

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
March 11, 2015

A Regular Meeting of the Warren Zoning Board of Appeals was called for Wednesday, March 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
Jennifer Vigus, Ass. Secretary
Jean Becher
Jules Descamps
Henry Brasza
Ann Pauta
Sherry Brasza

Members of the Board absent:

None

Also present:

Roxanne Canestrelli, City Attorney
Everett Murphy, Zoning Inspector

1. CALL TO ORDER

Chairman Watripont called the meeting to order at 7:31 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

All Board Members were present.

4. ADOPTION OF THE AGENDA

Secretary Nestorowicz stated there were few items to the agenda that required changes follows:

- 1) Item #6, the public hearing for 7552 Republic, is to be removed from the agenda; anyone present for the item, does not need to remain.
- 2) Item #7, the public hearing for Produce Palace on Dequindre Road, will be re-scheduled to April 8, 2015.
- 3) Item #9, the public hearing for the Warren Lions Club, 3001 Thirteen Mile Road, the Petitioner asked to have it moved to the end of the agenda, and that will be under item 15a.

- 4) Item #16a, under new business; this item is to be removed and not heard at this time.

Chairman Watripont stated as the agenda stood now with the new proposals, he asked if there was a motion for the agenda as changed.

Motion:

Secretary Nestorowicz made the motion to adopt changes to the agenda; Board Member Descamps supported the motion.

A voice vote was taken on the motion. The motion carried (9-0).

Agenda was adopted.

5. APPROVAL OF THE MINUTES OF the Regular Meeting of February 11, 2015.

Secretary Nestorowicz stated there was one section of the meeting that does have to be updated after the vote, on page 9 through item number 7; that should be struck from the meeting minutes. Reason being, is that this item was not being heard and it was removed from the agenda.

Chairman Watripont stated that on page 9, the last paragraph through page 11 just before the start of item 7; he asked Secretary Nestorowicz if that was correct?

Secretary Nestorowicz stated correct.

Chairman Watripont asked if there were any other corrections to the minutes.

Motion:

Board Member Becher made the motion to approve the minutes with the corrections of February 11, 2015. Board Member Descamps supported the motion.

Voice Vote:

A voice vote was taken on the motion. The motion carried (9-0).

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, 02/11/15)

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.

The item was **REMOVED** from the agenda.

7. PUBLIC HEARING

**APPLICANT: Produce Palace International,
Samuel and Sharon Hope Katz**
(Rescheduled from 2/11/15, 03/11/15)

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 24, 1995, for a total of one hundred eleven (111) spaces in order to operate the outdoor sales.
3. Allow two permanent storage trailers (total 560 sq. ft.) behind the building as per the plan.
4. Waive four (4) required parking spaces required for the two permanent storage trailers.

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (h) Item 17: Restaurants require one (1) parking space for each one hundred (100) square feet of floor area, plus one (1) parking space for each four (4) employees.

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 April 8, 2015.

8. PUBLIC HEARING

**APPLICANT: Mr. James Hall / Fun Space
Direct, LLC**

REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 13440 Yvonne
LEGAL DESCRIPTION: 13-14-429-013
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Remove an existing sunroom and construct a new 10.1' x 15' Sunroom, total 151.5 sq ft to no less than 32 feet of the rear property line.

ORDINANCES and REQUIREMENTS:

Section 7.08: Rear yards. Each lot in R-1-C Districts shall have a rear yard depth of not less than thirty-five (35) feet.

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

James Hall, 20400 Hall Road, Clinton Township, MI 48531, appeared before the board and stated that he is the President of Fun Space Direct.

Chairman Watripont asked Mr. Hall for the reason of his petition.

James Hall stated that they were contracted by Mrs. Goszczynski to take down the existing sunroom that was on the back of her house; it is an old comebacks awning single skin sunroom that she wished to have removed. It is in a very bad dilapidated state. Upon making a permit with the city, it was found that the original sunroom went 3' into the rear yard setback and for a full disclosure, it was originally permitted as an awning and then the previous owners put some walls underneath it. Mrs. Goszczynski would still like to have the room torn down and replaced; requesting a 3' setback variance. Also, there was a plastic shed that they purchased at Lowe's or Home Depot and unfortunately it did not come with instructions that they needed to put a pad underneath it; he was willing—he had stated the same to her—that he would amend his permit to put a pad underneath that existing shed so that it complies with the City's ratwall ordinance. This room has been up for 25 to 30 years and it has had no problems with any of the existing neighbors; no one has had any complaints with it. He was not sure that granting this variance would cause any impairment on the intention of the City ordinance for the 35' setback.

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

Joseph Hunt appeared before the Board and stated that he is a homeowner and taxpayer in the City of Warren from Section 15. His recommendation is to grant the variance; the idea behind it was that this is construction that would add to an existing dwelling and that would increase the property values and the tax pays. Basically, the difference between 32' and 35' is a negotiable 3' and he would say that this is a positive construction project.

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

Board Member Brasza stated that if there was not further discussion, she would like to make the motion.

Motion:

Board Member S. Brasza made the motion to approve the variance request permission to Remove an existing sunroom and construct a new 10.1' x 15' Sunroom, total 151.5 sq ft to no less than 32 feet of the rear property line.

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

Board Member Descamps asked if they could add the slab of cement; the ratwall.

Chairman Watripont stated that was not part of the variance.

Board Member S. Brasza stated that would happen through planning.

VARIANCES REQUESTED: Permission to

Install two wall signs as follows:

1. One (1) wall sign "Out" 4'x1'6"=6 sq. ft., located as per the plan.
2. One (1) wall sign "Thank You for Shopping Menards", 8'x3'=24 sq. ft., located as per the plan.
3. Retain the pylon sign to no less than 15' of the driveway as per the plan.
4. Retain the block base at the bottom of the sign, 4' high, as per the plan.

ORDINANCES and REQUIREMENTS:

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

Section 4A.17 Paragraph (b): All freestanding signs or ground signs shall be set back from the right-of-way line a minimum distance equal to the height.

Section 4A.19: All freestanding signs shall have a clearance of ten (10) feet beneath the sign structure.

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

Tom O'Neil, 5101 Menard Drive, Eau Claire, WI 54703, Menard Incorporated appeared before the Board and stated that he was present on behalf of Menard Incorporated; he was not involved in the original permitting of the project; they had been to the Zoning Board of Appeals on prior occasion relative to this project. Subsequent to then, they are present tonight relative to four other variances related to signage; two of them are for wall signage. He believes the two that are related to the wall signage are related to the "Out" sign and the "Thank you for shopping Menard" sign that are proposed to be located on the inside of the yard gate, so it would be located interior to their lumber yard and he believes it was a mistake on their part—on Menard Inc. part—that they thought since they were interior to their lumber yard that they did not necessarily need a variance for them and for that he apologizes. He supposes he needs a larger apology for the other two variances that were present before the Board tonight, and those are relative to the monument sign along Van Dyke; it was constructed in a location that was violative of the setback and as it was constructed with a base that placed the distance from the bottom of the sign to the ground elevation in violation of that particular requirement; for those they are also requesting variances. They believe that the location that it has been constructed in would not be detrimental that it would be a hardship for them to relocate it at this point...

Chairman Watriont stated to Mr. O'Neil that he was before the Board for two different items, so they are going to address the first one—the lumber yard one and then they would address the other one. He asked him to keep it specific on those so he would not get confused.

Tom O'Neil stated certainly; he did not realize that. The two relative to the...

Chairman Watriont apologized and stated the next one was parking; that this was all signage.

Tom O'Neil thanked the Chairman and stated to the Board that there were four total variances relative to signage—two wall signage; two relative to the monument sign. They think there is support within the standards allowed within the Code to grant these variances; all be it they are present before the Board with their hat in their hands at this point, because of their mistake and the construction of the shopping center sign as it has been constructed, as well as the wall signs that are interior to the lumber yard. That, notwithstanding, they believe that this still rises to the level of allowing the grant to the variance. He would be happy to answer any of the Board Member's questions relative to what they are requesting; the sign they believe looks good in its location based on the monument style base that was placed beneath it and they are just hopeful that the Board would grant their variance in this regard.

Chairman Watriont stated that this was a public hearing and anyone wishing to speak on this item, to address the podium.

Joseph Hunt, 8306 Stanley, Warren, MI appeared before the Board and stated that he is a homeowner and tax payer over on 12 Mile and Van Dyke. Specifically in Menards was that they are sinking quite a bit of funds into the City to rejuvenate the area over on Van Dyke and specifically, he thinks what they are doing so far as far as the construction was fantastic and he would basically state that the variances should be granted because of the significant investment into the City; more so that the existing ordinances under the zoning ordinances were created many years ago; of course they know that there was going to be a update to the 1966 master plan at one time but he thinks that Menards are doing a fantastic job in rejuvenating that area and he sees that granting these variances would only strengthen their business.

Kerm Billette, appeared before the Board and stated that he just happened to notice in the requirements for variances requested at Section **4A.19**, stating "All freestanding signs shall have a clearance of ten (1) feet beneath the sign", it should be ten (10), not ten (1).

Chairman Watriont thanked Mr. Billette and stated that it was actually correct in their sheets, but it was not correct on the agenda; so the agenda had that incorrect. It is ten (10) feet—in bracts.

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

Board Member Becher stated that she wanted to address the base of the big block sign that was on Van Dyke. She drove there the other day and drove into the lot and came back out and she noticed the base of their sign was so tall that someone could not see the oncoming traffic on Van Dyke until they are passed the sign. The brick base—she believes she has a picture of it, but not sure what she did with it—but it is too tall and it blocks the view of all of Van Dyke until someone passes it; on the southbound traffic.

Tom O'Neil asked if this was as if someone was exiting the Menards lot.

Board Member Becher stated yes. Someone would have to be passed the sign before could see the southbound traffic.

Tom O'Neil stated that he believes that they placed a view triangle on that and it complied with the requirements of the view triangle for that...

Board Member Becher stated that she drives a pretty big vehicle and she does not believe she was that short that she cannot see over her windshield and it was blocking the view of the southbound traffic; that was just her own observation. That was her concern and they placed the sign up before they came before the Board.

Tom O'Neil stated that was why he was very apologetic for their efforts between Menards Incorporated and their signed contractor—there were some miscommunications that did occur.

Board Member Becher stated that was her only comment.

Board Member Vigus stated she was wondering if they were able to direct to Everett Murphy, zoning inspector, just to see if maybe the sign was in compliance.

Chairman Watriont requested if Everett Murphy was able to address the Board.

Everett Murphy, Zoning Inspector appeared before the Board and stated, not at all. A little background on the sign obviously they came before the Board and had a variance to put it in a specific location; which they were about 9' off when they installed it. Just so everyone was aware in case the Board Members did not know they had not obtained a permit and there has not been one inspection on that sign. While they were trying to work with the sign company to get the permits straightened out and return before the Board, suddenly someone began constructing the 4' base, so that became another issue. All of this was going on without contacting the City whatsoever; the building department—they did not the sign was going up until it was up. He knows that he went out there and looked at that base himself; it is questionable and he believes that it has the potential to be a visual obstruction with oncoming traffic.

Board Member Vigus asked Mr. Murphy if it was placed on the spot that it was supposed to be placed in; she knows 9' difference but was it in the spot that initially...

Everett Murphy stated the setback from the road, yes. It was he believes if he recalls correctly, the previous variance was to be 25' from the driveway and he thinks it was 16'; that would match with the numbers. So they were about 9' off of the location.

Board Member Vigus thanked Mr. Murphy.

Secretary Nestorowicz stated that he had only one quick question, because he knows that on the plan it showed a traffic light; there is no traffic light there now, but were they getting one at the driveway.

Tom O'Neil stated that a traffic light has now been installed and it is blinking until they open and there would be actual traffic generation; MDOT would not allow it to be turned on. He believes that some of the setback difference resulted from a

change in plans overtime. Their driveway location previously would have been compliant with the setback but then when they had to match up with the opposing driveway and then as their driveway curbs into the sight that created or caused this issue. From their perspective it probably was not caught that they were now violative of the setback requirement from the driveway.

Secretary Nestorowicz stated that he had no problems with any of the wall signs and that was all minor stuff, it was just in terms of the placement of that sign; that was the one issue that he was torn on at the moment.

Board Member Descamps stated he was sure that Menards was aware of their mistakes and they want to be good neighbors in the City of Warren and provide a lot of job opportunities for the Warren residents—addressing Mr. O’Neil—first of all welcome. He understands the cause and effect of the error and he thinks that only time would tell if it was going to be a major problem and he thinks with the traffic light there, it was not really going to cause major issue as far as being able to see and if no further discussions he would like to make a motion.

Motion:

Board Member Descamps made the motion to approve the petitioner’s request to install two wall signs as follows:

1. One (1) walls sign “Out” 4’x1’6”=6 sq. ft., located as per the plan.
2. One (1) wall sign “Thank You for Shopping Menards”, 8’x3’=24 sq. ft., located as per the plan.
3. Retain the pylon sign to no less than 15’ of the driveway as per the plan.
4. Retain the block base at the bottom of the sign, 4’ high, as per the plan.

For a total additional wall signage of 30 sq. ft. in addition to the 472.7 sq. ft. of wall signage approved on March 14th; and to have all of the permits brought up o date.

Reason being: Not a detriment to the area, needs permission of the Board and lack of identification.

Board Member Furgal supported the motion to approve.

Roll Call:

A roll call was taken on the motion to deny and the motion carried (8-1).

Board Member Descamps	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Board Member Vigus	Yes, for the reasons stated in the motion.
Board Member Becher	Yes, for the reasons stated in the motion.
Board Member Pauta	No, because of the issues her colleague brought up and she thinks it is going to be a detriment there and there will be a lot of accidents and she was sure that this was not the first Menards that this gentleman had been in charge of; someone should have been more up

	to date on what was going on; someone should have been out there.
Board Member H. Brasza	Yes, for the reasons stated in the motion; he was concerned that they did it without asking permission first, but he will support this.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion. He does believe that with the traffic light there, it will be very kept up; he does not believe they would have any issues there.

The petitioner's request was **GRANTED**.

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| 11. PUBLIC HEARING | APPLICANT: Menard, Inc. |
| REPRESENTATIVE: | Mr. Thomas O'Neil |
| COMMON DESCRIPTION: | 32501 Van Dyke |
| LEGAL DESCRIPTION: | 13-04-226-024 |
| ZONE: | M-2 and M-1 |

VARIANCES REQUESTED: Permission to

Waive 137 additional parking spaces in conjunction with an addition to the warehouse and addition of mezzanines inside the building in addition to the 80 parking spaces waived by the ZBA, total of 217 parking spaces.

ORDINANCES and REQUIREMENTS:

Section 4.32 Item (22): All retail stores... One (1) parking space for each one hundred fifty (150) square feet of floor space.

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

Tom O'Neil, 5101 Menard Drive, Eau Claire, WI 54703, Menard Incorporated, appeared before the Board and stated that he was present on behalf of Menard Incorporated. He was happy to relate that he was able to come before the Board with a much more positive and upbeat reasoning for this particular requested variance rather than with his hat in his hands. Through the course of the ongoing construction of the Menard store, they have actually done some internal changes at Menards and they want to invest more money and make the store a little larger; that includes an extension on the warehouse that was constructed within the lumber yard and the addition of several second floor mezzanines within the store itself. The mezzanines that would be internal to the store itself, would be for team member access only, not for their guests for a storage of overstock, for assembly of items, such as: garden center products, lawn mowers and those types of things; just to get those things off the retail floor of the store and put those out of harm's way, out of the area of their guests, out of the traffic of the store. The addition onto the warehouse is solely for that—to provide additional warehousing area within the lumber yard itself. These are not, either one of them, in of themselves additions from a heated retail floor area that would really—in their estimation—generate additional traffic and additional park-

ing needs; the ordinance does not necessarily read that way from a gross floor area; these are additions to gross for area and as a result under the code, it requires a variance. But they really are not anticipating greater parking needs; they believe they are adequately parked. Their parking is based on their history and experiences in retailing and they believe they would be the last people to under park their use. They have experience with 300 other Menards stores that bear this out; they are very confident that this would not result in a shortage of parking on the site, but it would really help their internal operations from getting stuff off the floor, getting merchandise off the floor, getting overstock out of the way, and from additional warehousing, just to make sure there are some additional consistency with all of their stores. With that he would be happy to answer any questions.

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

Everett Murphy, Zoning Inspector, stated that this was just more of information for the Board to be aware of; on the plans, the Board is going to see a propane filling area, which was not on any previous plans. As much as they would like to have caught that prior to this, they were focused on the mezzanines and did not realize that it was added. Although the Board was going to be giving a parking variance today, they will have to waive additional parking and obtain site plan approval for that propane filling station; so they will be back again for parking. As he stated, not that it really affects this one, but he just wanted the Board to know that they will be back for another parking variance after that. It would be a use variance for the propane station itself.

Chairman Watriont stated, hearing and seeing no one else, he turns the matter over to the board.

Board Member Pauta asked Mr. O'Neil, have any of these changes or updates been reviewed with the planning department.

Tom O'Neil stated yes, they received planning commission approval for a minor site plan amendment on Monday evening that included the propane fueling station; that included the warehouse expansion. Where it got lost between translation between planning and zoning and obtaining a variance for the part on the five parking spaces associated with the propane stations, he guesses he does not know the answer to that. From their perspective, they thought that when they submitted for one that they were catching all of the variances.

Board Member Pauta stated that she just does not understand; they have put up hundreds of stores and this one just got kind of messed up.

Tom O'Neil stated that they are coming back for changes he guesses after the fact as part of; they have not even opened the store yet because of ongoing changes that are going through. All of the Menards stores were making additions and trying to make sure that they bring everything up to their now more recent prototype before it ever opens, so that they would not have to make additional revisions once the store is operational. Some of these hiccups are a direct result of that; he grants her that.

Board Member Becher stated if no one else has anymore questions regarding this...

Chairman Watripont stated he had one question if she does not mind.

Board Member Becher stated okay, she means because she seemed to like the fact that they are trying to make their store up to date and more safe because they did have that horrible accident last winter and the fact that they want to be able to store their stuff in a more safe environment than they had been storing them. She gathers that they are not going to be stacking things up high where people are walking under them, with this additional storage.

Tom O'Neil stated that there certainly some lingering effect of...they are trying to learn from their mistakes, absolutely.

Board Member Becher stated okay.

Chairman Watripont stated that his question was the parking footprint has not changed other than the propane, correct, from the previous? They are requiring less parking because of the additional space they are putting in, rather than decreasing the parking because they are expanding outwards.

Tom O'Neil stated that was correct.

Chairman Watripont stated that was what he thought; he wanted to verify that for his purposes.

Board Member H. Brasza asked Mr. O'Neil if they will be coming before the Board asking for more room for garden area and things as such, because they have had other outside sales types of things asking for more parking variances for the summertime because they would be out of space and things like that. Was that something that their store was going to contain within their garden center area?

Tom O'Neil stated they would not be having additional variances for those items; one of the things that they try to do to separate themselves from their competitors, is their garden center, their lumber yard is as large as it is for a reason and they try to keep it nice and clean, tidy operation and put all of their merchandise within that area. From a security perspective, frankly it gets pretty junky if they start changing things to the parking spaces within the parking lot. They know they have a minimum floor parking spaces that they need; the parking layout that they have depicted for the Board was about where they need it and they were not about to take up 20 to 30 or 40 more parking spaces by coming back for a variance to clutter that up with some other type of sale items out there.

Motion:

Board Member H. Brasza made the motion to approve the variance to waive 137 additional parking spaces in conjunction with an addition to the warehouse and addition of mezzanines inside the building in addition to the 80 parking spaces waived by the ZBA, total of 217 parking spaces.

Reason being: Needs approval of the Board, size and shape of the lot.

Board Member Descamps supported the motion to approve.

Roll Call:

A roll call was taken on the motion to deny and the motion carried (8-1).

Board Member H. Brasza	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 Vigus	Yes, for the reasons stated in the motion.
Board Member Pauta	No, because she thinks they are nitpicking at the Board.
Board Member Becher	Yes, for the reasons stated in the motion, and she thinks they should work a little closer with the building department so they do not keep running into these errors and have to ask for forgiveness all of the time.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

The petitioner's variance was **GRANTED**.

12. PUBLIC HEARING
REPRESENTATIVE: **APPLICANT: Speedway LLC**
Mr. Jonathan A. Ziegan, P.E. and
Richard L. Bowen & Associates
COMMON DESCRIPTION: 32123 Van Dyke
LEGAL DESCRIPTION: 13-04-276-006
ZONE: M-1

VARIANCES REQUESTED: Permission to

1. Waive five (5) required off street parking spaces for the redevelopment of the Speedway site.
2. One (1) pylon sign as follows: 29'-2 3/8" in overall height; to no less than 4.9' of the Van Dyke property line; 7'-11 1/4" under clearance; one (1) sign 8'-1 1/2" x 9'-6 1/2"=77.52 sq. ft. "Speedway top sign"; one (1) sign 8'-1 3/8" x 9'-6 1/2"=77.42 sq. ft electronic pricing sign; one (1) sign "Café" 2'-0 7/8" x 9'-6 1/2"=19.78 sq. ft.; one (1) sign "Beer Cave" 2'-03/4" x 9'-6 1/2"=19.68 sq. ft.
Total 194.40 sq. ft.
Wall signs:
3. Seven (7) dispenser decals: 48"x8-3/4"=5.83 sq. ft. each (40.81 sq. ft. total)
4. Seven (7) Promotional Dispenser Toppers: 21 1/2" x 14"=2.09 sq. ft. each (14.63 sq. ft. total)

5. Seven (7) Promotional Dispenser Siders: 4"x12"=.33 sq. ft. each (2.31 sq. ft. total)
6. Seven (7) Dispenser Skirt Logos: 12"x15"=1.25 sq. ft. each (8.75 sq. ft. total)
7. Twenty-two (22) Column I.D. plates: 16"x10"=1.11 sq. ft. each (24.42 sq. ft.)
8. Two (2) illuminated "Speedway" canopy signs: 15"-9"x3'=21.5 sq. ft.; one (1) on the north and one (1) on the south elevations. (43 sq. ft. total)
9. Two (2) illuminated Moving "S" logo: 36"x44"=11 sq. ft.; one (1) east and one (1) on the west elevation (22 sq. ft. total)
10. One (1) reader board on the building front elevation 60"x96"=40 sq. ft.

Total wall signage 195.92 sq. ft.

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (h) Item 22: Required off-street parking. One (1) parking space required for each 150 square foot of floor space.

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

Section 4A.17 (b): Setback: All freestanding or ground signs shall be set back from the right-of-way line a minimum distance equal to the height of the sign.

Section 4A.35 Paragraph (b): One freestanding on-premise sign of a size not to exceed seventy-five (75) square feet shall be allowed in commercial business and industrial districts zoned C-1, C-2, and M-1 and M-2

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

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

Chairman Watriont stated to the individual at the podium to state his name and address for the record.

John Ziegan, 13000 Shaker Boulevard, Cleveland, OH 44120, appeared before the Board and stated that he was with Richard L. Bowen & Associates.

Chairman Watriont asked Mr. Ziegan for the reason of his petition.

John Ziegan stated the reason for the petition was that Speedway is interested in reinvesting in their existing property on Van Dyke Avenue and in order to redevelop with their latest prototype store, they require the parking variance to align the parking with the new site plan and the signage variances are actually more or less of continuation of the existing signage variances and the existing signage on site. (He passed out additional information-handouts-for the Board to look at while he does his presentation). Since the signage is scattered throughout the site, he would like to ask the Board that he has an opportunity to just describe the existing signage and also the proposed signage upfront before they go through each of the variances. (He was waiting until the site plans were passed out to each of the Board Members). However, everything that he was putting up, the Board has in their packets. (Mr. Ziegan began pointing to his presentation and explaining to the Board each image he had). The image that he has up now was the existing site; they have a Speedway Store onsite, which is approximately 2500 sq. ft., which was the bright white roof in the center of the plan and just to the left of that, they have a Quick Lube store,

which was currently not in business and the larger roof that was just to the lower part of the street side of the plan was the Canopy over six gas dispensers...

Chairman Watriont stated to the Board Members that it was the second one on the first larger hand up.

John Ziegen thanked Mr. Watriont and stated yes; it was stated under plan R2 in the lower right hand corner. And so, they have two existing driveway onsite; to the left most existing driveway, up until today, he thought there was a sign for the Quick Lube business, to his understanding now after being out there this afternoon, that sign was gone, so the Board Members would see that referred to in the original application in the justification and that was no longer a consideration because that sign was actually found to be too close to the property line so it was removed voluntarily by Speedway. There is an existing pylon sign on the opposite side to the north, which was to the right of the site plan; there is an existing pylon sign for the Speedway business and that sign is subject to a number of existing variances, which they can get into when they consider the individual variances, but there are photos of that sign in the package in the 8 ½ x 11 set of photos that he handed the Board Members; that sign is approximately 23' to 24' (feet) tall and it is located, according to the variance, within 3' of the property line. They have four (4) underground storage tanks or gasoline tanks on that site and the reason he brings this up is that at the proposed site; one of the improvements that they will be making is switching to modern fiberglass tanks and they are going to reduce that number from four (4) to three (3). There will be landscape improvements; the existing landscaping is minimum, there was some green space that the Board could see in terms of grass; there is a tree and a shrub in the front of the site, directly in the center and the rest of the trees that they see onsite are primarily on the neighboring properties with the exception in the upper left hand corner which is the southeast corner of the site, there are three shade trees on the corner of the Speedway property. That describes what they have onsite, in terms of parking, which was one of the areas that they were going to request a variance, they have twelve (12) total parking spaces onsite now. That is 12 spaces for 3700 sq. ft; that is the existing site if the Board likes and if there were not any questions at this point based on the existing site, he would like to move on to their proposed site. He asked the Board if there were any questions.

Chairman Watriont stated not yet and to continue.

John Ziegen stated the proposed site, it retains to two driveways as he mentioned off of Van Dyke Ave, they expand the number of fueling dispensers from six to seven and they changed the configuration, so they should a much wider, left to right, or north to south across the plan. (Pointing to his presentation) Where they see the cars in the light gray area, he wants the Board to use their imagination, there is going to be a canopy over that area as well, just like there is now, and so looking at a larger canopy at the front of the site. Moving back on the site to the building, the Speedway Store building is going to be replaced with an updated model; it is a 3,900 sq. ft. roughly, new building. That building has a brick façade—it is actually a masonry unit with a brick looking façade—and they could see that their parking configuration has changed so that it is all dive-in parking on the front of the store and behind that they have some landscaping that is intended to meet the Code requirements for the landscaping for both around the building and for screening. The existing pylon

sign at the lower right hand corner is being replaced by a taller pylon sign, which was in one of the variances that they were going to discuss. That sign is in the neighborhood of the same area of the existing sign, but it is also going to be the matter of a variance because they are over the Code allowance and then he is going to switch to a third exhibit there and he will discuss where the wall signs are located onsite. After discussing the site with their staff there, they have determined that at the gas stations, all of the signs and labels on the dispensers are going to be counted as wall signs and one of the reasons that the Board was seeing such a long list of signs there, was because they are looking at every—what they call—lane identifier, every advertisement hanging off the dispenser, each of those is being considered a wall sign. He is going to be going over what he would consider wall signs, which are primary identification and advertising signs. Starting with the pylon sign that he mentioned that was in the front, this sign is now just a hair over 29' tall, whereas the existing sign is 23.5 feet tall. That sign area is approximately 166 sq. ft. although out to out, which was the way that the Code requires it to be counted, it is closer to a 194sq. ft., so that would be in the area of variance and in terms of the proposed signage on the canopy; he would like to refer the Board to the pictures of the canopy that are in the 8.5"x 11"; those are the existing signs and those are the same signs in terms of the look they are going to be proposing. When he points to the little picture that would look like the one that someone would drive by out in the street. On the front of the canopy they have—what they call—the moving "S", which is the red square (point to his presentation) with the Speedway "S" logo on it. They have one of those on the proposed sign. There is one of those on the existing site also; if anyone was to drive there today, if the sun is still up, they would see that. On either end of the canopy, which is the north and the south in this case, they have the Speedway Channel letters, which again, those are located on the north and the south of the existing canopy. The existing canopy features the moving "S" on the north and south also; they are not going to put those on under the new condition; they are removing two (2) signs from the existing plan. They also have the moving "S" logo on the rear of the canopy, which would be facing back onto the site. On the building itself—the existing building has an 8' x 5' set of changeable letters; they are going to keep that sign, but the existing building has an approximately 25 sq. ft. Speedway logo on it, that is also illuminated, but they are going to eliminate that in the proposed. They actually have a reduction in the total number of wall signs until they look at the dispenser. When looking at the dispensers they have more lane identifiers going onto the site, because they have a more diverse product mix more options these days in terms of gasoline for autos and diesel is coming back and E85 is out there now; therefore, they only offer those products at certain lanes, rather than just numbering—in this case—their fourteen (14) fueling lanes—1 through 14—they add additional signs to indicate lane 1 has diesel, lane 2 has diesel, lane 3 has E85, etc. When there are additional products on the site, the customer or the driver needs additional signs in order to pull into the right to pickup whichever fuel their vehicle uses. That is his presentation of the existing site and the proposed site; they are looking at a larger Speedway building, but they are removing the oil change building and they were looking at a taller sign that is in the neighborhood of the previously approved sign upfront. As he described, they actually decreased the number of what he would call wall signs, but they are increasing the total number of signs because the Code requires that they look at these lane identifiers on the dispensers as wall signs. He asked if they wanted to go over the parking variance first.

Chairman Watripont stated yes, to continue with that.

John Ziegan stated in terms of justifying the parking variance, as he mentioned, the existing site only has twelve (12) parking spaces on it; there is 3,700 sq. ft of building and if they combine the two buildings--but under the current Code, they are both calculated at the one space for a 150 sq. ft—they would be able to see that the existing condition is drastically under the Code requirement; they should be required to have twenty-four (24) spaces under the Code for the existing site, so this proposal, the new plan, has twenty-one (21) spaces and 3,900 sq. ft. They would add 200sq. ft. of building, but they would add nine (9) parking spaces to the site plan; he thinks that they have an existing condition that does not meet the Code and they are proposing an improvement over that existing condition and that was the primary case for the variance and the parking; it was not so much that they want step down the four parking spaces, but they want to improve the condition by the nine (9) spaces. He thanked the Board.

Chairman Watripont stated that this is a public hearing and anyone in the audience wishing to speak on this matter, to approach the podium. Hearing and seeing no one, he closed the public hearing. He does have one question for clarification. In the presentation, they have the moving "S", these are not really moving, it is just the way it was projected, correct.

John Ziegan stated that it was a good question; that was just their name for it, it is a stationary sign.

Chairman Watripont stated that was what he believed it to be the whole time; he just wanted to make sure he clarifies that, because they do have problems with moving. They would not have any LED signs other than the cost signs.

John Ziegan stated that was correct. The cost signs are LED, the rest are internally lit.

Chairman Watripont stated he turns the matter over to the rest of the Board.

Board Member S. Brasza stated she had a couple of questions. She asked, first the reader board on the building front, was that manual?

John Ziegan stated yes it was. It is exactly like the reader board that was onsite on all of the Speedways in town.

Board Member S. Brasza stated okay and just to put it out there to her fellow Board Members, she was having trouble with the sign that is 2' x 9' of the beer cave, which would be at the bottom of the pylon and right now they are looking at 94 ¼ inches if they were to have that other 2', she would be a little bit happier without.

Chairman Watripont thanked Board Member Brasza and that had brought one of his concerns as well. Not necessarily that sign but probably the height of that sign going up and that probably be a good reduction to get rid of that and lower the sign a little.

Board Member Descamps stated that was a good question. They are looking at almost one-third more signage height than the ordinance grant at this point.

Chairman Watrion stated that he was granted for 22' originally.

Board Member Descamps stated okay, alright above the 20'. That is awfully high. Was there any consideration and what was the clearance underneath the beer cave sign?

John Ziegen stated those are both good questions. With reference to the height, he thinks that if they look at the photos, which he provided of the existing condition, the neighboring properties were on the scale with what proposed; they are probably taller if he had to guess, but that was only a guess. There is a hotel, which looks like someone is in the works of remodeling or rezoning and there is an Enterprise, rental car to the north; both of their signs are taller than theirs and it is not an ego thing, but in reality, they have to fit in with the neighbors when it comes to the sign height and the visibility. They feel that this was actually bringing them up to the level of the surrounding neighborhood.

Board Member Descamps asked and the clearance.

John Ziegen stated the clearance—not to quote him—but it was in the neighborhood of 8'.

Board Member S. Brasza stated 94 ¼ inches.

John Ziegen stated he thinks that it is 7', 10".

Board Member Becher stated that she thinks this is fantastic because evidently they are going to shut their business completely down, shut it off and rebuild it and have this brand new store, correct.

John Ziegen stated he was sorry, he did not hear the question. They were going to shut it off...

Board Member Becher stated that they were going to shut their business down and tear their property up and build a brand new store, right.

John Ziegen stated right. What they do is that they relocate the employees to the other store to the area when possible and then they do the construction in about 90 days.

Board Member Becher stated she thinks that their plan is very nice and everything. She had one concern, he had given a picture and they have all these products stacked up outside their store, and since they are building a new store, they are going to move the products inside, correct.

John Ziegen stated to be honest; he does not know how these stores are operated, but he knows...

Board Member Becher stated because they have a real problem with stacking up their product outside; it is considered outside sales.

John Ziegen stated right, he understands. Right, but they were not proposing any outside sales as part of this new plan.

Board Member Becher stated okay, she was just curious about that; she suggests that when they get to the point to when they are doing all this and they give him his new signage and everything, that he would be willing to relinquish all other signage that he has, correct? So when they make the motion for the signage, they could at that time, relinquish all other signage that he had in the past; it was just a house-keeping thing.

John Ziegen stated right, he thinks that it would be agreeable to that if all the signage on that plan to prove, they would take away the other variances.

Board Member Becher stated okay and thanked Mr. Ziegen.

Board Member S. Brasza stated if there was any feedback in regards to the clearance under the pylon sign.

Chairman Watriont stated it was 8', it was close to 8' and he thinks the clearance under there is fine. Again his concern was the actual overall height and he does not know the actual all of the height on the signs of the neighbors right now that would probably be good to have.

(Voice inaudible)

Chairman Watriont stated that was his big concern too and asked what is the overall height of those other signs?

Board Member S. Brasza stated that it was 7' over what they have...

Chairman Watriont stated that it was over 7' more than what is approved.

John Ziegen stated that was correct. Again, at the time of the approval, Enterprise sign did not exist and he does not know if the hotel sign existed, he does not have evidence one way or another; but at that time, it was high enough to say, but now that the neighboring signs are over 30' or in his own mind they are. He thinks that this brings them in line.

Chairman Watriont stated that he understands his concerns and he does not know what they were approved for and what they are up and that was one of the problems that he has in making the decision today on that sign. He is fine with the rest of it, it is just that sign that is holding him up on everything, he does not know about other board members.

Board Member S. Brasza stated her as well.

Board Member Becher asked if they could possibly drop that sign say maybe by 4'.

John Ziegan asked to drop the overall height 4'.

Board Member Becher stated yes, instead of the 29', which everyone looks at and says 30', maybe drop it to 25'.

John Ziegan stated that was something he could speak to his friends who work for Speedway.

Board Member Becher stated that Board Member Brasza was not happy with the sign that says "Beer Cave" and for him to know, she is going to tell him and being honest that she was not happy with that sign as well that says "Beer Cave". She just does not believe that alcohol and gasoline should be sold together but she does not make the laws, so she does not have control over it, but if they could just shorten that sign, they would make all of the Board members happy.

John Ziegan stated okay and again, he is the civil engineer the designer, he could speak to the representatives from Speedway or he could introduce them in to give witness, but...

Chairman Watripont stated to call them up.

Board Member S. Brasza stated just a comment along with that and to keep that clearance.

Chairman Watripont stated yes.

Applicant discussing)

Board Member Pauta stated that she would like to see the "Beer Cave" sign eliminated totally.

Chairman Watripont stated that they could not put onto petitioners what they put on signs.

Roxanne Canestrelli, City Attorney stated that was correct, they cannot.

Chairman Watripont stated that they can only verify the height, the under clearance and the location. They cannot tell them what to take off and what to put on.

Board Member Pauta stated that if the signs stated "exotic dancers" that would be okay.

Chairman Watripont stated that it could say that, but they could have other problems with that if they had that, but...

John Ziegan stated (laughingly) that would not help them when everyone shows up disappointed. There are no exotic dancers on the site or on the new plan. They discussed the signage; he understands there were three issues. One was the message on the Beer Cave, which he thinks the Chairman described it is what it is, if that

was the message they wanted to put up. Regarding the height, he understands the Chairman too, which is back to 29' when the Code says 20' that was 9' over—large variance and with respect to the bottom of the sign and the clearance, he understands they are 2' off the requirements, plus or minus 2', 2". He feels like those issues are maybe conflicting with the height—bring it up or bring it down—he guesses, was there a stronger recommendation from the Chairman, height vs. clearance.

Chairman Watripont stated with the clearance, he believes from what he has heard within the Board, he believes that they are pretty good with it being close to 8', so the 7', 11 ¼ inches, in his opinion from what he has heard, that was not the major issue, it was the overall height and without having the height of their neighboring signs, it was very hard for him to make that decision. He cannot speak for the rest of the Board Members. But he knows that if they brought the overall height down to 25', he knows that he could live with that for sure, again he could not speak for the rest of his Board Members.

Board Member Furgal stated that she was looking at this picture and it was from the viewpoint of northbound Van Dyke, and they could not see their sign at all, because of the tree that they have in front of their place. Their tree blocks their sign.

Chairman Watripont stated their tree blocks their sign, so...

John Ziegen stated in the current condition yes and they are leaving that tree on the site plan.

John Ziegen stated this was again why the higher sign, but he understands where the Chairman was coming from and they do not have that height but he thinks they could say based on the view of the picture right in the front, it was substantially higher than their sign at 23'; could they agree to that.

Chairman Watripont stated that the ordinance was for 22', so he was not sure if they had exceeded that already.

John Ziegen stated he was sorry, he meant 22'.

Chairman Watripont stated okay.

John Ziegen stated that he has spoken to Speedway and he thinks that they are willing to go to 25' with the understanding that the area and the clearance in these items are amendable to the Board; if they were okay with that?

Chairman Watripont stated that when he states area, he believes that they are limited to the dimensions they go wide, so they could not make it wider.

John Ziegen stated right, he understood what he stated, but...

Chairman Watripont stated that they would have to lose that 4' somewhere in there.

John Ziegen stated that what the Board was stating is that they reduce the variance to match that rectangle that was achievable with the lower high, was that what he meant?

Chairman Watripont stated yes.

John Ziegen asked if the Chairman knew off hand, what that area is.

Chairman Watripont stated no, he does not.

John Ziegen stated then they should pull a calculator. That was logical, if they were limited on the bottom and they are limited on the top, what was the bottom limit that was, what they were showing on this plan, for the clearance.

Board Member Descamps stated yes.

Chairman Watripont stated yes.

John Ziegen stated that he was just trying to define that rectangle.

Chairman Watripont stated that they could not push it lower than their request, because of posting, they could push it higher, but they could not push it lower. The 7', 11 1/4" was the lowest they could go and again if they were very generous and said that they could go to 32', they could not do that by law either, because of what they requested, so they have to go lower in that area.

John Ziegen stated that made sense, he just wanted to define both of the top and the bottom for the sake of the variance. He stated that he would like to go back on something that he may have misspoken and that was regarding the outdoor sales; he wanted to clarify that they do not sell anything outdoor, but they do have merchandize outdoors in the form of an Ice Cooler, there are two Ice Coolers onsite and there were also propane cages onsite, there are three of those. The Propane is a fire hazard, it has to be outside, and the Ice is just an efficiency thing.

Chairman Watripont stated it was more like the pop and water that were stacked up by the doors the concern. The Ice melt or whatever else they would be putting out there was the concern. The propane, the ice coolers are all...

John Ziegen stated that he just wanted to clarify because he had misspoken and stated there was nothing.

Board Member S. Brasza stated to her understanding... gentlemen... (She called on the petitioner who was discussing with his staff)

John Ziegen stated he was sorry; they are just trying to get clarification; would they expressly in the variance be limited from having any other merchandize near the door or outside.

Board Member S. Brasza stated that they would have to return before the Board.

Chairman Watriont stated that was a separate ordinance, according to what they have they are not allowed to have it, they could get written up, they could bring Mr. Murphy, Zoning Inspector up and explain that or he could explain that to them afterwards, but it was not part of what they had a variance for right now, so they could not literally do it right now. They could communicate with him on that, it is usually an annual, come up annually, which if they were to stay afterwards they would hear a couple afterwards.

John Ziegen stated okay, very well, they will discuss it with Everett Murphy, zoning inspector.

Board Member S. Brasza stated it is considered outdoor sales, and to her understanding that they were looking at then offering them a 25' pylon sign by 9' 6 ½ inches with a clearance of 7', 11 ¼ inches.

John Ziegen stated that he believes that was correct, yes.

Board Member S. Brasza stated okay.

Chairman Watriont stated that he had one additional question. To the City Attorney, could they move forward on all of the items except for the sign and then they could discuss that further and come back with amendable options.

Roxanne Canestrelli, City Attorney stated no. They are going to have to do as one item.

Chairman Watriont stated to do it as one total package.

Roxanne Canestrelli, City Attorney stated exactly. They could give them the option of rescheduling for them to talk to their corporate headquarters about this issue and what was already spoken that the height as it is posted, they can always go lower, they could not go higher and so long that what they are going to request again is the same.

John Ziegen stated if he understands it, that the Board could not approve the 25' today because ...

Chairman Watriont stated no, they could, they could approve 25' today if they wanted to move forward.

Roxanne Canestrelli, City Attorney stated that they were only giving him the option.

Chairman Watriont stated that they were giving him the option to come back if they wanted to try for more, they could look at the neighboring signs and their heights and everything else and they could use that more as a definitive argument at that point and time.

John Ziegen stated if they measured the two neighbors that they mentioned, measure their signs and come back, would they reconsider.

Chairman Watripont stated that they should have what the variances are on record and they could have them.

John Ziegen stated then that Everett Murphy, zoning inspector could pull the record and that would be...

Chairman Watripont stated that should be sufficient.

Board Member S. Brasza stated that she believes that they could approve everything, but item 2; if they wanted to get started now.

John Ziegen stated that they would like to pull that sign variance and they would obtain the information that was requested in order to make a more informed decision and then they would come back. So if they could get tabled just for the variance for the height.

Board Member S. Brasza stated just the pylon sign; they would have to table the pylon sign.

Chairman Watripont stated that they have separated items in the past...He stated then they would have to reapply if the Board did that.

(Board Members' Discussion inaudible)

Chairman Watripont asked Mr. Ziegen if he understood the conversation.

John Ziegen apologized and stated that he did not hear anything at all.

Roxanne Canestrelli, City Attorney stated that she advises the Board to handle this as one item and not to be slicing and dicing this thing, because the applicant is only entitled to be requesting the same thing once.

Chairman Watripont stated that this was what he was thinking and then and then he would get the City Attorney's approval. If the applicant wanted to move forward with everything else other than the pylon sign, they could request that to be dropped off the request at this point and time...

Roxanne Canestrelli, City Attorney stated she would like to correct it; he would have to withdraw that and he would have to reapply.

John Ziegen stated to withdraw everything to do with the pylon sign.

Chairman Watripont stated then to reapply another permit or another request for the pylon sign.

Roxanne Canestrelli, City Attorney stated and the option of withdrawing... (Board Members discussion with the City Attorney-voice inaudible) She stated that if that was historically how the Board has conducted it, but she was just advising the Board.

John Ziegen stated that he believes that they would be willing to submit the plan as a full package without the pylon sign, but in that case, he would not want to give up the variances that exist on the pylon sign until they get over that.

Chairman Watripont stated that he would still have the 22'.

John Ziegen stated that they would maintain the current variances for the pylon and they would just vote on the other ones and he would withdraw the pylon variances, correct.

Chairman Watripont asked if they would resubmit on the pylon.

John Ziegen stated yes, they would.

Board Member Becher stated that they would give up all of the other signs except for the pylon, right.

Chairman Watripont stated correct.

John Ziegen stated that he believes all of the other variances have to do with the pylon; the other signs that are mentioned in the existing variances have been demolished already.

Board Member Becher stated that they would have to come off the record.

John Ziegen stated understood and that was what he was stating. The ones that had to do with the existing pylon, he does not want to take off the record until they have considered a new...

Chairman Watripont stated understood.

Secretary Nestorowicz stated he just wanted to make one comment and that was before everyone goes through extra activity that maybe there may not be any support for, because even if they come back and take the pylon sign and come back later, he knows that if they come back with a pylon sign that is taller than 25' or the under clearance that is less than what they discussed, he knows that he would not be in favor of that, no matter what his neighbors have up and down the street. If everyone goes through it that was just his opinion, because he knows that he personally he would not approve anything over 25'.

Chairman Watripont stated that the current situation is that there is a 22' pylon sign, hearing from other Board members is that even the neighbors were 30' they would not want it to go over the 25' that they have somewhat discussed and with the under clearance remaining at the 7' 11 ¼ inch. (Asking the applicant) Does he still want to withdraw that part or move forward at the 25'?

John Ziegen stated could he asked for a longer explanation of why they need to be 5' below—it was all hypothetical because they really do not know the height—but just to say that the neighbors on both sides are 30', why 25' vs. 30', just a question to the Board.

Board Member S. Brasza stated if she may give her opinion on that. They have so much additional signage to that pylon sign that they would have to take that into consideration with their neighbors and their signage; they look at the total package and not just the pylon sign.

Chairman Watripont stated that was close to how he would have paraphrased it and thanked Board Member S. Brasza.

John Ziegen stated that he was going to consult. He stated that they appreciated the discussion with the Board, if the Board demands the minimal of 25'; they will go through with the 25' just to get through the process today.

Chairman Watripont stated that it sounds amendable. Does anyone have a motion?

Motion:

Board Member Becher made the motion to approve the variance to:

1. Waive five (5) required off street parking spaces for the redevelopment of the Speedway site.
2. One (1) pylon sign as follows: 25' tall in overall height; to no less than 4.9' of the Van Dyke property line; 7'-11 1/4" under clearance. She stated that none of the math was going to work out now. She could just give them the overall measurement and then they would have to rework the square footage, because it was all signage.
3. Seven (7) dispenser decals: 48"x8-3/4"=5.83 sq. ft. each (40.81 sq. ft. total).
4. Seven (7) Promotional Dispenser Toppers: 21 1/2" x 14"=2.09 sq. ft. each (14.63 sq. ft. total).
5. Seven (7) Promotional Dispenser Siders: 4"x12"=.33 sq. ft. each (2.31 sq. ft. total).
6. Seven (7) Dispenser Skirt Logos: 12"x15"=1.25 sq. ft. each (8.75 sq. ft. total).
7. Twenty-two (22) Column I.D. plates: 16"x10"=1.11 sq. ft. each (24.42 sq. ft.).
8. Two (2) illuminated "Speedway" canopy signs: 15'-9"x3'=21.5 sq. ft.; one (1) on the north and one (1) on the south elevations. (43 sq. ft. total).
9. Two (2) illuminated Moving "S" logo: 36"x44"=11 sq. ft.; one (1) east and one (1) on the west elevation (22 sq. ft. total).
10. One (1) reader board on the building front elevation 60"x96"=40 sq. ft.

Total wall signage 195.92 sq. ft.

At this point, they will surrender all other signage granted in the past

Reason being: Lack of identification and size and shape of the lot.

Board Member Descamps supported the motion to approve.

Chairman Watripont stated that there has been a motion and support, but he does have some concerns, because 15'-9"x3' is a lot more than 21.5 sq ft. He stated that he understands that, but he had read 15" the first time, so he did not total that up; item # 8.

John Ziegen stated that this goes back to the discussion he had with Lynn Martin regarding the square footage; the 15'-9"x3' is the rectangle that surrounds the

channel letters, but as Lynn had explained to him, because the sign itself is only the letters, she wanted to count the face area of the channel letters, so that area is the 21.5 sq. ft.; if that makes sense.

Chairman Watripont stated that makes sense to him, but how would they word it in the motion; then asked how tall were the letters on that?

John Ziegen stated the letters are the 3'.

Chairman Watripont stated 3', so that would be...

John Ziegen stated that was from the bottom of the Y to the top of the S, 3'. He thinks the area is more significant there because as Lynn had mentioned, it was the area of the letters. If they call it 21.5 square feet, the channel letter area.

Chairman Watripont stated if the maker of the motion and the supporter agree to leave out the dimensions of the Speedway Canopy signs other than the total of 21.5 sq. ft. on each one.

Board Members Becher and Descamps both stated yes.

Chairman Watripont stated he believes that clears up the matter out.

John Ziegen stated and corrects the typo as well.

Chairman Watripont stated that the other area he has concerns with right now that he was working on before he had heard that part, was the total signage available on the pylon sign, he wanted to give the dimension on that. He believes they should, was that correct, other than just the height, top and bottom.

Roxanne Canestrelli, City Attorney stated right.

Chairman Watripont stated that they would have to give them width too...The dimension on item 2, would be 17' $\frac{3}{4}$ " x 9' 6 $\frac{1}{2}$ ", totaling not to exceed 172sq. ft. He asked if that was that amendable to the maker of the motion and the supporter.

Roll Call:

A roll call was taken on the motion to deny and the motion carried (9-0).

Board Member Becher	Yes, for the reasons stated in the motion, and corrected.
Board Member Descamps	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Board Member Vigus	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.

Chairman Watripont

Yes, for the reasons stated in the motion.

The petitioner's request was **GRANTED** with the *condition* that they relinquish all other signs granted in the past.

13. PUBLIC HEARING

**APPLICANT: Randazzo Fresh Market,
Mr. Salvatore Randazzo, Vice Pres.**

REPRESENTATIVE:

Angel Ruggero

COMMON DESCRIPTION:

13441 Thirteen Mile Road

LEGAL DESCRIPTION:

13-02-481-020

ZONE:

C-1 & P

VARIANCES REQUESTED: Permission to

Conduct the operation of an "L" shaped open air sales area (approx. 3,006 sq. ft. in a "P" zone), 9' from the front property line from May 1, 2015, to December 31, 2015, and to waive 16 required off-street parking spaces per the site plan.

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (h) Item 22: One (1) parking space required for each 150 square ft. of area...

Section 4.52 Item (i): Zoning district must be consistent... where the area is located

Section 13.04: Front yard. A fifteen (15) foot front yard setback shall be provided.

Section 16.02: Limitation of the use. Paragraph (a): Uses in (P) parking zone:
Parking with or without charge of passenger vehicles.

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

Angel Ruggero, 11321 North Woods Drive, Shelby Township, MI 48317, appeared before the Board and stated that she was the representative to Randazzo Fruit Market, Company number 2, Incorporated; 13441 Thirteen Mile Road, Warren, MI 48088. She is here requesting permission to conduct the operation of an "L" shaped outdoor sales area, 9' from the front property line from May 1, 2015 to December 31, 2015 and to waive 16 required off-street parking spaces per the site plan.

Chairman Watripont asked the reason of the hardship.

Angel Ruggero stated she was sorry (not understanding the question).

Chairman Watripont stated what is the reason for this?

Angel Ruggero stated requesting renewal in the seasonal outdoor sales.

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

Board Member H. Brasza asked if there were any changes from last year's displays.

Angel Ruggero stated no.

3. Allow the expansion of an existing Used Car Lot less than 700' from a proposed Use Car Lot at 20787 Mound Road.
 4. Allow hard surface for parking to the front property line and to the side property lines (north and south) as per the plan.
 5. Allow 28 vehicles to be stores on property Zoned R-1-P, as per the plan.
 6. Allow Used Cars to be parked in a stacked formation as per the plan.
 7. Waive the required wall/greenbelt along the north property line.
 8. Install an 8 foot tall wrought iron fence as follows:
 - 114' along the north property line (25' extends into the required setback)
 - 160' along the west property line in the require setback
 - 114' along the south property line in the required setbacks, as per the plan.
- Total of 388 linear feet of wrought iron fence.
9. Waive 8 required customer parking spaces.

ORDINANCES and REQUIREMENTS:

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

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

Section 4D.38 – Height. Obscuring walls and fences in non-residential zones shall not exceed six (6) feet in height.

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

Section 8.01 Paragraph (a)(b): Uses permitted. In all R-1-P Districts, no building or land, except as otherwise provided for, shall be erected or used except for one or more of the following specified uses: (a) all uses permitted and as regulated in R-1-C Districts; (b) parking of private passenger motor vehicles are prescribed in Article XVI.

Section 8.06 Side Yards: All lots in R-1-P Districts shall have two (2) side yards each having a width of not less than five (5) feet and the combined width of both side yards shall be not less than thirteen (13) feet.

Section 14.04 Greenbelt: All non-residential uses, when adjacent to an existing residence or residential district, shall provide and maintain a twenty (20) foot greenbelt, or decorative wall, in compliance with Section 2.26 of this ordinance.

Section 14.06: A front yard setback of fifteen (15) feet is required in C-2 Districts.

Section 15.01 – Uses permitted Paragraph (e): Used car lots, operating as second hand motor vehicle dealers, provided they comply with the following requirements:

2. Location Criteria. The site must be located more than 700 feet from the property line of a proposed used car lot subject to review for approval. In addition, the site must be located more than 200 feet from the nearest lot line of property used as or zoned as: R-1-A, R-1-B, R-1-C...

Section 15.01 Paragraph (e): Item 11: Used car display area. The display area shall conform to the following requirements: **b)** access to each individual used car shall be provided. Used cars shall not be positioned in a stacked or packed for-

mation. f) the setback areas along street frontages shall not be used for the parking or for the storage/display of used cars.

Section 15.01 Paragraph (e): Item 12: Off-street parking required. The minimum number of parking spaces to be provided shall be calculated based on the formula of five (5) spaces plus one (1) space per each fifteen (15) used car storage/display spaces.

Chairman Watriont asked the individual at the podium to state his name and address for the record and the reason for the petition.

Kerm Billette, 38628 Warwickshire Drive, Sterling Heights, MI 48312, appeared before the Board and stated that he was present tonight with the Attorney for the Owner Mike Sema and they are requesting an approval of an expansion to an existing used car lot on Eight Mile road. The Used Car Lot has existed for about three year, but prior to that it was a small lot. It has been approved for the first part of the Car Lot on the east and a storage lot to the north, on the R-1-P residential lot. The request is to expand the parking lot, the parking lot or to the next side street on Syracuse to have storage for cars and at the same time, the property is being identified now as having five (5) large buildings on it; it will be demolished as part of the plan. The buildings total 9,300 sq. ft., there is a two-story building, there is an appliance store, a vacant residence, and one building is to repair furniture and has a living space in the back in a garage 16' x 20'. The owners of the Car Lot want to expand the Car Lot and at the same time vacate the alley between the two parcels; the frontage on Eight Mile Road, and the two lots they own in the back for storage; vacate the alley and fence the property. Their request has been sent to the Planning Commission, the Planning Commission gave tend of approval with conditions to the site plan. They added two things to the conditions that they previously talked about—one is the copy of the approved site plan goes to City Council through a \$3,000 bond be posted at the time if they were approved; the \$3,000 bond would go with the expansion and the use of the property. They are requesting that the points that the Board read be approved and hopefully the storage of vehicles will be in two rows in the northern part of both lots; two rows for storage and the front for parking space, for a total of 119 cars on the site. If there are any questions, they are present to try to answer anything that the Board may have. They were in favor of putting the request back for tabling, but he has read the conditions imposed by the planner and he agrees with all of the conditions that were put on there; the only thing that comes to mind as being questioned, is the construction of a sidewalk on the side street; he does not know where that was at on his site plan, he just drew where the sidewalks. He had stated that there were pieces of sidewalk on both streets that should be vacated that are torn up and planted. They agree that the planning should be done on Eight Mile Road, in favor of tearing out the paved area that has over the years been added between the sidewalk and the curb. The Planning area has been paved over and all of the other conditions that apply are reasonable with the change to the site plan table to include all of the information that Mr. Wuerth had found necessary to add to the drawing and they would like to point out that the buildings on Eight Mile Road that will be demolished are in terrible condition. One has black mold and is not livable. They have been vacated for a while except the appliance store, which their lease runs out later this year and they will vacate the property. Were there any questions, the owner and attorney are both present.

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

Board Member H. Brasza stated that they discussed being less than 700' from another Used Car Lot, how many feet are they from the other Used Car Lot.

Owner's Attorney stated there was not a Used Car Lot now.

Board Member H. Brasza stated on item 3 from the variance request, it states that they are less than 700' from a proposed Use Car Lot.

Owner's Attorney stated is was proposed; there is another one that is going to be on Mound Road coming up, but it was not approved yet, they are waiting on that.

Kerm Billette stated there might be some question as to putting a condition on there if something is proposed on Mound Road but it has not passed yet, that would be a questionable item.

Board Member H. Brasza stated that they are stating that there was not a lot there right now.

Owner's Attorney stated no.

Board Member H. Brasza asked then why do they have that variance on there. He asked if Everett Murphy-Zoning Inspector knew the answer to the question.

Everett Murphy, Zoning Inspector stated because the new Used Car ordinance that was written approximately in September of 2013, it went on to the books. It stated in there that they have to be 700' away from any existing or proposed Used Car Lot; and that is true. The other business did give that dimension on their request, he guesses that he may have been overlooked here, but he was not sure that they actually know that this comes from the other lot. But it was less that 700', he does not recall the exact measurement right now.

Board Member H. Brasza stated okay and the second thing that he was really concerned about was not having a wall between them and the residents; the rest of it he was good with but he was not sure that he could support this if they did not put a wall up behind the property along where the residents are. He thinks having all those vehicles going in and out and the residents are very close to there, that was his only concern with it and that was just his opinion.

Kerm Billette stated the first lot that was approved to the north east that lot has an 8' fence only, they used to have a board fence on but the residents there did not want a board fence they just wanted the wrought iron fence and that is what has been constructed already on the one lot. They propose the same type of fence on the new lot.

Everett Murphy, Zoning Inspector asked if he may speak to that... The previous variance that was granted, they did not waive that requirement; however, they never put up that wall.

Chairman Watriont stated that leads to his question. Their previous variance, what were the additional properties now from the variance that took place on February 9, 2011, were any of these properties added onto this now. He asked if Everett Murphy, Zoning Inspector knew that response.

Everett Murphy, Zoning Inspector, asked which lots...and asked Chairman Watriont, what the question was exactly.

Chairman Watriont stated which one was the new part and whether or not the wall was put up as part of the condition on the previous ordinance.

Everett Murphy, Zoning Inspector stated on the demolishing plan on the bottom left, they had a 114', the previous 114' was the other property.

Chairman Watriont asked Mr. Murphy if it was on the Syracuse side.

Everett Murphy, Zoning Inspector stated it was the Albany side; the one they were discussing this time was the Syracuse side.

Chairman Watriont asked if the wall was up on the Albany side.

Everett Murphy, Zoning Inspector stated it was not. When he was writing this variance up, he looked at the previous one and that was when he realized that wall was never put up.

Chairman Watriont stated that it had exceeded the two years correct.

Board Member Furgal stated if they were to read the variance requested, it states on number 2, Install an 8' wrought iron fence 25' along the north property line, 40' along the east property line, 114' along south property line, and 40' along the west property line, as per the plan, total of 219' linear feet of wrought iron fence; and this is referring to the property of 20735 Albany.

Chairman Watriont stated that there was a stipulation with it; a variance with stipulations.

Everett Murphy, Zoning Inspector, stated they requested to waive the wall as part of that previous variance but that portion was denied; they should have put up the wall.

Owner's attorney stated they would go ahead a put up the wall.

Board Member Furgal stated it does not state that it was denied.

Owner's Attorney stated if they need a wall, then they would go ahead a put up a wall, no problem.

Board Member Furgal stated (in correction) that it does state that, of the wall.

Everett Murphy, Zoning Inspector stated correct, if they did not get the variance, they would have to put up the wall the entire 228' instead of the 114'.

Board Member Furgal stated to Mr. Murphy that they were supposed to have put up the wall; he was right.

Kerm Billette stated that he believes there was one reason why... (Voice inaudible)

Chairman Watriont asked Mr. Billette if he had turned the microphone off.

Kerm Billette stated the resident next door at the first house that is about 20' away had come in and stated to them that he did not want a wall by his property and he thinks that in the process of making the motion to approve, they had just went with his wishes. The neighbor was quite adamant about not wanting a wall; he wanted the wrought iron fence, he wanted the existing—he believes---it was a wood slab fence stockade type that was there before, he wanted that one taken down and he would be satisfied with the 8' wrought iron fence.

Chairman Watriont stated that was not the way he was reading the variance there.

Kerm Billette stated that was what had happened at the meeting though.

Board Member S. Brasza stated at the Planning meeting.

Chairman Watriont stated that was not what was approved at the meeting.

Kerm Billette stated no.

Chairman Watriont stated that they had ignored that because someone wanted to without authority.

Kerm Billette stated he thinks that was what had happened.

Board Member S. Brasza stated that she just wanted to clarify what she thinks she was understanding was that they are willing then to put a 228' cement wall along the north property line.

Owner's Attorney stated yes ma'am.

Board Member S. Brasza thanked the attorney.

Secretary Nestorowicz stated that it was good to actually have heard that of the petitioner to address one of the concerns that he had, which was the wall along the north property line, because that was one item. Even though he was all in normally of favor of expanding businesses and developing, he has a very hard time with properties that are paved in hard surface from one side of the property line to the other, north south, east and west totally for the entire property with the amount of

cars that they are applying to put on this lot; he still thinks it was too much pavement and too many cars for that site. That was his opinion.

Chairman Watrion stated to Mr. Nestorowicz that he agrees to some degree. It is a Used Car Lot, so yes they need more surfacing; his concern was that they had been granted a variance with the stipulation and they just ignored it, so he does not know how he could move forward thinking that they would oblige by anything they grant today.

Board Member Becher stated that she had went to the site and looked at his property past weekend; in fact it was near their closing time because she remembered seeing him on the street because he was moving cars back onto his lot because he does not have enough room now in the property that he does have. The property that he does have she would grant that he would just not have the wall; he has a very expensive wrought iron fence circling his property. The property that he had purchased that he wishes to tear down and make a complete one business is junk. It is going to be a great improvement on that block for that property to go away, of what he wants to tear down. The buildings are old and they have not been maintained and what he does have he does maintain well. It is too small for the amount of business he has in there, so she could understand why he would want to expand; he has just agreed to put that wall behind the entire business on the north side, so she really does not see what the problem was. She is all for what he wants to do; if he puts the wall up.

Board member Descamps stated that he too agrees with Board Member Becher. By tearing down the existing additional property, there will be a bigger improvement. He does understand that if they would not like a concrete jungle the kind of scenario, but he is sure they would do some things, do some greenery in the area and make it a nicer, visible look to the Eight Mile Road, which is what they are trying to improve anyway.

Motion:

Board Member Becher made the motion to approve the petitioner's request expand the operation of his Used Car Lot into a C-2 in an R-1-P zone district, closer to the residential area than is normally allowed. Closer to a proposed Used Car Lot than allowed; hard surface to the property line, store vehicle for sales, store Used Cars in a stacked formation, waive required customer parking spaces and install an 8' fence in the front setback.

Reason being: Size and shape of the lot and not a detriment to the area; it would be an improvement and she just noticed that he had no sign package. They would be seeing them again.

Board Member Vigus stated to Board Member Becher that she was sorry, only because she did not hear Mrs. Becher, if she referenced the wall would be **cement** and *not* wrought iron.

Board Member Becher stated yes, she did.

Board Member Descamps supported the motion to approve.

Chairman Watriont stated that there was a motion by Board Member Becher in support of this item with the requirement that there would be a *cement wall* on the north property and support by Board Member Decamps, because of the size and shape of the lot and not a detriment to the area.

Roll Call:

A roll call was taken on the motion to deny and the motion carried (6-3).

Board Member Becher	Yes, for the reasons stated in the motion.
Board Member Descamps	Yes, for the reasons stated in the motion.
Board Member Pauta	No, because she thinks it is a self-imposed hardship.
Secretary Nestorowicz	No, because he does believe it would be a detriment to the area; too much hard surfacing into that area.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Vigus	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Chairman Watriont	No, because he does believe it would be a detriment to the area.

The motion was **GRANTED**, with *conditions* that a Cement Wall be put on the north property line.

15. PUBLIC HEARING
REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:
- APPLICANT: Mr. Khaled Maadarani**
Same as above.
20819 and 20855 Schoenherr, 13508 Georgiana and 13509 Coleen
13-35-479-026 thru -030, 13-35-479-037, -025 and 13-35-479-012
M-1 & R-1-P

VARIANCES REQUESTED: Permission to

Construct a building addition 3,621 sq. ft. to 20855 Schoenherr (Building A) to no less than the front property line and to no less than the north property line as per the plans.

ORDINANCES and REQUIREMENTS:

Section 17.02 Paragraph (b): Side yard setbacks 25' where rear yard abuts side yard of a lot containing a resident or in a residential district.

Section 17.02 Paragraph (a): Front yard setback in M-1 is 8 feet.

Khaled Maadarani appeared before the Board and introduced himself.

Jeffery Graham appeared before the Board and stated that he was project architect stated if he may elaborate a little bit. What they have is that they have already been

before the Planning Commission and were approved. The City Planner did have some minor adjustments or requirements, which they felt were very fair and they agreed to. They had approved the site plan with the stipulation that they would appear before the Board for the one variance. The one variance is a setback on the building addition. Their hardship is that they are putting an addition to an existing structure that was there before Khaled bought the property and the building was built there prior to that particular setback being issued in the current zoning ordinance. This really is a hardship that they did not create themselves; they are un-attaching an addition to an existing building. They are asking that the Board approve their variance.

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

Gary Perrault, 13491 Coleen, Warren, MI, appeared before the board and stated that one of the reasons he was present was to make sure that the petitioner keeps the doors on the 20819 Schoenherr, cause those doors are illegal doors and before in one of the meetings he stated that he would not put the addition on if the Board had allowed him to open one of the doors; he was hoping that those doors now stay shut and he would like to know who he could speak to because the third door that he has on the west side, is supposed to be closed other than bringing a car in and out, and most of the time it is open and even today when he had left to go to work at noon, the door was wide open and they were working on their cars. He would like to know who he should call to see that they would keep that door shut; he does not know if he should call Everett Murphy, zoning inspector—he has his card—and he was wondering if there was going to be any—he could not make the Planning Commission meeting—he was wondering if there was not going to be any doors on the addition to the residential side the west side of the building; he hopes not, because they were going to do before on his other addition that he wanted to put on the other building. Also, another issue is that the petitioner has some lights onto the 20855 Schoenherr unshielded lights, which sign directly into the residents; when he pulls onto his own driveway the lights shine directly into his eyes and he cannot see to get into his own driveway; he was hoping that they would do something about that and at the same time he puts the addition in—it is a collision shop on 20855 Schoenherr—that maybe they should put in a spray booth in because at 11:30pm or 12am at night, they are out there spraying cars in the Winter; spraying cars in the Summer and the doors are open while painting cars and they should probably have a spray booth, he would think and at the same time if they are putting their addition on, maybe they could do like they are supposed to and enclose their dumpster that is supposed to be enclosed; that was one situation and another thing is that their dogs out there (addressing to Board Member Becher) and Mrs. Becher has seen them, they charged on the Coleen side at one time when she had driven by, well him and another neighbor were shoveling snow about two weeks ago and the dogs came charging from the front to the back and they had the snow piled up over the top of their back poured wall and luckily they got to scare them down because their whole body—they could see their feet—they were so high up over the wall that they were going to be coming over the wall to attack them and his neighbor had called animal control and they said to him that there was nothing they could do and said that until the dogs come out and attack somebody, they had to fend for themselves, so he was kind of hoping that the petitioner has security cameras and everything

else, maybe they do not need the dogs and it was all fenced and secure. Therefore, he was hoping that maybe they do not need the dogs and they bark all of the time at night anyways and this has been the third time that he has addressed this issue to the Board and if it has been approved every time to keep the dogs; well if the dogs come out and attack someone he was sure that the City of Warren would be liable as well as Mr. Maadarani. He would hate to see some kid or himself get mauled on their own street; those were some of the basic issues that he was hoping that could maybe be addressed and the petitioner would take care and he does not care if the petitioner puts the addition on but to say the lights right now shinning onto the residents and as he had stated he could not even drive into his own driveway without being; without having the lights blinding him basically. As he had also stated, he hopes that the petitioner keeps the other door on the 20819 Schoenherr shut like he is supposed to do because it is open most of the time during the Summer and his mother is the second house away from them and all they hear is the air tools and everything else and that was basically what he was hoping to address and to see if the Board could take care of that for him. He thanked the Board.

Jeffery Graham asked the Board if he could address to the comments made.

Chairman Watripont stated that he would have his chance afterwards when the Board asks.

Gus Buffet, 27817 San Anna Drive, Warren, appeared before the Board and stated that he fully supports Khaled's Auto Tech., and also renovating the building next door. He was sure that everyone had driven down Eight Mile and seen a couple of the automotive facilities that were in the area and they are not as renovated as Khaled's Auto Tech. He means that if they would compare his building—and with all due respect to anyone in the audience—but if they were to compare his building with other buildings, they would notice that his is well built, well established, it is a very nice and perfect facility and he thinks that if someone was looking to reinvest into the community, they should not stop them. Just like the Board was stating that they fully support businesses that were reinvested into the City, he believes that they should not stop Khaled's Auto Tech., from reinvesting into the City and if they could hire more individuals, more mechanics, more locals to help with the building, then why not. He thanked the Board.

Chairman Watripont thanked the individual.

Everett Murphy, Zoning Inspector stated that to address a few things that were mentioned from the zoning perspective; he has received complaints about collision and painting cars in that building to the north. Every time he has went out there and—for the record—he has never brought a car in there to be serviced, he has no connection to this property, but every time he has received that complaint about spray painting cars he has visited the site, there was no evidence that there has ever been any painting going on, there was no paint smell, no residue. They visit a lot of sites that do collision and body painting and things like that, there are telltale signs that they could not just get rid of; those smells do not go away, so that was one that they have not been able to verify. The other question about the addition having a door that faces residential; no or else that would have been another request. That was something that they specifically spoke about during the Planning phase and they assured

them that there were no doors and there were no doors on the plan. He thinks that was about the only two items that he had for the Board.

(A voice in the audience called out “the lights”)

Everett Murphy, Zoning Inspector stated all of the lights, well... (Mr. Murphy pointed to Mr. Graham to approach the podium).

Jeffery Graham approached the podium and stated that one of the items that was brought before to them from Planning, from Ron Wuerth, was to make all of the lighting is downward and they agreed to that. The other thing was that there is no overheard door facing the residents on the new addition because that is where the office is; that whole side is going to be an office and a waiting room for the customers. He would like to point out a couple of other things...

Chairman Watripont stated to Mr. Graham that Mr. Everett Murphy, Zoning Inspector had asked him about the one, which was fine, but he had to wait until the Board addressed him.

Jeffery Graham stated okay.

Chairman Watripont stated that he could see Mr. Murphy thinking.

Everett Murphy, Zoning Inspector stated that he was trying to look; normally on the site plans especially Ron Wuerth, on his site plan, he requires them to put a note on there that says: “all lighting shall be shielded” so that it does encroach upon the neighbor’s properties. If it is a problem right now that they are not aware of it, it certainly should be addressed there or during the site plan approval if nothing else. The ordinance states that he has to anyways; if he did not and they receive a complaint, they would make him do that.

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

Secretary Nestorowicz stated that he had one question based on a comment that the resident made regarding the dumpster. He asked the petitioner if the dumpster was not enclosed.

Khaled Maadarani stated no, it is not enclosed but it was on the plans for when they do the building addition to enclose it.

Jeffery Graham stated that he would like to point out the reason why it had not been built yet was because where they have it right now, they actually had plans to put it—originally they were going the addition not on this building but on the other building and therefore, they would have had to, if they had installed the dumpster, they would have had to tear it down and then rebuild it further over. That was one of the reasons why they wanted to move the addition over onto the other building; that was why they postponed building the enclosure that would had to have been torn down a year later.

Board Member H. Brasza asked the petitioner if they had gone and pursued combining the lots. He sees a lot of lot numbers.

Khaled Maadarani stated yes, they have. They have actually submitted the application to the City for the lot combination and it was in progress.

Board Member H. Brasza stated that other than that he does not have any problem with the setback thing; it was a preexisting, it is in that area that there are a lot of these that are floating around in that area; he did not have a problem with it as it is.

Board Member Becher addressing the petitioner stated that she had went by his place the other day and what she noticed was the same thing that everyone had, that he had a lot of snow and she noticed that he had not made any attempts to shovel his sidewalks on the north and south side of his property. The sidewalk down Georgiana and the sidewalk down Coleen had not been shoveled. She asked the petitioner, do they not fix engines?

Khaled Maadarani stated in response, yes they do.

Board Member Becher stated then she thinks that they should be able to keep a snow blower around?

Khaled Maadarani stated definitely, and Mrs. Becher was right on that one.

Board Member Becher stated that he did not seem to be getting along any better with his neighbors and she thinks that shoveling his snow would be a good start.

Khaled Maadarani stated that he has been before the Board for ten years now, since they ...

Board Member Becher stated yes, but she was stating was that he owns that property and he is responsible for those sidewalks on those two streets because they are about his property and he should be shoveling that snow.

Khaled Maadarani stated that he would definitely clarify that and make sure...

Board Member Becher stated that he could have a customer park out there who would be trying to get into his place of business and take a fall because of those sidewalks.

Khaled Maadarani stated that he would definitely take care of that.

Board Member Descamps stated that if no further discussion, he does agree as well that the setback is not a problem because of the number of businesses doing that.

Motion:

Board Member Descamps made the motion to approve the petitioner's request to Construct a building addition 3,621 sq. ft. to 20855 Schoenherr (Building A) to no less than the front property line and to no less then the north property line as per the plans.

Reasons being: Needs approval of the Board and not a detriment to the area.

Secretary Nestorowicz supported the motion to approve with discussion.

Secretary Nestorowicz stated that he supported the motion but the discussion he had was that when he looked at the plan, it mentions that all outdoor storage has been eliminated.

Khaled Maadarani stated yes, they are eliminating that and that was why they are placing the bigger addition. He personally hates outside storage; it looks like junk and looks...

Secretary Nestorowicz stated he knows and he just wanted to make sure that it was part of that motion, because he knows that back in 2010, they actually gave him the waiver for a 1,088 sq. ft. of outdoor storage area, no junk; that he would actually waive or rescind that voluntarily.

Jeffery Graham stated if they would look at the floor plan, it actually states that storage—the building now is deeper than one stall and behind the stall is where he would keep his storage and that is shown on the floor plan.

Chairman Watripont stated outdoor?

Jeffery Graham stated that the outdoor storage now is being brought inside now and so they made the building big enough to accommodate all of that storage.

Secretary Nestorowicz stated that he just wanted to request that they voluntarily give up that outdoor storage waiver they had previously.

Jeffery Graham stated yes.

Chairman Watripont stated that there is a motion by Board Member Descamps in support of this item with the **stipulation** of removing the previous variance with a voluntarily *relinquishing* previous variance of outdoor storage and support by Secretary Nestorowicz.

Roll Call:

A roll call was taken on the motion to deny and the motion carried (9-0).

Board Member Descamps	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Board Member Vigus	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 H. Brasza	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.

Chairman Watripont

Yes, for the reasons stated in the motion; he has been here only eight of those 10 years; his suggestion is to try working with his numbers because he does not want him to appear before the Board again with the matter that is detrimental to having good neighbors; suggested to reach out to the neighbors and try to be good in that regard.

The motion was **GRANTED**, with *stipulation* that the petitioner voluntarily relinquishes previous variance of all outdoor storage.

15a. PUBLIC HEARING

REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

APPLICANT: Warren Lions Club

Al Lindsey
3001 Thirteen Mile
13-06-402-002 & 13-06-451-001
R-1-A

VARIANCES REQUESTED: Permission to

1. Conduct the Warren City Fair as follows:

Wednesday	June 17, 2015	3 p.m. to 11 p.m.
Thursday	June 18, 2015	3 p.m. to 11 p.m.
Friday	June 19, 2015	3 p.m. to 11 p.m.
Saturday	June 20, 2015	12 p.m. to 11 p.m.
Sunday	June 21, 2015	12 p.m. to 11 p.m.

2. Operate the video game tent the same as operated for the last 25 years.

ORDINANCES and REQUIREMENTS:

Section 4.35: Carnivals, fairs, circuses and similar uses require the approval of the Zoning Board of Appeals

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

Jack Becher, 5350 Chicago Road, Warren, appeared before the Board and stated that he had been asked by Mr. Lindsey to represent the Warren Lions Club; he is the Secretary of the Warren Lions Club. Mr. Lindsey is in warmer weather and there was a letter sent to the Board requesting that he takes his place. He asked the Board if they received the letter.

Chairman Watripont stated that he was not sure if they received the letter, but he was aware that Mr. Becher represents the Warren Lions Club and he was fine with that; he was not sure if anyone else; he believes that many people on the Board know Mr. Becher.

Jack Becher stated yes. He has been asked to represent the Warren Lions Club and to ask for the Warren City Fair because it requires the Board to give them ap-

proval for their fair, which was more than 50 years old. They have been holding it at the Halmich Park for more than 50 years. They moved up to Thirteen Mile Road about eight years ago. Nothing has changed in the last eight years, other than that it seems to be quieter for some reason and he does not know why; they have cut the sound a little bit.

Chairman Watripont stated that they had a previous Board Member that made them do that.

Jack Becher stated he knew that, yes. But they kind of did it themselves also; once again he is requesting that the Board grants them permission to hold the Warren City Fair and the dates are in the request, June 17 through June 21.

Chairman Watripont stated that this was a public hearing and anyone wishing to speak on this matter to approach the podium. Hearing and seeing no one, he closed the public hearing.

Chairman Watripont asked Mr. Becher if he receives any financial benefit from this.

Jack Becher stated none; it costs him.

Chairman Watripont stated none.

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

Board Member Descamps stated that they all love the Warren Lions Club; they do a great job in the City and they support them through 100% and he believes that they do turn the music down or off at 10:00pm.

Jack Becher stated yes they do.

Board Member Descamps stated okay; he has no problem with this and asked if there was any further discussion.

Chairman Watripont stated to Board Member Descamps that he does have one concern. He asked if there was any stipulation on when the noise on the rides will be...

Board Member Descamps stated that he just stated that it was 10:00pm.

Chairman Watripont asked on the rides?

Board Member Descamps stated yes at 10:00pm. The music is cutoff at 10:00p.m.

Chairman Watripont stated on the rides? Then asked if they had a band present also?

Jack Becher stated yes they do but they usually are long gone before 10:00p.m.

Chairman Watripont stated okay and thanked Mr. Becher for that clarification.

Jack Becher stated that they do have a stage and they do have acts on the stage, but they are all done by 10:00p.m.

Chairman Watripont stated okay and asked Board Member Descamps to continue.

Motion:

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

1. Conduct the Warren City Fair as follows:

Wednesday	June 17, 2015	3 p.m. to 11 p.m.
Thursday	June 18, 2015	3 p.m. to 11 p.m.
Friday	June 19, 2015	3 p.m. to 11 p.m.
Saturday	June 20, 2015	12 p.m. to 11 p.m.
Sunday	June 21, 2015	12 p.m. to 11 p.m.

2. Operate the video game tent the same as operated for the last 25 years.

With the *Stipulation* that all loud noise, music, rides and band would be done by 10:00p.m.

Reasons being: Not a detriment to the area and needs approval of the Board.

Board Member H. Brasza supported the motion to approve.

Chairman Watripont stated that there is a motion by Board Member Descamps in support of this item with the **stipulation** that all loud noise, rides and band would be through by 10:00pm and support by Board Member H. Brasza.

Roll Call:

A roll call was taken on the motion to deny and the motion carried (9-0).

Board Member Descamps	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Becher	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Board Member Vigus	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion; he is glad they brought their petition in early this year.

The motion was **GRANTED**, with *stipulation* that all loud noise, rides and band would be through by 10:00 p.m.

16. NEW BUSINESS

- a) Correction to October 8, 2014 meeting in re: 5847 Thirteen Mile Road, Applicant Nicholas Shango: Permission to: two (2) sign wing non-illuminated signs 15 inches x 35-3/4 inches = 3.54 sq. ft. each (2x3.54=7.08 sq. ft.) Previously omitted from request of petitioner.

This item was **REMOVED** from the agenda.

Chairman Watripont stated just for clarification, the Board does have a training session in two weeks. He believes that everyone is signed up for that who is aware of it, but he does not know if Mr. Brasza was aware of it and available. Chairman Watripont asked Roxanne Canestrelli, City Attorney if she had a record of everyone that was there that will be...

(Voice inaudible)

Chairman Watripont stated that was all he had for new business.

17. ADJOURNMENT

Motion:

Secretary Nestorowicz made the motion to adjourn.

Board Member Becher support the motion to adjourn.

Voice Vote:

A voice vote was taken on the motion. The motion carried (9-0).

Roman Nestorowicz
Secretary of the Board