

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
April 08, 2015

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, April 08, 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
Jean Becher
Jules Descamps
Henry Brasza
Sherry Brasza

Members of the Board absent:

Roman Nestorowicz, Secretary
Jennifer Vigus, Ass. Secretary
Ann Pauta

Also present:

Roxanne Canestrelli, City Attorney
Lynn Martin, Chief Zoning Inspector

1. **CALL TO ORDER**

Chairman Watripont called the meeting to order at 7:33 p.m.

2. **PLEDGE OF ALLEGIANCE**

Chairman Watripont stated due to work reasons, their Secretary and Assistant Secretary were not present, and asked if there was a volunteer from the Board to be Secretary for the day. He turned to Mrs. Becher and asked her if she wanted to since she has been in the past.

Board Member Becher stated yes.

Chairman Watripont stated he needed a motion to appoint Board Member Becher as the Acting Secretary for the Meeting.

Motion:

Board Member Descamps made the motion to appoint Board Member Becher as the Acting Secretary for the current meeting.

Board Member S. Brasza supported the motion.

Voice Vote:

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

Chairman Watripont stated to take care of other matters, while Board Member Becher gets situated. The Board only has Six (6) members present and there are two (2) Use items that would need a unanimous vote and for the other items, they would need five (5) out of the six (6) members' votes to go forward. Therefore, after the Board goes through the first part of the Agenda, he will ask when the Board gets to the Items, he would ask, if they come up in order and if they do not want their items to be heard today, the Board would then reschedule that.

3. ROLL CALL

Chairman Watripont stated that he was informed that the three (3) members absent, would be missing due to work or illness; he asked if there was a motion to excuse them.

Motion:

Board Member Descamps made the motion to excuse all three (3) Board Members: Roman Nestorowicz, Jennifer Vigus, and Ann Pauta, due to work or illness.

Board Member H. Brasza supported the motion.

Voice Vote:

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

Chairman Watripont stated does the Board want to ask who wanted to reschedule their items first; was there a motion.

Motion:

Board Member Becher made the motion to pull the petitioners as to who wants their items heard tonight or to have them rescheduled.

Board Member S. Brasza supported the motion.

Voice Vote:

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

Chairman Watripont asked the petitioners if they wanted to have their items rescheduled from tonight to a later date...He asked Board Member Becher if she had the schedule and what was available.

Board Member Becher stated no.

Chairman Watripont stated okay, he is trying to look for dates.

Board Member Becher stated she does not know how full the next agenda was.

Chairman Watripont stated they have the next Agenda already, which is the second one in April; it would be in May. He asked what the May date is... May 13, 2015.

Board Member Becher stated that would be the next date.

Chairman Watripont stated that would be the next date available. He continued to ask each petitioner in order if they chose to continue for tonight's meeting or to re-schedule for May 13, 2015 as follows:

Chairman Watripont stated item number 6, Produce Palace International; he asked them if they wanted to be heard today.

Representative of Produce Palace stated yes, they wished to stay for tonight.

Chairman Watripont stated item number 7, Armani Auto Sales; he asked if they wanted to stay for tonight or choose to reschedule.

A representative of Armani Auto Sales stated they wished to reschedule.

Chairman Watripont stated that will be rescheduled to May 13, 2015 at the same time. He stated if anyone was present for item number 7, it has been rescheduled to May 13, 2015.

Chairman Watripont stated item number 8, Mr. Mills; he asked Mr. Mills if he wished to stay for tonight or reschedule.

Roy Mills stated he wished to reschedule.

Chairman Watripont stated that item number 8; Mr. Mills has been rescheduled to May 13, 2015.

Chairman Watripont stated item 9, Mr. Wacht, he asked if wished to continue tonight or reschedule.

Mr. Wacht stated he stated he wanted to reschedule.

Chairman Watripont stated item number 9; Mr. Wacht has been rescheduled to May 13, 2015; it will be the second Wednesday of the month.

Chairman Watripont stated item number 10, William Siewert, if he wished to continue or reschedule.

Representative stated that they were good for tonight.

Chairman Watripont asked West UA Transport.

Mr. Tobin stated he will stay for tonight.

Chairman Watripont asked, Thrifty.

Ms. Agbay stated they will stay for tonight.

Chairman Watripont asked Thrifty once more.

Ms. Agbay stated they will stay for tonight.

Chairman Watripont asked Z & Z Fireworks.

Ms. Burdi stated they were good for tonight.

Chairman Watripont asked for the other two items for Z & Z Fireworks.

Ms. Burdi responded for both items that they will stay for tonight.

Chairman Watripont asked Art Van Furniture.

Representative stated they were fine for tonight.

Chairman Watripont asked Start Right LLC.

Representative of Start Right stated they would stay for tonight.

Chairman Watripont stated if anyone was present for items number 7, 8, or 9, those items have been rescheduled to May 13, 2015 and will not be heard or reposted.

Motion:

Board Member Furgal made the motion to reschedule items number 7, 8, and 9 to May 13, 2015.

Board Member Descamps supported the motion.

Voice Vote:

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

4. ADOPTION OF THE AGENDA

Motion:

Board Member Descamps made the motion to adopt the agenda as corrected.

Board Member S. Brasza supported the motion.

Voice Vote:

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

Agenda was adopted as corrected.

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

Motion:

Board Member Becher made the motion to approve the minutes of March 11, 2015.

Board Member H. Brasza supported the motion.

Voice Vote:

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

Sharon Hope Katz stated no, there were none.

Board Member Descamps stated that was all he needed and thanked the Petitioner.

Board Member H. Brasza stated to the petitioner that he had a question on the forty-two (42) parking spaces.

Sharon Hope Katz stated yes.

Board Member H. Brasza asked why the forty-two (42) parking spaces.

Hope Sharon Katz stated that was the amount they need in order to conduct the sales.

Board Member H. Brasza asked why it was permanent.

Sharon Hope Katz stated she does not understand the question.

Board Member H. Brasza stated that she was requesting a permanent waive.

Sharon Hope Katz stated they would like a permanent waive but they were not allowed to have it; they are supposed to come back every year and request that.

Board Member H. Brasza stated right behind her was Lynn Martin.

Lynn Martin, Chief Zoning Inspector stated when Mr. Wuerth went over the site plan, they were short on permanent parking, so they are asking for that permanent waiver of forty-two (42) for the business itself; the eighty-five (85) are for the outdoor sales that ends at the end of the year when this stops and they come back every year. Next year the Board would not hear the forty-two (42) if it is approved tonight, because it is permanently waived; and then the use part of this, are the two trailers in the back; that was why it was a Use Variance.

Chairman Watriont stated, and that was a permanent also.

Lynn Martin, Chief Zoning Inspector stated that was permanent, correct.

Chairman Watriont stated items 1 and 2; they will be back before the Board every year, item 3 is the permanent storage trailers, which is a one-time and if allowed that is a Use Variance and item 4 is permanent for the waiving of the parking because of going through the site plan...

Lynn Martin, Chief Zoning Inspector stated correct.

Chairman Watriont stated, and he knows that they have been before the Board and they sent it back to Planning to cleanup a lot of the stuff and he is assuming all that has happened.

Lynn Martin, Chief Zoning Inspector stated this is all what has come from all those meetings that Mr. Wuerth has worked very hard on this.

Chairman Watripont stated that he thanks him (Mr. Wuerth).

Kerm Billette stated if he may add that they are required to submit a cash bond of \$500.00, which they will do and he has revised the site plan totally to comply with Mr. Wuerth's requirements for park configuring and access to the property next door and sales of items out in the front.

Chairman Watripont asked Board Member H. Brasza if that answered his question.

Board Member H. Brasza stated yes and thanked the petitioner; he just wanted to make sure that everyone was clear on what that was.

Board Member Furgal stated she had a question regarding the trailers. She asked the petitioner exactly why they needed the trailers.

Sharon Hope Katz stated they have to have them because it keeps the garbage and the animals from getting into; when there is a delivery, they have pallets and they have all kinds of stuff that could possibly cause damage, so they put their products on the trailers to keep them safe until they can be picked up. Right now the trailers that are out there are only out there temporarily; the back wall of her building started to crumble in certain areas. They had to have it sealed and refinished on the brick, so they moved the trailers to the side of the building—which was the south side and they wanted to paint the building but because of the bad weather towards the end of the year, they held off and wanted a fresh look to the entire piece of property; they are only out there temporarily and as soon as the back wall is painted, those trailers will be put behind the building and will not be out on the south side.

Board Member Furgal asked, and they have been there for a while.

Sharon Hope Katz stated they have been there since they moved them during the summertime, the end of the summer last year, but they could not paint, it was...

Board Member Furgal stated that she meant that they have been there behind the building...

Sharon Hope Katz stated they have been behind the building for twenty-two (22) years, since they opened.

Board Member Furgal stated okay.

Sharon Hope Katz stated it was just that they could not get to the wall properly without them being moved out of the way.

Board Member Furgal stated she was just wondering because part of her building is empty a lot of the year, so she did not...

Sharon Hope Katz stated they are trying to lease it; they would like to have a tenant in there, it was just that when she does not have a tenant, she does use the building and she does open up the flowers in the spring; they use that area for the flowers.

Board Member Furgal stated yes, she shops there all of the time; she is well aware of what was going on, but she was just wondering about the trailers.

Sharon Hope Katz stated she promises her that they would be at the back of the building as soon as they paint that back wall. They are starting next Thursday.

Board Member Furgal thanked the petitioner.

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

Motion:

Board Member H. Brasza made the motion to approve the petitioner's request for variances to:

1. Conduct a Seasonal Outdoor sales operation in front of the store from April 1, 2015 thru December 31, 2015.
2. Waiving eighty-five (85) parking spaces to operate the outdoor sales.
3. Allow two permanent storage trailers (total 560 sq. ft.) behind the building as per the plan.
4. Permanently waive forty-two (42) required parking spaces to meet with the new revised site plan.

Reason being: Needs permission of the Board; not a detriment to the area, and due to the size and shape of the lot.

Board Member Becher supported the motion.

Chairman Watripont stated there is a motion by Board Member H. Brasza and Supported motion by Board Member Becher in favor the variance requested as proposed, due to size and shape of the lot, not a detriment to the area.

Roll Call:

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

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 Descamps	Yes, for the reasons stated in the motion.
Board Member S. Brasza	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 has been **GRANTED**.

Sharon Hope Katz thanked the Board Members.

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

Scott Guilmet stated they are proposing a face change; they would like to update their sign. They are not physically changing height or width, just updating the sign with a new Logo; changeable copier is to stay the same as it is now and evidentially when this went through, they were informed that originally when a sign was installed there was not a permit and they are here to make sure that gets on record for them if they ever wanted to do any changes in the future as well.

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

Board Member S. Brasza asked if there was no further discussion, she would like to move forward.

Motion:

Board Member S. Brasza made the motion to approve the petitioner's request to: Change an existing monument sign seven (7) feet in height by removing the top two signs and replacing with new signage as follows: One sign 22.37" x 76" = 11.77 sq. ft. (Motor City Symphony Orchestra). One sign 30.5" x 36.5" = 7.72 sq. ft. (Logo with MCS) Retain the changeable copy sign 45" x 96" = 30 sq. ft. To no less than 12' of the front property line as per the plans.

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

Board Member H. Brasza supported the motion.

Roll Call:

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

Board Member S. Brasza	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 Descamps	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 has been **GRANTED**.

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| 11. PUBLIC HEARING | APPLICANT: West UA Transport |
| REPRESENTATIVE: | Robert Tobin A.I.A. |
| COMMON DESCRIPTION: | 23663 Pinewood Ste. B |
| LEGAL DESCRIPTION: | 13-29-427-029 |
| ZONE: | M-2 |

VARIANCES REQUESTED: Permission to

1. Waive hard surfacing parking in “outdoor storage area”
2. Allow outdoor storage of 16,419 sq. ft.
3. Waive 4,732 sq. ft. of required hard surfaced off street parking for the building itself.

ORDINANCES and REQUIREMENTS:

Section 17.02 Item (s) Paragraph (2): Industrial standards, open storage other than junk... the designated area shall be hard surfaced and screened from the public street and any residentially zoned areas... Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure.

Section 4.32 Paragraph (h) Item 23: One (1) square foot of parking area required for each sq. ft. of floor area for manufacturing buildings.

Robert Tobin, 2201 Twelve Mile Road, Warren, appeared before the Board and stated, the existing trucking company occupies a large site of 1.2 acres and is properly zoned M-2. The businesses on both sides of Pinewood Street are mostly trucking and manufacturing companies. The site is well kept with a large grass front lawn and trees. The building is 11,965 square feet and is used to maintain the twelve (12) tractor trailers that the company owns. Working with the Planning Department, they have provided a 180 linear feet of grass berm along the west property line. (Pointing to his drawing presentation) He stated he is not sure if the Board Members could see his drawing, but this is where they put the large berm there, and those were the residential area to screen the trucking. This berm will contain thirty-five (35)—5’ high pine trees and 5’ high arbor bodied bushes to screen the trucking operation from the existing neighbors. The M-2 zoning allows fifty (50) percent of the building for an outside storage; which is actually 5,982 square feet; however, to adequately store the ten (10) or twelve (12) tractor trailers and provide the maneuvering area they would need, 16,419 square feet. They would need a waiver of 10,437 square feet to provide this necessary area. The existing truck parking area has been used for over fifteen (15) years by the existing trucking company and the previous trucking company. They have continuously been driving and parking over the existing crushed asphalt; this area that he is discussing is actually crushed asphalt. It currently presents a very dense hard-packed surface similar to asphalt itself. It more than aggregated and when someone looks at it—he has been over there a quite a few times—if they looked at it, it is more than adequate to support the trucking traffic. The area next to the front entrance is an existing asphalt paved employee parking lot of 7,233 square feet. The existing parking lot is sufficient in size to satisfy the parking for the employees of the building and the drivers; even though they are required to provide a much larger space. The ordinance requires them to provide 11,000 square feet, to the same size of the building, but they have only provided 7,233 square feet, so therefore, they have to have a variance to waive 4,732 square feet of hard-surface parking, even though the existing parking lot is asphalt paved and it is also drained, but they did not meet the proper size because it has to be the size of the building. They request the Board to grant permission to waive these three (3) variances. Their hardship: the size and shape of the lot does not permit them to have the use they require to meet the City ordinances. He thanked the Board and stated he would be happy to answer any questions.

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 Becher stated she had a question about the truck parking.

Robert Tobin stated yes, Ma'am.

Board Member Becher asked what do they do about the proper drainage out on that parking; what about the oil collectors or the oil separators, since it was a crushed pavement?

Robert Tobin stated well, they will be draining the lot; even though they would like to have permission to use existing crushed asphalt tonight, they will provide drains in that and they would take care of that at that time in the future.

Board Member Becher asked what about the City Engineer, have they looked at this? What is their report on this?

Robert Tobin stated they have gotten permission from the Planning Commission and they indeed did send it over to the Engineering Department for approval. They did look at it but he does not have written comment from them; but they will take care of that in the future if the Board likes to make sure. If they put that in the record they could certainly take care of that.

Board Member Becher stated yes, she does think that the Engineering Department should look at this and thanked Mr. Tobin.

Board Member Descamps stated to Mr. Tobin that he had just stated that they are going to take care of the drainage in the future.

Robert Tobin stated yes.

Board Member Descamps stated that is a long variable; what were they looking at?

Robert Tobin stated it would be part of their bond; which was required to take part of the bond. They could put something in their to that effect within two (2) years; they would be very happy to accept that.

Board Member Descamps stated within two (2) years they would be able to...

Robert Tobin stated within two (2) years they would provide the proper drainage in the existing parking lot, yes.

Board Member Descamps stated alright.

Robert Tobin stated if they already have a storm there that drains the...there is already a storm sewer here (pointing to his presentation) that drains this parking lot, so they just have to continue it on there, provide a couple of outlets in there.

Board Member Descamps stated perfect and thanked Mr. Tobin. He asked if there were no further discussion of the Board and since the Petitioner does indicate he would do everything within two (2) years and they would put that into the records.

Motion:

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

1. Waive hard surfacing parking in "outdoor storage area"
2. Allow outdoor storage of 16,419 sq. ft. with no junk, no tires, just trucks or trailers.
3. Waive 4,732 sq. ft. of required hard surfaced off street parking for the building itself.

With the **condition**, the drainage is to be completed within **two (2) years** and with the approval of the Planning Commission.

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

Board Member H. Brasza supported the motion.

Chairman Watripont asked Board Member Descamps if he stated in his motion within two (2) years.

Board Member Descamps stated he did.

Chairman Watripont stated and within the approval of the Planning.

Board Member Descamps stated no, but with the Approval of the Planning Commission, as it is always required.

Chairman Watripont stated there is a motion by Board Member Descamps, Support by Board Member H. Brasza, to allow the variances requested with the **Condition** that the Drainage be completed within two (2) years, due to 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 approve and the motion carried (6-0).

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 S. Brasza	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, and that they are going to the Planning Department.
Chairman Watripont	Yes, for the reasons stated in the motion.

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

12a. PUBLIC HEARING	APPLICANT: Thrifty Florist of Warren
REPRESENTATIVE:	Ms. Nicole Agbay
COMMON DESCRIPTION:	29010 Schoenherr Road
LEGAL DESCRIPTION:	13-12-353-010, -027, -025
ZONE:	C-1 & P

VARIANCES REQUESTED: Permission to

Conduct a Seasonal outdoor sales operation in a "P" District from March 31, 2015 through January 8, 2016 (788 sq. ft.) to no less than 16 ft. from the Schoenherr Rd. property line and 50 ft. from the north property line per site plan and same as last year.

ORDINANCES and REQUIREMENTS:

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

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

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

Nicole Agbay, 29010 Schoenherr, Warren, MI, appeared before the Board.

Chairman Watriont asked the reason for the request.

Nicole Agbay stated they are here as each year to ask permission to be able to conduct their outdoor sales in the "P" District from March 31, although it has been waived, they have not done anything yet; through January 8, for clean up, 16 ft. from the Schoenherr Road property line and 50 ft. from the north property line, per the site plan and same as it was last year.

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

Board Member S. Brasza—addressing the petitioner—stated, in the past she has been privileged to be on this Board and she was before them then and she is aware of her location; she apologized for not having gone by within the past couple of weeks to determine whether the parking lot itself has ever been upgraded.

Nicole Agbay stated yes, the entire parking lot was upgraded.

Board Member S. Brasza asked if they have done that.

Nicole Agbay stated the entire thing; it is beautiful.

Board Member S. Brasza stated wonderful and thanked the petitioner.

Board Member Becher stated if none of Board Members had any further comments, she would like to make the motion.

Motion:

Board Member Becher made the motion to approve the petitioner’s request to: Conduct a Seasonal outdoor sales operation in a “P” District from March 31, 2015 through January 8, 2016 (788 sq. ft.) to no less than 16 ft. from the Schoenherr Rd. property line and 50 ft. from the north property line per site plan and same as last year.

Reason being: Needs approval of the Board; not a detriment to the area and size and shape of the lot.

Board Member Descamps supported the motion.

Chairman Watripont stated there is a motion by Board Member Becher and Support by Board Member Descamps, to grant the variance as requested, due to not a detriment to the area, size and shape of the lot.

Roll Call:

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

Board Member Becher	Yes, for the reasons stated in the motion.
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 Furgal	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 request has been **GRANTED**.

Chairman Watripont stated that he does request that they try to get in, in January of next year.

Nicole Agbay stated yes.

12b. PUBLIC HEARING	APPLICANT: Thrifty Florist of Warren #2
REPRESENTATIVE:	Ms. Nicole Agbay
COMMON DESCRIPTION:	30975 Ryan Road
LEGAL DESCRIPTION:	13-07-227-013
ZONE:	C-1 & P

VARIANCES REQUESTED: Permission to

Conduct a seasonal outdoor sales operation 20’ x 30’ (600 sq. ft.) from March 31, 2015 through January 8, 2016 to no less than 58 ft. from the Ryan Road property line and 45 ft. from the 13 Mile property line. To waive five (5) parking spaces in connection with outdoor sales per site plan and same as last year.

ORDINANCES and REQUIREMENTS:

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

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

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

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

Chairman Watripont asked the reason for the petition.

Nicole Agbay stated again they are asking to conduct their outdoor seasonal sales with this area being 20' x 30' tent (600 sq. ft.) from March 31, again not put up yet until tonight after today, until January 8, for clean out, no less than 58 feet from the Ryan Road property line and 45 feet from the 13 Mile property line and they are also asking to waive five (5) of their parking spaces in connection with these outdoor sales, which is on the site plan and the same as it was last year.

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

Board Member Becher stated she has a question. (Addressing the petitioner) Their sign fell down last year...

Nicole Agbay stated oh my goodness it was; yes. Since the sign blew, they have had two (2) or three (3) different estimates on replacing the sign; they have been coming and paying \$95.00 per month to the City to have a small sign and paying for the rental she thinks is like \$150.00 a month, so this time it was costing them \$250.00 per month to have that little rinky-dink sign that they have out there, so that they would having something. She could tell the Board that last week the President of their company was actually looking forward to getting to—there are so many items in a row—to making the decision and actually picking which sign; it is a huge endeavor to replace that. It was so old; it was like it blew out of the ground during one of the storms, so it is going to be happening very soon, because he (the president of their company) is working on it right now.

Board Member Becher stated okay. She also noticed that they do not have their name on the building either.

Nicole Agbay stated it came off; it blew off again; it is from the back of the building actually. Half of the building or quarter of the building actually blew off in the storm and she guesses last month—she is not sure if the Board have been by—but last month or two (2) months ago, right when the snow started to break, they have had construction workers out there and they have actually removed half of the building. The letters are made, they are done and ready, they just have to be put back up on-to the building.

Board Member Becher stated that was her next question, because it looked like they had replaced some of the siding on the front.

Nicole Agbay stated right, in the back. They are working on it right now. Those three (3) things; the back of the building, the letters along the side and the sign are all in the works right now.

Board Member Becher thanked the petitioner and stated if there were no further discussions, she would like to make the motion.

Motion:

Board Member Becher made the motion to approve the petitioner's request to: Conduct a seasonal outdoor sales operation 20' x 30' (600 sq. ft.) tent from March 31, 2015 through January 8, 2016 to no less than 58 ft. from the Ryan Road property line and 45 ft. from the 13 Mile property line; and To waive five (5) parking spaces in connection with outdoor sales per site plan and same as last year.

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

Board Member H. Brasza supported the motion.

Chairman Watripont stated there is a motion by Board Member Becher and Support by Board Member H. Brasza, for the petition as written, due to size and shape of the lot and not a detriment to the area.

Roll Call:

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

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 Descamps	Yes, for the reasons stated in the motion.
Board Member S. Brasza	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 has been **GRANTED**.

Chairman Watripont stated and again, try to get back in January.

13a. PUBLIC HEARING

APPLICANT: Z & Z Fireworks/Oak Ridge Market

REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

Ms. Caren M. Burdi
30800 Hoover Road
13-11-101-033
C-1 & P

VARIANCES REQUESTED: Permission to

1. Conduct a temporary outdoor fireworks sale operation 40' x 72' with a 20' x 60' tent (1,200 sq. ft.) in the park lot (as per plan) of a market from June 18, 2015 through July 13, 2015, 10 a.m. to 10 p.m., with a 10' buffer around tent.
2. Waive fifty-four (54) off-street parking spaces for the outdoor sales area and retail business combined.

ORDINANCES and REQUIREMENTS:

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

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

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

Caren Burdi, 27299 Bradner, Warren, Michigan 48088, appeared before the Board.

Chairman Watriont asked what the reason for the petition was.

Caren Burdi stated first of all she would like to introduce Mike Conakry, who is here on the three (3) items with her and that is not the Mike Conakry that they are used to seeing, that is his son and his son has taken a great deal of responsibility with these fireworks sites for the last several years and now is going to be taking over and having all responsibility with the fireworks; he is here with her tonight. The sites they are asking for is for a 20' x 60' tent from June 18 through July 13th, 2015. As the Board is well aware, they have to apply through Lansing for a fireworks permit; they have extensive process for being approved. They will be inspected by the City and by State Fire Marshalls throughout the process. She is pleased to announce that none of the sites run by the Conakry's for fireworks have ever been ticketed or sited in any way.

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

Chairman Watriont stated that he had one question. He asked if there was a reason for the time change from 10:00 am to 10:00 pm from 9:00 am to 9:00 pm last year.

Caren Burdi stated she was sorry, she had thought it had always been from 10:00 am to 10:00 pm. No, as the Board is aware, fireworks have to be attended to 24 hours a day, so she had picked the light hours of the day, 10:00am to 10:00pm and she did that.

Chairman Watriont stated that he just noticed it and wanted to make sure. That was the only thing he noticed that was different in the request.

Board Member Becher stated she had one question. She stated that she had forgotten to read the part about waiving the fifty-four (54) off-street parking spaces; she

has a really bad cold and asked them to bear with her and she apologized. She stated they have these dimensions of 40' x 72' and in that 40' x 72' they are going to erect a 20' x 60' tent, correct?

Caren Burdi stated yes.

Board Member Becher stated okay and then it states with a 10' buffer around tent, so that was all included in the 40' x 72' sq. ft., right?

Caren Burdi stated it is, yes.

Board Member Becher asked it was not an addition to the 40' x 72'?

Caren Burdi stated no.

Board Member Becher stated okay and asked if anyone else had any comments.

(No response)

Motion:

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

1. Conduct a temporary outdoor fireworks sale operation 40' x 72' area that encompasses a 20' x 60' tent (1,200 sq. ft.) in the parking lot (as per plan) of a market from June 18, 2015 through July 13, 2015, 10 a.m. to 10 p.m., with a 10' buffer around tent.
2. Waive fifty-four (54) off-street parking spaces for the outdoor sales are and retail business combined.

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

Board Member Descamps supported the motion.

Chairman Watripont stated there is a motion by Board Member Becher and Support by Board Member Descamps, to approve the variance request as written due to not a detriment to the area and size and shape of the lot.

Roll Call:

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

Board Member Becher	Yes, for the reasons stated in the motion.
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 Furgal	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 request has been **GRANTED**.

13b. PUBLIC HEARING
REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

APPLICANT: Z & Z Fireworks/Janice Najor
Ms. Caren M. Burdi
26700 Ryan Road
13-20-101-038
C-1 & C-2

VARIANCES REQUESTED: Permission to

1. Conduction seasonal outdoor fireworks sales operation in a 40' x 20' (800 sq. ft.) area in front of the store from June 18, 2015 through July 13, 2015 from 10:00 a.m. to 10:00 p.m. with a 10' buffer around tent.
2. Waive sixteen (16) additional off-street parking spaces where the outdoor sales area is placed and an additional twelve (12) spaces required for the outdoor sales operation, for a total of twenty-eight (28) spaces to be waived. In addition to the 114 spaces previously waived by the Board on May 3, 1995.

ORDINANCES and REQUIREMENTS:

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

Section 4.51: Variances in conjunction with an outdoor retail sale. Upon a finding of unnecessary hardship and pursuant to the standards set forth in Article XX of this Ordinance, the zoning board of appeals for the City of Warren may grant a temporary variance in conjunction with a temporary outdoor retail sale.

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

Caren Burdi, 27299 Bradner, Warren, Michigan 48088, appeared before the Board.

Chairman Watriont asked for the reason for her petition.

Caren Burdi stated yes, this was a similar petition; they need permission from the Board to conduct seasonal outdoor firework sales. This is a 20' x 40' tent, only 800 sq. ft. and the 10' buffer would be an addition to that. The 10' buffer is 10' and then cones to draw a distinction and make it clear to vehicular traffic to stay out, away from the tent. This is identical, probably except for the hours as it has been in many many years before it and this site has never been sited or ticketed.

Chairman Watriont stated 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 Descamps to the petitioner, he asked why they need the extra spaces.

Caren Burdi stated it was the same as last year but if she was not mistaken, they were assigning spaces for the use and assigning spaces that the tent took up. She thinks when they add them together, is where they get the twenty-eight (28) spaces to be waived.

Board Member Descamps stated okay, and asked if anyone else had any discussions.

Motion:

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

1. Conduct seasonal outdoor fireworks sales operation in a 40' x 20' (800 sq. ft.) area in front of the store from June 18, 2015 through July 13, 2015 from 10:00 a.m. to 10:00 p.m. with an additional 10' buffer around tent.
2. Waive sixteen (16) additional off-street parking spaces where the outdoor sales area is placed and an additional twelve (12) spaces required for the outdoor sales operation, for a total of twenty-eight (28) spaces to be waived. In addition to the 114 spaces previously waived by the Board on May 3, 1995.

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

Board Member H. Brasza supported the motion.

Chairman Watripont stated there is a motion by Board Member Descamps and Support by Board Member H. Brasza, to approve the variance as requested; due to not a detriment to the area and size and shape of the lot.

Roll Call:

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

Board Member Descamps	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Board Member Becher	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

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

13c. PUBLIC HEARING

**APPLICANT: Z & Z Fireworks/
Eleven-Dequindre Associates**

REPRESENTATIVE:	Ms. Caren M. Burdi
COMMON DESCRIPTION:	26800 Dequindre
LEGAL DESCRIPTION:	13-19-101-017
ZONE:	C-2

VARIANCES REQUESTED: Permission to

1. Conduct a seasonal outdoor sales operation in an area of 20' x 40' (800 sq. ft.) with a 10' buffer around the tent, from June 18, 2015 through July 13, 2015 from 10:00 a.m. to 10:00 p.m.
2. Waive twenty (20) additional off-street parking spaces for the outdoor sale and where the tent is located. In addition to the forty-four (44) space waived 3/22/2000.

ORDINANCES and REQUIREMENTS:

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

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

Caren Burdi, 27299 Bradner, Warren, Michigan, 48088, appeared before the Board and stated the petition they have tonight, is the same as it has been for year. It is a 20' x 40' tent which is 800 sq. ft. with a 10' buffer around it. The time from June 18, 2015 to July 13, 2015, and this site had never been ticketed.

Chairman Watripont stated 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 unless anyone else had any comments, he would like to make the motion.

Motion:

Board Member H. Brasza made the motion to approve the petitioner's request to:

1. Conduct a seasonal outdoor sales operation in an area of 20' x 40' (800 sq. ft.) with a 10' buffer around the tent, from June 18, 2015 through July 13, 2015 from 10:00 a.m. to 10:00 p.m.
2. Waive twenty (20) additional off-street parking spaces for the outdoor sale and where the tent is located. In addition to the forty-four (44) space waived 3/22/2000.

Reason being: Needs approval of the Board, due to the size and shape of the lot, and not a detriment to the area.

Board Member Descamps supported the motion.

Chairman Watripont stated there is a motion by Board Member H. Brasza and Support by Board Member Descamps, to approve the variance request as written due to not a detriment to the area and size and shape of the lot and needs approval of the Board.

Roll Call:

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

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 S. Brasza	Yes, for the reasons stated in the motion.
Board Member Becher	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

Dan Longo stated he apologizes. It is under Brian Lack; he is the store manager, he is not sure why they had listed him, he is the one who usually comes down.

Chairman Watripont stated that Mr. Longo did appear before the Board last year, so he does know that he does represent them.

Board Member Becher asked if he had a business card that stated Art Van.

Chairman Watripont asked the City Attorney, if they needed anything further; he has been appeared before them before.

Roxanne Canestrelli, City Attorney stated to just verify his name badge.

(Mr. Longo presented his name badge to Board Member H. Brasza).

Chairman Watripont thanked Mr. Longo for the verification.

Dan Longo stated he would make sure that would not happen again. (For the issue of representation)

Chairman Watripont thanked Mr. Longo and stated this is a public hearing and anyone in the audience wishing to speak on this matter to approach the podium. Hearing and seeing none, he turned the matter over to the Board.

Board Member Descamps asked the petitioner, how the sales were going.

Dan Longo stated pretty good.

Board Member Descamps asked how many years in a row that they have done this now.

Dan Longo stated he thinks it has been twenty-three (23) years.

Board Member Descamps stated and they love them here in the City. He asked if other Board Members had any other discussion; if not he would like to make the motion.

Motion:

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

1. Conduct an outdoor "tent" sales operation in an area with two (2) tents 40' x 60' (2800 sq. ft. /4800 sq. ft. total) as per the plan, in front parking area of the store, from May 4 through May 20, 2015 and a second tent sale from July 27 through August 19, 2015 with the same tent sizes and locations as per the plan.
2. Waive fifty-seven (57) parking spaces in the front parking lot of the store in order to operate the outdoor "tent" sales operation. Twenty-five (25) spaces for the placement of the tents and thirty-two (32) spaces required for the outdoor sales area. In addition to the previous parking spaces (610) that were waived by the ZBA July 14, 1993 and November 8, 1995 and 256 spaces waived 10/16/2013.

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

Board Member H. Brasza supported the motion.

Chairman Watripont stated there is a motion by Board Member Descamps and Support by Board Member H. Brasza, but as he was reading through the numbers, he does have a question for Lynn Martin, Chief Zoning Inspector; he asked if the tents were larger now; it was two (2) tents.

Lynn Martin, Chief Zoning Inspector stated she believes they are.

Chairman Watripont asked they are requesting fewer spaces to be waived. He wanted to make sure this was all correct before they move forward.

Lynn Martin, Chief Zoning Inspector stated last year they had a 40' x 80' and a 20' x 20'.

Chairman Watripont stated right, which would have been 3,600sq.ft. and they waived sixty-two (62) parking spaces last year.

Lynn Martin, Chief Zoning Inspector stated she thought she had counted those up when she did the Planning; they did put it on their request. She believes it was correct.

Chairman Watripont stated okay and they are moving forward with the assumption that it is correct and if not, she (Lynn Martin) could bring clerical errors back to them.

Lynn Martin, Chief Zoning Inspector stated okay.

Chairman Watripont thanked Lynn Martin, Chief Zoning Inspector.

Roll Call:

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

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 S. Brasza	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 has been **GRANTED**.

alarms, electrical systems and tune-ups; it is a very small operation. The ordinance for this new business requires them to seek variances. The single 8' x 8' door faces an existing garage and residence across the alley, which is zoned R-1-P, not R-1-C. They are also required to provide a 6' concrete wall; that is part of the requirements when they have an operation like the one they are proposing but they cannot propose it or provide it, since it has to be built in a public alley, so again, there is another situation where they cannot handle because of an ordinance problem. Since they have a small operation inside the business, the building will not generate but a small amount of vehicle traffic since loading and unloading of materials is currently done in the public alley anyway; they are not impacting any traffic at all in this public alley; probably at the most, there would be two (2) cars waiting to be serviced; one (1) would be in the parking lot and one (1) would be inside the building. Remember, there is going to be one (1) space inside the building to do the repairs that he mentioned before. The new business will only operate with a closed overhead door; in other words, the owner has told him that he will close the door, and he would not operate when the door is open even though there is no noise generated, he would not operate any business without closing his overhead door and he will not generate any noise or odors with his operation. In other words, he believes that is very important to emphasize that there would be no odors or noise generated by this operation. It has an adjacent parking lot to contain customers' cars before and after the repairs; so there is a place to put the cars before to be repaired and after it would be repaired. This proposed new business will provide no impact on the quality of air orders or impact the existing neighborhood. They therefore request the approval of the variances they need so that the present owner can enhance his business. Their hardship is the size and shape of this very unusual lot. He knows the Board Members have a site plan to look at, but the only way they could get to the building is by a back door (pointing to his presentation), back in there, and the Board Members could see across the alley, they have a large grass lawn there and they do have a garage over there and a residential neighbor here (also pointing to his presentation). That was their only real problem in order to establish this, but remember, what he is stating is that it is not really a repair operation, it is a misnomer, he does not know what to call it, but it is a minor repair he guesses (laughing).

Chairman Watriont stated this was a public hearing and anyone wishing to speak on this matter, to approach the podium. He asked the individual at the podium to state his name and address for the record.

Derek Hammond, 7625 Yacht Avenue, Warren, Michigan, appeared before the Board and stated that he lives right behind the proposed plan that they have. His object is the noise barrier, the storage of the cars from his clients from working on his cars, the trash that he gets now on his yard from the previous tenants; he keeps that parking lot clean with broken glass and everything. He has a four (4) year old that plays in the yard; his worries are from the applicant having customers there and just how would he know that they would not mess up his yard and take up all of the parking spots and people would just start leaving cars in front of his house.

Chairman Watriont thanked Mr. Hammond for his comments. He asked if there was anyone else wishing to speak on this item.

Robert Tobin asked if he could get the owner up to respond to those remarks.

Chairman Watrion stated not at this time, it is a public hearing. Seeing no one else, he turns the matter over to the Board. They did receive a letter that was written but was unsigned, so they will not read it into the record. It will be filed and received. He turns the matter over to the Board now.

Board Member S. Brasza stated to Mr. Tobin that in regards to the larger building or so it is noted on the plan for the auto repair, she asked if there was still going to be a parts department and a retail area in that facility.

Robert Tobin stated yes, that remains and it was all part of his automotive idea to make it all relate to the automotive business. He will be dealing with dealers who will bring their cars in for the services.

Board Member S. Brasza asked if that was the basis of more so of the public.

Robert Tobin stated that was right. He would be dealing strictly with dealers rather than the public, so the public will not be in there and he could reaffirm that with the owner who is present at the meeting.

Board Member S. Brasza stated wonderful and in regards to that, the neighbor that was in front of them had stated that there was times, in which a previous owner had parked a lot of cars there, she asked if this was the gentleman who has owned this property and still owns it or was this a new tenant.

Robert Tobin stated he would like to have Mr. Arafah to come up and speak to the Board. He thinks he knows; he does not know who the gentleman was or if the property was previously owned.

Steve Arafah appeared before the Board and stated that he is the owner and he would like to address the neighbor's concerns. He is not even sure where the neighbor's residence is in accordance to his building. He is sure the City is familiar with his location; he does not know anything about broken glass, children playing in the yard, or anyone getting hurt. They have a 6' wall behind the alley, they keep their lots clean, they do not have customers parking in anyone's residential spaces; they have their own parking on both ends of the building and this is always kept clean; family-friendly. If the gentleman would like to explain more, he would be...

Board Member S. Brasza to Mr. Arafah stated she thinks it was more the question of the alley itself; she asked Mr. Arafah if they park cars in the alley.

Steve Arafah stated no they do not. They are not allowed there is no room; they just do not. Like he pointed out, they have ample parking on both ends of the building, so they always keep it...

Robert Tobin stated nineteen (19) spaces were available there.

Board Member S. Brasza stated along the west property line—she asked Mr. Tobin to point it out—the west property line on his drawing.

Robert Tobin stated the west property line.

Board Member S. Brasza stated please; that has an existing wall; she asked does that mean they are tearing down what wall there is.

Robert Tobin (pointing to his drawing) that is a west property line right there and this is the public alley along here; actually they have been entering here at this rear door here, a small door, it is only 8' x 8' overhead door, so it was not really impacting anyone, he does not know where the gentleman is located and that is what they do not know that where his address is.

Board Member S. Brasza stated there is currently a cinderblock wall along the west boundary...

Robert Tobin stated that was correct, all along there (pointing to his drawing).

Board Member S. Brasza asked if that was going to be maintained and retained.

Robert Tobin stated absolutely, that is what it is for, to block the visibility of the cars from the residential area. That was why they had it there.

Board Member S. Brasza stated there was a question in the correspondence that there is debris that often collects in the rear corner of the parking lot, could they address that.

Steve Arafah stated recently, probably in the past—now he has owned the property for the past ten (10) or twelve (12) years he believes—he has noticed that the amount of trash being littered is quite a bit; they do their best to collect beer cans, he did find broken glass in the alley in the corners where someone might have been drinking behind the buildings, but they do keep that clean; they sweep quite often and he really hopes that no one gets hurt, but he thinks that was what the gentleman was referring to. They do their best; he does it himself as a matter of fact, he goes quite often and he cleans the grass area, they keep the grass cut and they clean all of the debris. As he stated he found some broken glass in some corners but that was just due to kids or adults drinking and throwing beer bottles or alcohol bottles.

Board Member S. Brasza thanked Mr. Arafah and stated not that it is their concern tonight, but another question and again it is not really to do with them but there was question on the paint peeling on the building, was that something that is...

Steve Arafah apologized for not hearing the question and asked there was what?

Board Member S. Brasza stated paint peeling on the building.

Robert Tobin speaking to Mr. Arafah stated the building has paint peeling off the back.

Board Member S. Brasza stated the condition of the building with paint peeling from the exterior walls.

Steve Arafah stated they paint this building almost every year. There was some graffiti on the back of the building but the City actually did take care of that; he notified them that someone had painted...As he stated that some kids area always behind the building playing, especially in the summertime. They keep their eyes on it and they do their best to keep it clean.

Board Member S. Brasza thanked Mr. Arafah.

Board Member Furgal stated she believes the resident said he lived on Yacht, was that true.

Board Member Becher stated yes, that was what she heard.

Board Member Furgal stated that was what she heard, so she wanted to make sure. The property that they are speaking of is between Westminster and Prospect.

(Voice inaudible)

Steve Arafah stated that was no problem.

Board Member Furgal stated she just wanted to let them know.

(Mr. Hammond's voice is inaudible)

Board Member Furgal stated she knows that it was difficult to identify.

Steve Arafah stated when he had mentioned kids, he wants kids to be safe, he does not want broken glass and he understands his point and there were no hard feelings whatsoever, he wants everyone to be happy and safe.

Board Member Furgal stated that was all she had to say.

Steve Arafah asked if he could just add something, just like how Mr. Tobin had stated earlier, their business will operate on one (1) to two (2) vehicle at a time. They will not have cars piling up anywhere. He has been doing business in that area for the past twelve (12) years. He understands the blight situation, he is one of those guys that actually wants to stay away from that kind of a problem and maintain the integrity of the City, the cleanliness of the city, so the Board has his guarantees that there will not be any cars left unattended to or cars just sitting for the purpose of just sitting there. Cars will come in, they will be diagnosed properly; he has hired a highly great electrician who will do the work, diagnose the vehicles, get to the bottom of it, get that done and get it out and that is how they will operate.

Chairman Watriont said he has one question. He asked what they have been doing in that spot for the last ten (10) years since he has owned it.

Steve Arafah stated they have been operating an automotive business, they still do.

Robert Tobin stated it is just a delivery door that is all it was.

Steve Arafteh stated yes.

Chairman Watripont stated part sales, okay. His concern is the way the request is written in number 2, to waive the required masonry wall along the west property line. He does not think that they are really waiving the wall, they are just allowing for the door in the back, was that correct.

Lynn Martin, Chief Zoning Inspector stated that was the wall behind the building; there should a wall behind the building itself.

Chairman Watripont stated even though the building goes almost to the property line.

Lynn Martin, Chief Zoning Inspector stated yes. That was how it goes in... (Voice inaudible)... that is the wall that is being waived.

Chairman Watripont stated it was not on the whole property.

Lynn Martin, Chief Zoning Inspector stated no, it was not the whole property; it was just strictly behind the building. (Voice is far from the microphone).

Chairman Watripont stated okay.

Lynn Martin, Chief Zoning Inspector (voice inaudible).

Robert Tobin stated it was a strange requirement of the ordinance that they could not comply with because it would be putting a wall in the alley, theoretically, so it has to be waived.

Chairman Watripont stated on the north side of the property.

Lynn Martin, Chief Zoning Inspector stated correct, right there behind the building.

Board Member Becher stated no, that was the west.

Chairman Watripont stated the west property line on the north side.

Board Member H. Brasza stated so not behind the parking lot, they are not waiving that portion; they are waiving the portion behind the building.

Robert Tobin stated there should be a wall there but they cannot do it; it would be in the alley. It is a very weird situation. It was one of the requirements of the ordinance and they just cannot comply with it.

Board Member H. Brasza asked the petitioner, how many employees are in these two (2) buildings with the office and the actual repair and sales.

Steve Arafteh stated there is currently three (3) of them; one (1) part-timer and in addition there will be only one (1) mechanic, and one (1) electrician; a total of four (4).

Board Member H. Brasza asked if it was safe to assume there would be no overnight storage of vehicles in the parking lot.

Steve Arafteh stated no, there will not be any overnight storage. As he stated this is strictly for dealers or by appointment only; vehicles come in, the electrical work is done on the vehicle as far as harnessing and that kind of stuff and then they leave the next day.

Board Member H. Brasza stated okay and if no one else had any comments, he would like to make a motion.

Motion:

Board Member H. Brasza made the motion to approve the petitioner's request to:

1. Operate an auto repair facility adjacent to residential property across the alley.
2. Waive the required masonry wall along the west property line, behind the building; referred to as Parcel B.
3. Retain the rear overhead door facing the residential district.
4. Waive four (4) required parking spaces in conjunction with a multi use.

Reason being: Size and shape of the lot, and needs approval of the Board.

Board Member Becher supported the motion.

Chairman Watripont stated there was a motion by Board Member H. Brasza and Support by Board Member Becher, to approve the variance as written with the clarification on number 2, that it is only waiving the masonry wall behind the building in the plan referred to as Parcel B.

Roll Call:

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

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 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.
Chairman Watripont	Yes, for the reasons stated in the motion.

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

Robert Tobin stated this was a tough one (laughing), and thanked the Board and appreciates their work and their help.

Board Members thanked Mr. Tobin.

16. **NEW BUSINESS**

Chairman Watripont asked if Lynn Martin, Chief Zoning Inspector had anything.

Lynn Martin, Chief Zoning Inspector stated they know that Mr. Wuerth is retiring.

Chairman Watripont stated he did see that.

Lynn Martin, Chief Zoning Inspector stated he will be working part-time for a while.

Chairman Watripont stated for a while until he is replaced full-time or...

Lynn Martin, Chief Zoning Inspector stated until he is out of days off and then they may continue to have him on part-time.

Chairman Watripont stated that he is using up his days now and then are they searching for a new one right now or?

Lynn Martin, Chief Zoning Inspector stated she does not think so.

Chairman Watripont stated okay and asked if there was anything else for New Business.

17. **ADJOURNMENT**

Motion:

Board Member Descamps made the motion to adjourn the meeting, Supported by Board Member Becher.

Voice Vote:

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

The meeting was adjourned at 8:52 p.m.

Jean Becher
Acting Secretary of the Board