The petition has been GRANTED.

9. PUBLIC HEARING **APPLICANT: Ronald Lomasney and Michael Lomasney**
(Withdrawn from 1/14/15)

REPRESENTATIVE:	Ronald & Michael Lomasney and Kerm Billette
COMMON DESCRIPTION:	24895 Mound Road
LEGAL DESCRIPTION:	13-29-228-007
ZONE:	M-2

VARIANCES REQUESTED: Permission to

1. Retain hard surface for parking in front setback to within 4' of the east property line along Mound Road as per the plan.

APPROVED

2. Allow open storage of vehicles on a gravel surface.
3. Allow 31,262 sq. ft. of open storage for vehicles as per the plan.

ORDINANCES and REQUIREMENTS:

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

Section 17.02, Item (s) Paragraph (2): Industrial standards, open storage other than junk… the designated area shall be hard surfaced and screened from the public street and any residentially zoned areas.. Further, the designated area shall not exceed 50% of the building size and in M-2 zones the designated area shall not be located any closer than seventy-five (75) to the front property line…

This item moved to **5a.**

10 PUBLIC HEARING **APPLICANT: Ms. Carol Jo Bagnasco**
REPRESENTATIVE: Kerm Billette
COMMON DESCRIPTION: 13880 E Nine Mile
LEGAL DESCRIPTION: 13-36-105-006
ZONE: M-1

VARIANCES REQUESTED: Permission to

1) Retain hard surface for parking in the front setback to within one (1) foot of the north property line as per the plan.
2) Allow parking spaces 18' in length.
3) Allow a 20' maneuvering lane.
4) Waive the required greenbelt along the rear (south) property line.

ORDINANCES and REQUIREMENTS:

Section 17.02 Paragraph (a) Item (1): Industrial Standards… in M-1 zones, front yard setback is eight (8) feet.

Section 4.32 Paragraph (i): All spaces that abut a common property line shall be 9' x 22' including 22' off-street maneuvering lanes.

Section 17.02 Paragraph (c): Greenbelts: None, except when a side or rear yard abuts a zoning district other than industrial then eight (8) feed wide as per section 2.26.

Kerm Billette, 38628 Warwickshire Drive, Sterling Heights, MI 48312, appeared before the Board and stated that he represents the petitioner, CJ Bagnasco and the proposal was to use an existing building that has been vacant for a few months since the other people had moved out and took all of the equipment. The building was in a very good condition, the owner of the building desires to sell the property to a new owner that is listed as Face Industries. Face Industries is a company that does automotive research and development; they test materials. They test fabric, metal parts, plastic parts, electronic parts and they test them for durability and sustainability for the auto industry. The building by the proposed tenants has been deemed necessary as a startup company. They would start out with new equipment and he believes that they have six personnel listed right now as occupants of the building. Six people working there, it may go to ten and they are requesting that the existing building with the parking lot be approved with a driveway that was 20' wide and the parking spaces are 18' deep, within a foot of the front property line that was the concrete area there for parking. The rest of it was on gravel and has been dete-

APPROVED

riorated asphalt. The petition also includes a waving the rear property line 8' greenbelt and there was an existing 6' chain link fence along the entire property line in the back. There is also a chain link fence between the properties; which limits the expansion of any parking to the west. The property owners will not test vehicles, they will not wreck vehicles, they only test parts within the walls of the property; there is no outdoor storage, there is no noise that would be obnoxious to the neighbors. They propose that the startup company be approved in this building with the conditions and that the board of appeals approves their petition. The owner of the building was also present.

Carol Jo Bagnasco, 36528 Tarpon Drive, Sterling Heights, MI appeared before the board and stated that she owns the building 13880 E Nine Mile. It was originally purchased by her father in 1989.

Chairman Watripont stated that this was a public hearing, anyone wishing to speak on this item to approach the podium.

Thomas Hayes 23023 Willard, Warren, appeared before the board and stated that they received a paper for Rejohna Layne, homeowner, who was standing next to him. They received a paper to apply about this, but they might be confused about this since they believed someone wanted to place a parking lot behind their house from the church parking lot. They were just making sure that they came to this to see what it was and to confirm that maybe they were mistaken but they wanted to know exactly what the plans were or the location is. They are the first house on Willard Street behind these buildings. The way that the petitioner maintains the property now, they plow the snow up to their fence and they have destroyed it the past two years in the row and if they put up a parking lot by their chain link fence, they would ruin it as well.

Kerm Billette began to explain to Mr. Thomas Ayes where the work was and that the place in question was not near their residence.

Rejohna Layne stated that they received the paper that stated that a meeting was held for today.

Kerm Billette stated that they City informs anyone within 300 feet of the property.

Thomas Hayes stated okay, and they had come to this to see if it was going to be affecting their property and behind their house.

Chairman Watripont stated hearing and seeing no one else he turned the matter over to the board.

Secretary Nestorowicz stated that he only had one question regarding this item. He knew that the petitioner was asking for a variance to waive the greenbelt but since his is up against residential, why would they not consider having a wall put up instead of a greenbelt.

Kerm Billette stated he believes that the existing 6' fence they could block out with strips in the fence. The fence is on the property line.

APPROVED

Board Member Brasza stated in regards to the parking, is this a business that would be employee parking or visitor.

Kerm Billette stated it would mainly be employee. They might have a visitor or two that would bring in the parts in but that would be very rare and the testing is done over a period of time and sometimes they leave the machines on and test the part for wear and tear maybe for hours at a time and they do not think there would be any noise from the building. The building is very sound and it does not make any noise from the machinery.

Chairman Watripont asked Mr. Billette that there was a vacated alley behind this place right.

Kerm Billette stated yes. There was a 20' vacated alley and it is 10' on either side and they are 11' from the property line as a foot off the vacated alley.

Board Member Becher asked the petitioner that they were selling the property correct? So the owner of the business that wants to go in there was not present this evening correct?

Carol Jo Bagnasco stated correct.

Board Member Becher stated that so evidently her sale hangs on all of this. The people that were just there had a very valid point about not having that greenbelt back there and then the chain link fence being destroyed in these incumbent months. Was she going to put parking guards there so that …

Kerm Billette stated bumper blocks yes.

Carol Jo Bagnasco stated they have them.

Board Member Becher stated okay that answered her question.

Board Member Pauta addressing Mr. Billette stating that she was in the same direction because on the application it states waive a 6' masonry wall in rear on the request it states waive the required greenbelt along the rear property line and she agrees with her colleagues and she really believes that there should be a wall there.

Kerm Billette stated that there was about approximately 900' property in between street to street and there is only a chain link fence on all of it, some would have the wooden fence in the back and in the back of their property there are yards and garages. There is no wall within approximately 300 or 400 feet of this along the vacated alley and that was all fenced and that was all being used as yard space.

Board Member Pauta stated that ordinances change and she was only looking at a 20' between the property line and the residential line and she believes there should be a wall there.

APPROVED

Board Member Descamps stated that by review this and listening to the petitioner, he does not feel that their variance requests are out of line with the fact that there was a 20' vacated alley behind the property as long as…

Board Member Becher stated that had been incorporated into their plan.

Board Member Descamps stated if no other board member had a discussion he would like to move forward.

Motion:
Board Member Becher made a motion to approve the petitioner's request to retain hard surface for parking in the front setback to within one (1) foot of the north property line as per the plan; allow parking spaces 18' in length; allow a 20' maneuvering lane; waive the required greenbelt along the rear (south) property line, as long as the slats go in the fence.

Reason being: Due to the size and shape of the lot, needs approval of the board and not a detriment to the area.

Board Member Furgal supported the motion to approve.

Roll Call:
A roll call was taken on the motion to deny and the motion carried (5-2).

Board Member Descamps	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Becher	Yes, for the reasons stated in the motion.
Board Member Pauta	No, for the reasons stated in the motion; she believes there should be a wall in the back.
Board Member Brasza	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	No, for the reasons stated in the motion; he also believes there should be a wall in the back.
Chairman Watripont	Yes, for the reasons stated in the motion.

The petition has been GRANTED.

11. PUBLIC HEARING — **APPLICANT: HOME DEPOT, Mr. Mike Woodford, Mgr., Store #2702**

REPRESENTATIVE:	Kerm Billette
COMMON DESCRIPTION:	25879 Hoover Road
LEGAL DESCRIPTION:	13-22-432-016
ZONE:	C-2, C-1 & P

VARIANCES REQUESTED: Permission to

1) Operate seasonal outdoor sales from March 31, 2015 to December 31, 2015 in the following areas:

Area #1 labeled "Tent/Trees"	40' x 130' = 5,200 sq. ft.
Area #1 labeled "Sheds"	20' x 90' = 1,800 sq. ft.

APPROVED

Area #2 labeled "Plants" 20' x 125' = 2,500 sq. ft.
Total of 9,500 sq ft of seasonal outdoor sales as per the plan.

2) Allow temporary outdoor storage in area #3, 27' x 20' = 540 sq. ft. for three (3) rental trailers as per the plan.
3) Waive parking spaces for the seasonal outdoor sale and temporary outdoor storage.

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (h) Item 22: One (1) parking space required for each 150 sq. ft. of floor space and outdoor sales/storage areas combined.

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

Kerm Billette, 38628 Warwickshire Drive, Sterling Heights, MI 48312, appeared before the Board and stated he was here with the Petitioner Mr. Woodford, the manager of The Home Depot store on Hoover Road. Their petition was the same as last year; they have the same items at the same locations and also the same location for the three trailers that were for rental. The only thing they done to the property and it has been to what he believes a real improvement, was that they have taken the cart storage areas where they bring the carts and put them in the little retainer area, the company has made these permanent. They are in the ground, they cannot be moved, and they cannot be hit by cars and moved all over. They also have bumpers built right in them and he thinks that it re-stabilize the whole area that much better because cars do not bump into them and move them all over. The one thing that was shown on the drawing was a whole dotted area in the front part of the property on Hoover Road, the little dotted areas was one of those cart areas and was part of the square footage and they believe that that would be used to put carts in so people could take materials out from the area, the sacks of sand, gravel, shrubs etc. they could take carts right out of that area; it was one of five or six cart storage areas that they have recently built.

Chairman Watripont stated that this was a public hearing and anyone wishing to speak on this item to approach the podium. Hearing and seeing none, he turned the matter over to the board.

Board Member Becher stated that she had one question and did not have any objections to their outdoor sales or anything because they have been doing it for years and have done it well, the only thing she was questioning was the three rental trailers; they have those out there year round though? Since they were already in their parking lot when she had come by the other day?

Michael Woodford 2624 West Webster Road, Royal Oak, MI appeared before the board and stated in response to Board Member Becher that yes, they have been there all the time.

Board Member Becher stated these have been tied into his request but they have been parked in their parking lot year round and they are a part of the business but she was not sure what to do about the verbiage; what else would he be able to do with them since they are something that have to be kept outside.

APPROVED

Roxanne Canestrelli, City Attorney stated that she would suggest that the language be amended, be reposted and rescheduled with the correct verbiage.

Board Member Becher stated because they are there and what else would they do, that item number 2 was always there and what would he do with them for the time period that was not covered by the outdoor sales thing.

Michael Woodford, Home Depot Manager stated that they have been there the entire time and they are in the exact location that they are on the site plan and have not really moved them around. Really the variance for the other area, even though the permit was through December 31, it was really gone by July 4, it was really just for three months.

Board Member Becher stated no, that was not what she was addressing, she was speaking of the trailers; they are there year round.

Michael Woodford, Home Depot Manager stated right.

Chairman Watripont asked Ms. Martin if she could shed some light on this matter.

Lynn Martin, Chief zoning Inspector stated yes, she may suggest that they go to the Planning Department and make it permanent; make that area permanent for that storage.

Chairman Watripont stated so they could move forward with this as a temporary for now and approve it and then they can clean that up late.

Lynn Martin, Chief Zoning Inspector stated yes, they need to go to the Planning Department and make it permanent.

Chairman Watripont asked if that was fine with everyone.

All board members and City Attorney agreed.

Board Member Becher stated that had caught her attention and she did not…

Chairman Watripont stated it was a nice catch.

Motion:
Board Member Becher made a motion to approve the petitioner's request to operate seasonal outdoor sales from March 31, 2015 to December 31, 2015 in the following areas: Area #1 labeled "Tent/Trees" 40' x 130' = 5,200 sq. ft. Area #1 labeled "Sheds" 20' x 90' = 1,800 sq. ft. Area #2 labeled "Plants" 20' x 125' = 2,500 sq. ft.

Reason being: Not a detriment to the area, and due to the size and shape of the lot.

Secretary Nestorowicz supported the motion to approve.

APPROVED

Roll Call:
A roll call was taken on the motion to deny and the motion carried (7-0).

Board Member Becher	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Brasza	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Descamps	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

The petition has been GRANTED.

Chairman Watripont asked Lynn Martin, Chief Zoning Inspector to possible make a note to confirm the concerns are addressed.

Lynn Martin, Chief Zoning Inspector agreed.

12. PUBLIC HEARING **APPLICANT: Produce Palace International, Samuel and Sharon Hope Katz**

REPRESENTATIVE: Kerm Billette
COMMON DESCRIPTION: 29200-29300 Dequindre Road
LEGAL DESCRIPTION: 13-07-351-002
ZONE: C-1

VARIANCES REQUESTED: Permission to
1. Conduct a seasonal outdoor sales operation in front of the store from April 1, 2015 thru December 31, 2015
2. Continue the variance waiving seventy-two (72) parking spaces granted April 24, 1996, and the thirty-six (36) waived on June 14, 1995, for a total of one hundred eleven (111) spaces in order to operate the outdoor sales.

ORDINANCES and REQUIREMENTS:
Section 4.32 Paragraph (h) Item 22: One (1) parking space required for each 150 square ft. of floor space and outdoor sales areas combined.
Section 4.52 Paragraph (d): No sales activity or display of merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use.

This item was **rescheduled** to March 11, 2015.

13. PUBLIC HEARING **APPLICANT: Lowe's Home Stores, Inc. (Store #684)**

REPRESENTATIVE: Sakia Murray, Store Manager
COMMON DESCRIPTION: 31140 Van Dyke Avenue
LEGAL DESCRIPTION: 13-03-352-008
ZONE: C-2 & P

VARIANCES REQUESTED: Permission to

APPROVED

Waive the required parking for the outdoor seasonal sales as follows: Front sidewalk sales area: 68 parking spaces, four (4) seasonal sales areas: 38 parking spaces for a total of 106 spaces as per the plan. Also to allow outdoor seasonal sales on the front sidewalk of the building, approximately 10,194 sq. ft. area in front of the store from March 1, 2015 to October 31, 2015. Also to operate sales/storage sites to four (4) designated areas as per the approved site plan: a) 124' x 8' = 1103 sq. ft., b) 273' x 8' = 2193 sq. ft., c) 152' x 8' = 1227 sq. ft. and d) 134' x 8' = 1079 sq. ft. in the "P" zone. For a total of 15,796 sq. ft. of seasonal outdoor sales & storage requested, as per plans submitted.

ORDINANCES and REQUIREMENTS:

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

Section 16.02 Items (a & d): Parking areas, (P zones), shall be used for parking of private passenger vehicles only.

Section 4.46 Item (b): The applicant shall obtain any variance needed form the Zoning Board of Appeals prior to petitioning for site plan approval for permanent outdoor retails sales.

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

Section 4.55: Sidewalk sales may be conducted for a period not to exceed ten (10) consecutive days.. any sales conducted in excess to ten (10) consecutive days per calendar year, shall require site plan approval pursuant to Section 4.46.

Sakia Murray, 31140 Van Dyke Ave, Warren, MI, appeared before the board stating that she was the store manager for Warren Lowe's. The reason she was there to-day was to be able to display their plants, flowers, and shrubs outside so that they can be sold to the community to help them love where they live. She believes that all board members have the diagrams and on the diagrams on section one, they have the side of the building, which are the sheds displays that they currently have now, would be moved down towards the spring and summer season and at the front of the store, they have their tanks and trailers and at the back of the store. Two, they have their seasonal area, also at the side of the building and then overstock for garden and three is seasonal side in front of the building, having their plant tables, wheel barrels and their lumber area.

Chairman Watripont stated that this was a public hearing, anyone wishing to speak on this item to approach the podium. Hearing and seeing none, he closed the public hearings. He stated that there has not been any change from the past and as he knows she was not the one before the board last year it was someone else, and asked if she had taken over as store manager now?

Sakia Murray stated yes and as far as she knows, there have not been any changes.

Chairman Watripont stated no changes and as he read through it, he did not see any changes and he turned the matter over to the board.

Motion:

Board Member Descamps made a motion to approve the petitioner's request to renew the previous outdoor sales and storage areas as per site plan including, a)

APPROVED

a parking waiver for the proposed outdoor sales area. b) to continue encroachment into the existing "P" zone and open storage on a "C-2 zone" and c) to propose seasonal outdoor sales requires approval of the board.

Reason being: Due to the size and shape of the lot, needs approval of the board and not a detriment to the area.

Board Member Brasza supported the motion to approve.

Roll Call:
A roll call was taken on the motion to deny and the motion carried (7-0).

Board Member Descamps	Yes, for the reasons stated in the motion.
Board Member Brasza	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Becher	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

The petition has been GRANTED.

14. PUBLIC HEARING **APPLICANT: Tim Donut U.S. Limited Inc.**
REPRESENTATIVE: Patrick Bell
COMMON DESCRIPTION: 29030 Van Dyke
LEGAL DESCRIPTION: 13-10-353-007
ZONE: C-2 & P

VARIANCES REQUESTED: Permission to:

1) Remove the existing menu board and allow a new menu board as follows: 5.46' x 6.75' with a 1.88' x 1.46' order screen, total 39.6 sq. ft., overall height 6.7' in addition to the existing pylon and directional signs equaling 52.52 sq ft, for a total of 92.12 sq ft of ground signage as per the plan.
2) Allow 3 additional wall signs as follows: One (1) wall sign identified in sign package as #2; 8.73' x 4.48' total 42.55 sq. ft., One (1) script banner identified in sign package as #9A; 19.34' x .5' total 9.67 sq. ft. and one (1) script banner identified in sign package as #9B; 12.64' x .5' total 6.32 sq. ft.

   Total of new wall signage = 58.54 sq. ft. in addition to an existing 57 sq. ft. wall sign for a total of 115.54 sq. ft. of wall signage.

ORDINANCES and REQUIREMENTS:
Section 4A.11 Item (20): Monument sign. A sign mounted directly to the ground with a maximum height not to exceed five (5) feet.
Section 4A.35 Paragraph (b): One freestanding on-premise sign or advertising display of a size not to exceed seventy five (75) square feet shall be allowed.
Section 4A.35; Paragraph (c): Total wall signage of a size not to exceed forty (40) square feet shall be allowed for each business in commercial business and industrial districts zoned C-1, C-2, C-3 M-1 and M-2.

APPROVED

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

Patrick Bell with Tim Horton's, 565 E. Grand River Ave, Brighton MI, appeared before the board stating that he appreciated the opportunity to be before the board and what they are requesting here was very similar to the request they had made before the board in the past. This site is a renovation or reimage of their existing restaurant at the northwest corner of 12 Mile and Van Dyke. They are looking to replace the old menu board with their new updated menu board. It was the exact same menu board that they have seen on other sites, either existing or the new locations that have been developed recently. The second was to add a wall sign on their second frontage. Again this was another request that they have been granted in the past at their new locations. What they are doing was putting a parapet on the south elevation of the building that really kind of makes these older buildings look like their new branded café bake shops and that was where they will be looking to, to add that sign. Their final request was to add the graphic letters to the brushed aluminum banner that has been seen on their new café bake shop locations.

Chairman Watripont stated that this was a public hearing and anyone wishing to speak on this matter to approach the podium.

Lynn Martin, Chief Zoning Inspector, stated that she would like of the board members to look on the last page for the pylon sign, Everett had put the 3' x 4' at the bottom as actually a temporary sign, which was not supposed to be there. That was one of those boards that they put up and staple them together on the bottom of the pole; that should not have been there as part of this package.

Chairman Watripont asked what page it was on.

Lynn Martin, Chief Zoning Inspector stated that it was on the bottom that was a temporary sign that they put up different ones all the time and was not supposed to be there. She asked if that made sense. She stated that they could not, because there was a 10' under clearance that had to be kept clear.

Patrick Bell stated it was not a problem. He stated that he would make sure that would not happen again and he apologizes for that. He did not know when the picture was taken but…

Chairman Watripont stated hearing and seeing no one else, he closed the public hearing. Basically, this was just mostly branding changing going forward, correct? Replacing all old with the new brand and…

Patrick Bell stated yes and most of the existing signs or all of the existing signs he believes will be refaced with their café bakeshop log as they see on the new sites today and just rebranding that exactly as the Chairman had presented it.

Chairman Watripont stated that he turns the matter over to the board.

Board Member Brasza stated to the petitioner that the script banner on the aluminum frame, was that a different color or?

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Patrick Bell, stated yes, it was vinyl letters he believes that they are white that go on the brushed aluminum and it says, bagels, cappuccino, muffins and whatnot.

Secretary Nestorowicz stated he had only one question for the petitioner. He agrees that with the new branding and the new signage it would improve the look of that store, being one of the older ones make it look more like the newer ones that they have been building around, but as they are going through and putting up these new signs, there was one sign on that store that had always caught his eye; did they really need to have that large 24 hour drive thru? It was really huge on that pylon. They are getting all these additional signage on the front of the building and all the necessary stuff; there is a lot of square footage in that 24 hour drive thru sign.

Patrick Bell stated yes, he could see his concern there, and they could definitely take a look at that. One thing that they would notice in the photos was that it did not really match the color scheme of the café bakeshop, so he could definitely take a look at that and speak to their franchisee and see if there was anything they could do there.

Secretary Nestorowicz stated he believes that as they put the newer signs, that drive thru sign does not match and seriously speaking they have so much branding of Tim Horton's on both sides and all this that everyone sees that very clearly.

Patrick Bell stated he understood Secretary Nestorowicz point and he thinks that everyone patronizes the site probably already understands that they are open 24 hours, so he would definitely…

Secretary Nestorowicz stated especially when they have over a 100+ sq. ft. of signage.

Chairman Watripont asked the board if anyone else had any comments or wanted to make a motion.

Motion:
Board Member Pauta made a motion to approve the petitioner's request to Remove the existing menu board and allow a new menu board as follows: 5.46' x 6.75' with a 1.88' x 1.46' order screen, total 39.6 sq. ft., overall height 6.7' in addition to the existing pylon and directional signs equaling 52.52 sq ft, for a total of 92.12 sq ft of ground signage as per the plan. Allow 3 additional wall signs as follows: One (1) wall sign identified in sign package as #2; 8.73' x 4.48' total 42.55 sq. ft., One (1) script banner identified in sign package as #9A; 19.34' x .5' total 9.67 sq. ft. and one (1) script banner identified in sign package as #9B; 12.64' x .5' total 6.32 sq. ft. Total of new wall signage = 58.54 sq. ft. in addition to an existing 57 sq. ft. wall sign for a total of 115.54 sq. ft. of wall signage. This is a change to the identification. She also asked the petitioner that he would also take a look at the 24 hour sign correct?

Patrick Bell stated yes and he would discuss that with the franchisee and the operations.

Reason being: Not a detriment to the area and lack of identification.

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Board Member Descamps supported the motion to approve.

Roll Call:
A roll call was taken on the motion to deny and the motion carried (7-0).

Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Descamps	Yes, for the reasons stated in the motion.
Board Member Becher	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Brasza	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

The petition has been GRANTED.

15. PUBLIC HEARING **APPLICANT: Mazin Marogi/Armani Auto Sales, Inc.**
REPRESENTATIVE: Mazin Marogi/Richard Sulaka Jr.
COMMON DESCRIPTION: 20787 Mound
LEGAL DESCRIPTION: 13-32-483-017, 016, 008, 007, 006 and 033
ZONE: M-2

VARIANCES REQUESTED: Permission to
1. Operate a used car lot to no less than 60 feet of the R-1-C Zone on Albany as per the plan.
2. Operative a used car lot to no less than 210 feet from the property line of the R-1-P Zone to Albany, currently used as part of an existing use car lot, as per the plan.

ORDINANCES and REQUIREMENTS:
Section 15.01 (e) (2): Location criteria shall be 700 feet from the property line of any other site with an existing used car lot or the site of a proposed used car lot subject to review for approval. The site must be located more than 200 feet from the nearest lot line of property used as or zoned as R-1-C, R-1-P……

This item was **REMOVED** from the agenda upon request of the petitioner.

16. NEW BUSINESS

Chairman Watripont stated he believed everyone received the request for training on March 25, 2015 to take place here in the auditorium. He asked if the City Attorney had any comments on the item.

Roxanne Canestrelli stated there would be no items heard that evening it was just a training event combined with Planning and the Zoning Board of Appeals because there were new members on both boards. No items will be discussed.

Board Member Descamps said the service clubs in the community do a wonderful job helping people along the way and he really wanted to do a commercial here for

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his brother Lions Club, even though he was a Kiwanis member. The Lions have an event coming up on March 28, 2015 to support their youth camp for the visually impaired. He knew they were selling tickets for the event. It would be a buffalo and boar wild game dinner. If anyone was interested in supporting this cause please contact a member of the Warren Lions Club for more ticket information.

Board Member Becher thanked Mr. Descamps for that nice plug, and wanted to add that the affair would be held at the camp so everyone would have a chance to see the camp and what they will be doing there. Tickets were available tonight if anyone on the board would like to purchase.

17. ADJOURNMENT

Motion:
Board Member Brasza made the motion to adjourn and Board Member Becher supported the motion. A voice vote was taken on the motion and the motion carried (7-0).

The meeting adjourned at 8:59 p.m.

Secretary of the Board
Roman T. Nestorowicz

APPROVED