

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
April 13, 2016

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, April 13, 2016 at 7:30 p.m. in the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

Roman Nestorowicz, Chairman
Judy Furgal, Vice-Chairwoman
Sherry Brasza, Secretary
Jeremy F. Fisher, Assistant Secretary
Ann M. Pauta
Henry Brasza
Charles Anglin
Albert M. Sophiea

Members of the Board absent:

Also present:

Roxanne Canestrelli, Assistant City Attorney
Everett Murphy, Chief Zoning Inspector

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

All Board Members were present.

4. ADOPTION OF THE AGENDA

Motion:

Board Member Anglin made the motion to adopt the Agenda.

Secretary S. Brasza stated in addition with the motion, if she may add; that the Board received a letter regarding **item #6**; requesting of the Board to reschedule her hearing for April 27, 2016; if Board Member Anglin could add that to his motion.

Motion:

Board Member Anglin made the motion to adopt the agenda as amended to move **Item 6**, Lisa Gardner, to **April 27, 2016** meeting; supported by Secretary S. Brasza.

7. PUBLIC HEARING: **APPLICANT: Mr. Anton Yousef Kosho**
REPRESENTATIVE: Mr. Ron Kachman-The Design & Construction Group
COMMON DESCRIPTION: 2446 E. Twelve Mile Road
LEGAL DESCRIPTION: 13-18-126-003 & 13-18-126-004
ZONE: C-2

VARIANCES REQUESTED: Permission to

Waive greenbelt or decorative wall for 266 ft adjacent to a residential district.

ORDINANCES and REQUIREMENTS:

Section 5.11 Churches, schools, libraries and civic clubs: Paragraph (5): That a six (6) foot wall or eight (8) foot greenbelt pursuant to [section 2.26](#) of this Ordinance, be provided where the site abuts a residential district or residential use or is adjacent to an alley which abuts a residential district or residential use.

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

Mr. Ron Kachman, with Design & Construction Group; 291 Elmwood, Troy, Michigan, appeared before the Board.

Chairman Nestorowicz asked Mr. Kachman the reason for their petition.

Mr. Ron Kachman stated they are before the Board to waive the 266 feet of wall behind the existing auto facility, between the building and the wall, there would not be but maybe a foot and a half or two (2) feet between the two and if it was also on the church side of the property, there are a lot of mature pine trees and trees all along right directly behind that building and if they had to get in there to dig and trench all of that out, it would probably kill half of those trees. It really does not serve any purpose to have the wall, because it is so close to the other wall and there is not enough room for a greenbelt; that was what they were present for.

Chairman Nestorowicz stated this is a public hearing, are there any members of the audience who would like to speak?

Mr. Joseph Hunt, 8306 Stanley; appeared before the Board stating he is a homeowner and taxpayer in the City of Warren, at 12 and Van Dyke. As they know, the property there was the vacant Key Motor Mall for about a decade and he probably went to every Planning and Zoning meeting, in favor of development of the area and he appreciates the petitioner's development of that area as the way it is. At the last Planning Commission meeting, there was the issue of course regarding this variance in question, regarding the placement of an expensive wall, between the Saint Louise de Marillac—or whatever it is called—Church and the existing property. He goes to the festivals over at Saint Louise every year—it is sort of like part of a Catholic tradition—and primarily placing a wall between the two (2) properties, is really basically breaking up the aura of the area. He would say as far as his personal knowledge of the area and knowledge of

these properties for the last forty (40) years that he is aware of, that putting in a greenbelt, would be costly to the petitioner and he would say to grant the variance.

Chairman Nestorowicz stated not seeing any other public comments; he turns the matter over to the Board.

Secretary S. Brasza asked the petitioner, if they are not going to do a greenbelt and they would like the Board to waive the wall, what would they do instead for that foot and a half?

Mr. Ron Kachman stated they only have three (3) feet and a greenbelt has to be—he thinks—eight (8).

Secretary S. Brasza stated well what would they do instead? Was there something there now that....what is there now in place?

Mr. Ron Kachman stated right now it is just a grassy area right up to the building and there are pine trees all along that whole back area. The church put a wood fence up to one end of it and a chain link fence at the back end and one to the south, so there is really nothing there but landscaping already.

Secretary S. Brasza stated and they maintain that?

Mr. Ron Kachman stated yes, it is all maintained; basically it is maintained by the church.

Secretary S. Brasza stated okay and thanked Mr. Kachman.

Motion:

Board Member Anglin made the motion to approve the petitioner's request to: Waive greenbelt or decorative wall for 266 ft adjacent to a residential district.

Reasons being: Not Self Imposed; the Property is Unique, and Not a Detriment.

Board Member H. Brasza supported the motion.

Chairman Nestorowicz stated they have a motion by Board Member Anglin, Supported by Board Member S. Brasza, to approve the petitioner's request, reasons being: Not Self Imposed, Not a Detriment, and a Unique Property. He asked for Roll Call.

The additions to the reasons being, not a detriment was added to the initial motion.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (8 – 0).

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

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

8a. PUBLIC HEARING:

**APPLICANT: Z & Z Fireworks, LLC and
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, 2016 through July 8, 2016 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 03/22/2000.

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 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.

Ms. Caren Burdi appeared before the Board and stated she is present on behalf of Z & Z Fireworks. This is their yearly endeavor for Fireworks at this location; fireworks has been done at this location for quite some time; there is no change to the plan, it is still a 20' x 40' (800 square foot) tent; the waiving of the 20 parking spaces is obviously the space that the tent takes up. They have had a good safety record there and no complaints by the Warren Fire Department, who is actually doing the inspections for this area, so they ask that they obtain that approval again for this year.

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

Board Member Fisher stated they have a quiet of few of these that are fairly similar, so he is going to put his opinion on the record that kind of goes for the general rule. He is looking at a situation where they have a Fireworks tent that they are putting in a middle of a parking lot and then they are asking to waive parking spaces that are meant to be used for whatever existing businesses already there, and then they have an additional business coming into the tent and so his opinion, what they are asking for, is a recipe where they are packing a parking lot full of cars surrounding a tent full of explosives and it is his strong opinion—he knows the ZBA has waived it in the past, but he is new to the Board as their number of numbers—he believes this is a safety hazard; he understands they have a right to open a tent under the law, but they are not required to give any variances to allow this to happen and he thinks if there are not enough parking spaces there, then they should not allow the tents. He thinks it is a danger to the public and he will be voting no.

Chairman Nestorowicz stated if he could add in, because he is actually very familiar with this property because he lives around the corner from it. This is like that Big Lots shopping center and that parking lot honestly is never anywhere close to capacity—there is lots of ample room in that parking—he knows it is based on the square footage of that building, but there is lots of ample room in that parking lot.

Ms. Caren Burdi asked if she could make a comment with regard to that.

Chairman Nestorowicz stated sure.

Ms. Caren Burdi stated that does want Board Member Fisher to know that in fact there are NFPA requirements that have to be abided by for this tent to go there, so she does want to make clear that there is a buffer area; there are barricades that are put up; there are aerial coverage for anything that leaves the ground that are there; wicks cannot be exposed...she could go on for three (3) hours. The NFPA has determined that it is safer to sell Fireworks from a tent than it is from a building. God forbid something should occur people could get out of a tent very easily, very easily, whereas in a building, with only three (3) exists, they have had some serious injuries. So in all essence, the tent is in fact the way to properly sell this. Now, she does know that there are people who do not care for Fireworks, the dangers of them, etc. she does respect that, but it is a legal thing that is able to be sold through State Law and she does believe that they have really worked on—if they will—the safety aspect of it. So she respects his comments, but she thinks that there is a lot of safety aspects put into effect. That shopping center is a dying shopping center; she lives in Warren, she wants him to know that she lives in Warren and she cares about Warren and that center—quite frankly—is going through some hard times—as many of their shopping centers are—and she will tell them that some of these types of businesses coming in and doing this, are quite helpful to even paying taxes for some of these landlords. She would hope that it was not the case, but that is the case; they have a lot of vacant commercial space—a lot of vacant commercial space.

Board Member Pauta stated her experience with every year as this has been going on, she has been in Warren—lived in Warren for a little over twenty (20) years and done business for thirty (30); but she has never experienced an overabundance of volume of customers at these places and they are only talking about a short period of time—it is not like they are talking about year round—so she really does not have a problem with this.

Board Member Fisher stated he understands that there are certain safety regulations that are put into place and he is not—by any means—proclaiming himself to be an expert on those safety regulations, but those safety regulations are put into place in a situation where they are not—he does not think that they address waiving parking spots—and then his concern there is waiving parking spots to put a tent in, where it has the potential to cause an overflowed parking lot and he just does not think it is safe. He does not think as a city, that they should encourage putting tents in parking lots and waiving spaces to allow the parking lot to be overfull and he understands in this situation, maybe she thinks it would not be, but as a general rule, he just does not think that they should waive parking spaces to allow a tent to go in where there is a potential if they have a busy day—he has been to some of these tents or by these tents—when it has been busy, close to the 4th of July and he does think it is a danger, he thinks it is a real danger to pack these parking lots full of cars surrounding these tents and so, he reiterates that he will be voting No.

Motion:

Board Member Furgal 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, 2016 through July 8, 2016 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 03/22/2000.

Reasons being: Due to Size and Shape of the Lot, and Needs Approval of the Board.

Board Member Anglin supported the motion.

Chairman Nestorowicz stated they have a motion by Board Member Furgal, Supported by Board Member Anglin, to approve the petitioner's request, Due to the Size and Shape of the Lot and Needs Approval of the Board. He asked for Roll Call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (7 – 1).

Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Fisher	No.
Secretary S. Brasza	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

8b. PUBLIC HEARING: **APPLICANT: Z & Z Fireworks / Cheryl Paton**
REPRESENTATIVE: Ms. Caren M. Burdi
COMMON DESCRIPTION: 26700 Ryan Road
LEGAL DESCRIPTION: 13-20-101-038
ZONE: C-1 & C-2

VARIANCES REQUESTED: Permission to

- 1.) Conduct a **seasonal** outdoor fireworks sales operation in a 40' x 20', (800 sq. ft.), area in front of the store from June 18, 2016 through July 8, 2016, 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 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.

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

Ms. Caren Burdi, Z & Z Fireworks, 31851 Mound Road, Warren, Michigan 48092; stated this also is a site that they have been doing Fireworks at for substantial period of time; it is a 40' x 20' (800 square foot) tent and it is again only from June 18th, to July 8th. They have a very good track record with the Warren Fire Department as well as the State of Michigan Fire Bureau and this center also is not one of their busier centers and she would ask for approval to conduct the sales for that short period of time.

Chairman Nestorowicz stated this is a public hearing, are there any members of the audience who would like to state their comments? (No response) Not seeing any, he turns the matter over to the Board.

Board Member Fisher stated that he used to live in the subdivision just behind this Oak Ridge Market and what he could tell them is, it could be very busy; he has personally gone there to go grocery shopping when this Fireworks tent was up and could not find a spot, so this is exactly the kind of site he is talking about, where absolutely they are packing people in around a tent where it does not fit and he will definitely be voting no.

Motion:

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

- 1.) Conduct a **seasonal** outdoor fireworks sales operation in a 40' x 20', (800 sq. ft.), area in front of the store from June 18, 2016 through July 8, 2016, 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.

Reasons being: Due to size and shape of the lot and Needs approval of the Board.

Board Member H. Brasza supported the motion.

Chairman Nestorowicz stated they have a motion by Board Member Furgal, Supported by Board Member H. Brasza, to approve the petitioner's request, Due to the size and shape of the lot and Needs approval of the Board. He asked for Roll Call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (6 – 2).

Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Sophiea	No; he does live close to the parking lot and he shares Mr. Fisher's concerns of safety in this particular parking lot.
Board Member Fisher	No, for the reasons stated on the record.

Secretary S. Brasza
Chairman Nestorowicz

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

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

8c. PUBLIC HEARING: **APPLICANT: Z & Z Fireworks & 13 & Mound LLC**
REPRESENTATIVE: Ms. Caren M. Burdi
COMMON DESCRIPTION: 5823 E Thirteen Mile
LEGAL DESCRIPTION: 13-05-476-006
ZONE: C-2 & P

VARIANCES REQUESTED: Permission to

- 1.) Conduct a seasonal outdoor sales operation in an area of 30' x 60' (1800 sq. ft.), with a 10' buffer around the tent, from June 18, 2016 through July 8, 2016 from 10:00 a.m. to 10:00 p.m.
- 2.) Waive 128 additional off-street parking spaces for the outdoor sale and where the tent is located.

ORDINANCES and REQUIREMENTS:

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

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

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

Ms. Caren Burdi, on behalf of Z & Z Fireworks, stated she does not only work in Warren but she lives in Warren; 27288 Bradner Drive, Warren, Michigan 48088. With regard to this item, at 5823 Thirteen Mile, it is at Thirteen Mile and Mound and if the Board recalls, which she is sure many of them do from the past, there is an existing permanent outdoor sales area and then there was every year, double the size—if they will—of a temporary outdoor sales area. Mr. Conakry has downsized, he is no longer asking for the flowers to be double that size and then the Fireworks tent. This actually represents a reduction in the space that is being used on that corner and they do understand that there are developments that are starting to be pending and this will probably—at that point—have to cease, but currently they are using just the permanent outdoor sales area for flowers and then a 30' x 60' tent, only from June 18th through July 8th, up in the area, which is probably one-fourth of the space that this site used to be. She also questioned the 128 parking spots, because they went before Planning this year, with this new plan and it is less parking spots than that... (Ms. Burdi directed a question to Mr. Everett Murphy...did they not figure out—according to the Planning Department—that they wanted them to waive actually less spaces?)

Mr. Everett Murphy, Chief Zoning Inspector stated he remembers he and Ms. Burdi talked about it at the counter; they did come up with another number...

(Inaudible discussion)

Ms. Caren Burdi stated what happened was that when she went to Planning, they calculated the parking as less than 128 spaces and the number that is sticking in her head is a 112. She knows that they are able to waive less parking spaces than they are of course to exceed, so if they waive the 128 parking spaces temporarily from June 18 to July 8th, they would be taking care of the situation; however, she believes that a much smaller amount of parking was what was required...(inaudible)...

Mr. Everett Murphy, Chief Zoning Inspector stated actually, he thinks they did work it out and figured out how they came up with the calculation....

(Inaudible discussion at the podium)

Ms. Caren Burdi stated it appears that this was the revised one and it is a 128.

Mr. Everett Murphy, Chief Zoning Inspector stated he thinks they did figure out how they came up with that calculation.... (Inaudible)

Ms. Caren Burdi stated she thinks they are erring on the side—if they will—of waiving the appropriate amount, so that they meet the requirement and again it is for three (3) weeks. This site is a huge site with quite a few vacant buildings; no one is parking out this far by the road for any type of retail business on that site.

Chairman Nestorowicz stated this is a public hearing... Not seeing any members of the public that wish to speak on this item, he turns it over to the Board.

Secretary S. Brasza to Ms. Burdi stated does she remember that flower area being pushed further back west from the...

Ms. Caren Burdi stated yes.

Secretary S. Brasza stated but it was not this year.

Ms. Caren Burdi stated no it was not. The situation is the flower area was pushed west and it was a much larger site than they are having right now and what was found is that, it did not do very well, off of the corner and so they are on the corner and out of respect to some of the purviews of some of the opinions in the City, they are just sticking to the small area; it will stay the same size that it pretty much is right now for the flower season and they had double that when they would come before the Board and when granted permission to do temporary for double that space; they are not asking for that this year, they are not coming and asking for that and so in essence, that was why she had to go back before Planning, is they have given up that area and they are now just asking to put up the tent for three (3) weeks, 30' x 60' for the Fireworks sales.

Secretary S. Brasza stated so they will be in the area of the flowers instead of in a separate area further north; they would not have flowers and then Fireworks?

Ms. Caren Burdi stated it has always been the flowers and fireworks, relatively close together, they have the separation in access of what NFPA requires them to, but it will be...imagine the tent farther north on Mound.

Secretary S. Brasza stated so there is no parking in between the two (2) tent areas?

Ms. Caren Burdi stated no, no!

Secretary S. Brasza asked or east of that, between the sidewalk and the street?

Ms. Caren Burdi stated no, no. All parking will be—and she does not even think to the north of it—she thinks all parking will be to the west.

Board Member Anglin stated there is a spot on there that says 30 day temporary receiving area May 15th to June 15th?

Ms. Care Burdi stated yes, that is not for the Fireworks, that is hundred (100%) percent for the flower sales and that was approved with the existing permanent outdoor retail sales area. What happens in that location is, they have set and designated that area for deliveries for when pallets of dirt come etcetera, and they only need it for the short time because it is the beginning of the season and then they close that down.

Board Member Anglin asked if that was going to be a tent also.

Ms. Caren Burdi stated no.

Board Member Anglin stated that is an open air?

Ms. Caren Burdi stated open air.

Board Member Pauta stated she would also like to also repeat what Ms. Burdi had mentioned before about Eleven and Dequindre being a dead shopping area, this one is a one dead shopping area; the only thing that has any business is the donut place and that is ridiculous. She would definitely be in favor of this one. She would like to make a motion...

Motion:

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

- 1.) Conduct a seasonal outdoor sales operation in an area of 30' x 60' (1800 sq. ft.), with a 10' buffer around the tent, from June 18, 2016 through July 8, 2016 from 10:00 a.m. to 10:00 p.m.
- 2.) Waive 128 additional off-street parking spaces for the outdoor sale and where the tent is located.

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

Board Member H. Brasza supported the motion.

Chairman Nestorowicz stated they have a motion by Board Member Pauta, Supported by Board Member H. Brasza; he would like to make an addition...Board Member Pauta did not state the year; he wants to make sure the year is made as part of the motion that June 18th, 2016 through July 8th, 2016. For the reasons being: size and shape of the lot and Needs Approval of the Board. He asked for Roll Call.

The additions/changes were made to the initial motion.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (7 – 1).

Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Fisher	No, he believes it is a Detriment to the Area.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Secretary S. Brasza	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

8d. PUBLIC HEARING: **APPLICANT: Z & Z Fireworks / Oak Ridge Market**
REPRESENTATIVE: Ms. Caren M. Burdi
COMMON DESCRIPTION: 30800 Hoover Road
LEGAL DESCRIPTION: 13-11-101-033
ZONE: C-1 & P

VARIANCES REQUESTED: Permission to

- 1.) Conduct a **temporary outdoor fireworks sale operation with a 20' x 60' tent (1,200 sq. ft.)** in a parking lot (as per plan) from June 18, 2016 through July 8, 2016, 10:00 a.m. to 10:00 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 merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use.

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

Ms. Caren Burdi, 31851 Mound Road, Warren, Michigan 48092; stated she is representing Z & Z Fireworks. This too is a site that Fireworks have been done at for years. It is the exact same plan; they have not made any changes to that plan. Again, they are in good standing with the City of Warren Fire Department and also with the Fire Marshall and the Fire Bureau in Lansing and she should have pointed out and she should tell them that they have obtained all of their State licenses; they have gotten those licenses already and so the Board could be assured that they will continue to comply with the State and City for the requirements.

Chairman Nestorowicz stated this is a public hearing, are there any comments from the audience? (No response) Not seeing any, he turned the matter over to the Board.

Board Member Pauta to Ms. Burdi stated that this was going to be pretty much the same as it has been in the past, correct?

Ms. Caren Burdi stated yes.

Board Member Pauta stated she lives right by there and she has never seen problems. She has never seen parking problems of any kind, so she is going to be approving this one. She would like to make a motion if no one else had any objections.

Motion:

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

- 1.) Conduct a **temporary outdoor fireworks sale operation with a 20' x 60' tent (1,200 sq. ft.)** in a parking lot (as per plan) from June 18, 2016 through July 8, 2016, 10:00 a.m. to 10:00 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.

Reasons being: Not a Detriment to the Area and Size and Shape of the Lot and Needs Approval of the Board.

Board Member Anglin supported the motion.

Chairman Nestorowicz stated they have a motion by Board Member Pauta, Supported by Board Member Anglin to approve the petitioner's request; reasons being: 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 (7 – 1).

Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Fisher	No, he believes it is a Detriment to the Area.

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

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

9. PUBLIC HEARING: **APPLICANT: Warren Lions Club**
REPRESENTATIVE: Al Lindsey
COMMON DESCRIPTION: 3001 Thirteen Mile
LEGAL DESCRIPTION: 13-06-402-002 & 13-06-451-001
ZONE: R-1-A

VARIANCES REQUESTED: Permission to

Conduct the Warren City Fair as follows:

Wednesday	June 15, 2016,	3 p.m. to 11 p.m.
Thursday	June 16, 2016,	3 p.m. to 11 p.m.
Friday	June 17, 2016,	3 p.m. to 11 p.m.
Saturday	June 18, 2016,	12 p.m. to 11 p.m.
Sunday	June 19, 2016,	12 p.m. to 11 p.m.

ORDINANCES and REQUIREMENTS:

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

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

Mr. Al Lindsey, 3642 Wakefield Drive, Troy, Michigan; appeared before the Board stating that he is a member of the Warren Lions Club; has been a member for 41 years; they are requesting permission to once again have their Warren City Fair; he believes it has been over 60 years that they have had it now and all of the money they earn, goes back into the Community, back into their Lions Club Charities. They also wanted to point out that in order to make everything nicer for the neighborhood they cut all of the music and all of the entertainment at 10:00 p.m., so all of the rides will shut off all their music and all of their entertainment stops at 10:00 p.m. every night, even though they go on until 11:00 p.m. The reason they are requesting this, the hardship they are requesting is that they need the Zoning Board's approval to have the Warren Fair.

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

Board Member Pauta stated that in the past, this has always been a very nice fair and a lot of residents and non-residence go for enjoyment, so she would like to approve this, if there were no other objections.

Motion:

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

Conduct the Warren City Fair as follows:

Wednesday	June 15, 2016,	3 p.m. to 11 p.m.
Thursday	June 16, 2016,	3 p.m. to 11 p.m.
Friday	June 17, 2016,	3 p.m. to 11 p.m.
Saturday	June 18, 2016,	12 p.m. to 11 p.m.
Sunday	June 19, 2016,	12 p.m. to 11 p.m.

With the **Condition:** *That all music stops at 10:00 p.m.*

Reasons being: Due to the Size and Shape of the Lot, Not a Detriment to the Area and Needs Approval of the Board.

Board Member Fisher Supported the motion.

Chairman Nestorowicz stated they have a motion by Board Member Pauta, Supported by Board Member Fisher to approve the petitioner's request; reasons being: Size and Shape of the Lot, Not a Detriment to the Area and Needs Approval of the Board. He asked for Roll Call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (8 – 0).

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

The petitioner's request has been **GRANTED** as written, with the **Condition:** *That all music stops at 10:00 p.m.*

10. PUBLIC HEARING: **APPLICANT: Mr. Nick Lavdas**
REPRESENTATIVE: Mr. Nick Lavdas
COMMON DESCRIPTION: 7635 Eight Mile & 7657 Eight Mile, Rivard
LEGAL DESCRIPTION: 13-33-479-048
ZONE: C-2

VARIANCES REQUESTED: Permission to

- 1.) Conduct a **seasonal** outdoor sales operation in the front 15' setback, 11' x 22.73', (250 sq. ft.), area, including a 10' x 10' = 100 sq. ft. tent and outdoor display area 10' x 15' = 150 sq. ft. (TOTAL 250 sq. ft.); May 1, 2016 through October 31, 2016. Hours of operation will be limited to match hours of operation and limited to display only. As per the plan.
- 2.) The goods to be displayed are from 7657 Eight Mile, 8 Mile Pawnbrokers.

ORDINANCES and REQUIREMENTS:

Section 14.06 Front yard for commercial buildings: A front yard setback of fifteen (15) feet shall be provided for commercial buildings...

Section 4.52 Standards for temporary outdoor retail sales Paragraph (c): The proposed sale must not be located within any required setback of the applicable zoning district.

Section 4.53 Regulations for outdoor sales Paragraph (c): No sales or display of merchandise shall be permitted in the public right-of-way or any required setback.

Chairman Nestorowicz asked if the petitioner was present in the audience. (No response heard) Not seeing the petitioner, he asked the Board if they wished to **move** this item.

Motion:

Board Member H. Brasza made the motion to **move** this matter to **17b** on the agenda.

Board Member Anglin Supported the motion.

Chairman Nestorowicz stated they have a motion by Board Member H. Brasza, Supported by Board Member Anglin to **move item 10, to 17b**.

Voice Vote:

A voice vote was taken on the motion. There was one opposed vote recorded by Board Member Furgal. The motion **carried** (7-1).

The item was moved to 17b.

Motion:

Board Member Fisher made the motion to approve the petitioner's request 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, 2016, to December 31, 2016**, and to waive 16 required off-street parking spaces per the site plan.

Reasons being: Not a Detriment to the Area and Not Self Imposed.

Board Member H. Brasza Supported the motion.

Chairman Nestorowicz stated they have a motion by Board Member Fisher, Supported by Board Member H. Brasza to approve the petitioner's request; reasons being: Not a Detriment to the Area, and Due to the Size and Shape of the Lot. He asked for Roll Call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (8 – 0).

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

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

12. PUBLIC HEARING:

**APPLICANT: Patrick E. Sulaka /
Mr. Harold Sullivan, Owner**

REPRESENTATIVE:

Mr. Patrick E. Sulaka

COMMON DESCRIPTION:

2300 Ten Mile Road

LEGAL DESCRIPTION:

13-30-126-008

ZONE:

M-2

VARIANCES REQUESTED: Permission to

- 1.) Operate a **seasonal** outdoor sales operation from June 7, 2016 through June 6, 2017.
- 2.) Waive 123 required off-street parking spaces required in conjunction with the outdoor sales operation.

ORDINANCES and REQUIREMENTS:

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

Section 4.52 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 Nestorowicz asked the individual at the podium to state his name and address for the record.

Mr. Patrick Sulaka, 5223 Bush, Warren; appeared before the Board and stated that he is from the Warren Community Trade Center and he is looking for a renewal of an outside sales permit. They have done it there for about twenty (20) years now and due to the size and shape of the lot, he is looking for a parking variance, the lot is not big enough to sell all of the cars.

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

Motion:

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

- 1.) Operate a **seasonal** outdoor sales operation from June 7, 2016 through June 6, 2017.
- 2.) Waive 123 required off-street parking spaces required in conjunction with the outdoor sales operation.

Reasons being: Due to the Size and Shape of the Lot and Needs Approval of the Board.

Board Member Anglin Supported the motion.

Chairman Nestorowicz stated they have a motion by Board Member Furgal, Supported by Board Member Anglin to approve the petitioner's request to conduct the outdoor seasonal sales; reasons being: Not a Detriment to the Area, Size and Shape of the Lot and Needs Approval of the Board. He asked for Roll Call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (8 – 0).

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

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

13. PUBLIC HEARING: **APPLICANT: ART VAN FURNITURE Inc.**
REPRESENTATIVE: Mr. Brian Lack / Store Manager
COMMON DESCRIPTION: 6500 Fourteen Mile Road
LEGAL DESCRIPTION: 13-04-126-021
ZONE: M-2

VARIANCES REQUESTED: Permission to

- 1.) Conduct an **OUTDOOR "TENT" SALES OPERATION** in an area with two (2) tents 40' x 60', (2400 sq. ft. / 4800 sq. ft. total) as per the plan, in front parking area of the store, from May 16 through June 3, 2016 and a second tent sale from July 25 through August 18, 2016 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.

ORDINANCES and REQUIREMENTS:

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

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

Mr. Dan Longo, 39259 Tunstall Drive, Clinton Township, Michigan; appeared before the Board and stated that he is present on behalf of Art Van Furniture, requesting that they receive permission to conduct their annual tent sale that they have conducted for about the last twenty-three (23), twenty-four (24) years now. All of the provisions that were requested were submitted and they just wanted to make sure that all the requirements and the setting up of the tent were specific to the safety of their clients and safety to their customers and that the experience that they offer is a pleasurable experience as they conduct this kind of sale.

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

Board Member Pauta to Mr. Longo stated that this the same thing that they have been asking for in the past years, correct?

Mr. Dan Longo stated correct.

Board Member Pauta stated she has no objections and she would like to make a motion.

Motion:

Board Member Pauta 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', (2400 sq. ft. / 4800 sq. ft. total) as per the plan, in front parking area of the store, from May 16 through June 3, 2016 and a second tent sale from July 25 through August 18, 2016 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.

Reasons being: Due to the Size and Shape of the Lot and Needs Approval of the Board.

Board Member Anglin Supported the motion.

Chairman Nestorowicz stated they have a motion by Board Member Pauta, supported by Board Member Anglin to approve the petitioner's request: Reasons being: size and shape of the lot and needs approval of the Board; asked for Roll Call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (8 – 0).

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

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

14. PUBLIC HEARING:	APPLICANT: ART VAN FURNITURE-USE-
REPRESENTATIVE:	Mr. Dennis Davis
COMMON DESCRIPTION:	13855 Eight Mile Road
LEGAL DESCRIPTION:	13-36-351-010
ZONE:	C-2 & P

VARIANCES REQUESTED: Permission to-USE-

- 1.) Conduct one (1) **OUTDOOR "TENT" SALE OPERATIONS** in the area 40' x 60', (2,400 sq. ft.), in front parking area of the store, as per the plan, from May 17, through June 7, 2016.

- 2.) Waive Thirty-two (32) parking spaces (16 for the sale and 16 for the spaces that the tent occupies) in the front parking lot of the store in order to operate the outdoor "tent" sales operation.

ORDINANCES and REQUIREMENTS:

Section 16.02 Uses permitted in P Parking Districts, Paragraph (a): Parking areas shall be used for parking of private passenger vehicles only.

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

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

Mr. Dennis Davis, 7276 Ford Avenue, Warren, Michigan; appeared before the Board and stated that he is present to represent Art Van, 13855 East Eight Mile Road, for permission to hold their annual tent sale.

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

Board Member Fisher to Mr. Davis stated there are no substantial changes from what has been in the past?

Mr. Dennis Davis stated no sir.

Board Member Fisher stated okay; if there are no objections, he would like to make a motion.

Motion:

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

- 1.) Conduct one (1) **OUTDOOR "TENT" SALE OPERATIONS** in the area 40' x 60', (2,400 sq. ft.), in front parking area of the store, as per the plan, from May 17, through June 7, 2016.
- 2.) Waive Thirty-two (32) parking spaces (16 for the sale and 16 for the spaces that the tent occupies) in the front parking lot of the store in order to operate the outdoor "tent" sales operation.

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

Board Member H. Brasza Supported the motion.

Chairman Nestorowicz stated they have a motion by Board Member Fisher, Supported by Board Member H. Brasza to approve the petitioner's request: Reasons being: Size and Shape of the Lot and Needs Approval of the Board. He asked for Roll Call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (8 – 0).

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

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

15. PUBLIC HEARING: **APPLICANT: Tech Plaza LLC / Mr. Tom Petzold**
REPRESENTATIVE: Mr. Tom Petzold
COMMON DESCRIPTION: 8303, 8309, 8317, 8323, 8325, 8331, 8335,
8339, 8341, 8345, 8347, 8349, 8351, 8353, 8357 and
8359 E Twelve Mile Road (Tech Plaza)
LEGAL DESCRIPTION: 13-10-353-010
ZONE: C-2 & P

VARIANCES REQUESTED: Permission to

Install one (1) informational sign, hung from a walkway canopy of a size not to exceed four (4) square feet, for each business who has an entrance located beneath the plaza canopy.

ORDINANCES and REQUIREMENTS:

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

Section 4A.37 Paragraph (d): Shopping centers. Section 4A.37 – Shopping Centers. Regardless of the zoning district, shopping centers as defined in section 2.67 are permitted the following signage: One (1) informational sign, hung from a walkway canopy of a size not to exceed two (2) square feet, shall be allowed for each business located in the shopping center.

Chairman Nestorowicz stated before he asked the individual at the podium to state her name and address for the record; all Board Members should have a letter that they received that actually authorizes Ms. French to speak. He asked the individual at the podium to state her name and address and the reason for the petition.

Ms. Bridget French, Tech Plaza, Twelve Mile and Van Dyke; appeared before the Board and stated she is present for a sign variance; to install four (4) square foot signs over each tenant under the canopies.

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

Board Member Anglin stated that he would like to make a motion, if no one had anything to add...

Board Member H. Brasza stated he was trying to understand why they needed such a big sign; he means they have lots of signs on the overhead of the buildings and now they are trying to make these under the deck signs extra large as well. It seems that they are over-signing that plaza.

Ms. Bridget French stated that it is a one (1) foot sign; 1' x 4'.

Board Member H. Brasza stated it is still bigger than what is allowed and he is trying to understand why they need a variance; what is so special about this plaza that other plazas do not have.

Ms. Bridget French stated there is a canopy; so when you are shopping and you are under the canopy, in order to know what store is coming up next, you would have to step out in the parking lot and look up. That is how she views it as a shopper herself, but...

Board Member H. Brasza stated they allow for those in the rules, but they are trying to make it larger, and every sign in that plaza is getting big and guessing he is kind of disturbed of how big the signs are and he is trying to understand why they need such big ones. If people are walking, they do not need that much...a 1' x 4', that is a big sign...

Ms. Bridget French stated that it is a twelve (12) foot ceiling there; under the canopy...there is a nine (9) foot entrance, and once you get under the canopy, it is then twelve (12); so it is going to come down and then under the sign, you are at eleven (11). She guesses with the size of the canopies, it works with the signs of the canopy and to see it up ahead, so that it is going to promote pro-shopping, and if you see a sign to say, 5 stores down, if it is smaller, you may not view it so well.

Board Member H. Brasza stated he understands her point, but he still thinks this plaza is over-signed; he is just not in favor of it.

Board Member Pauta stated that she one-hundred percent agrees with Board Member H. Brasza and actually she is not in favor of this because of the fact that they are over-signing already with and without permits. She means all the way to the sidewalk, the right-of-way, they have signs everywhere and it is just ridiculous.

Secretary S. Brasza stated she would have to agree. A 1' x 4' is awfully large even with her glasses off she could still see maybe a smaller. She understands and she is grateful for the fact that they want to indicate underneath the canopy what the store is, but most of the time, it is a destination thing, it is not a matter of you walking up and down the plaza too often. Is there any kind of change that she could make to the size?

Ms. Bridget French stated Tom would have to answer that; she does have just kind of an example of what it looks like—she does not know if that helps them at all—but she would like to table it for Tom to address that though...

Secretary S. Brasza stated great idea; date certain or they have available time in...the April 27th Meeting is just jammed...May 11th, is the soonest they could do this.

Ms. Bridget French stated May 11th?

Secretary S. Brasza stated she assumes they have the electricity already there.

Ms. Bridget French stated yes, yes.

Secretary S. Brasza stated she just hopes they are not ordered already.

Ms. Bridget French stated pardon.

Secretary S. Brasza stated she just hoped they were not ordered already.

Ms. Bridget French stated no, no. So, she will tell him (Tom) May 11th, then?

Secretary S. Brasza stated if that is what she chooses; the Board could fit her in on May 11th.

Ms. Bridget French stated okay.

Motion:

Secretary S. Brasza made the motion to **Table** this public hearing to the **May 11th, 2016** meeting.

Board Member H. Brasza Supported the motion.

Chairman Nestorowicz stated they have a motion by Secretary S. Brasza, Supported by Board Member H. Brasza to **Table Item number 15** to the **May 11th, 2016 Meeting.**

Voice Vote:

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

Chairman Nestorowicz stated that this item has been **Tabled** until **May 11, 2016**, if there are any other individuals interested in this item, there is going to be no other notification other than this one here at the meeting. He asked to proceed to the next item.

16. PUBLIC HEARING: **APPLICANT: Terry Burns,
ACME Architectural Sign Co.**

REPRESENTATIVE: Same
COMMON DESCRIPTION: 8369 E. Twelve Mile Road
LEGAL DESCRIPTION: 13-10-353-010
ZONE: C-2 & P

VARIANCES REQUESTED: Permission to

Install two (2) wall signs 48" x 171" = 57 sq. ft. each, one on the south elevation and one on the west elevation.

TOTAL 114 sq. ft. of wall signage.

ORDINANCES and REQUIREMENTS:

Section 4A.37 (c): Wall signs. One (1) wall sign of a size not to exceed forty (40) sq. ft. shall be allowed for each business located in the shopping center.

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

Mr. Terry Burns, ACME Architectural Signs; 47115 Seven Mile Road, Northville, Michigan 48167; appeared before the Board and stated Red Olive Restaurant has eighteen (18) letters in the length of their sign and the size of the individual letters are actually smaller than many of the other sizes—is just that they have a great degree of letters—saying Red Olive Restaurant. There is a ground sign that is out there, but the signs and the panels are not for the tenants there; they temporarily put up a panel for Red Olive but that is going to be removed for a new development and that development is for information for the other shopping centers. If there are any questions he could answer. They tried to compare it to 40 square feet, but when they have eighteen (18) letters on it, it does not really make it very large size sign.

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

Board Member Fisher stated this seemed like...considering the number of letters in the name, which can be an issue and the fact that they really are not seeking that large of a variance, it seems like a reasonable request to him and if there are no other comments by the Board, he would like to make a motion...

Motion:

Board Member Fisher made the motion to approve the petitioner's request to: Install two (2) wall signs 48" x 171" = 57 sq. ft. each, one on the south elevation and one on the west elevation.

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

Board Member Anglin Supported the motion.

Chairman Nestorowicz stated they have a motion by Board Member Fisher, Supported by Board Member Anglin to approve the petitioner's request: Reasons being: Property is Unique and the Size and Shape of the Lot and to add in the Lack of Identification.

The changes to the reasons being: Lack of Identification was made on the initial motion.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (7 – 1).

Board Member Fisher	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Pauta	No, because that complex does not have a problem with identification.
Secretary S. Brasza	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

17. PUBLIC HEARING: **APPLICANT: ITC Holdings**
REPRESENTATIVE: Mr. Gary Kirsh
COMMON DESCRIPTION: 12575 Stephens
LEGAL DESCRIPTION: 13-26-131-001 & 13-26-201-001
ZONE: M-2 & R-1-P

VARIANCES REQUESTED: Permission to

- 1.) Allow a twelve (12) foot tall mini mesh fence with one (1) foot of V Barb on top as per the plan.
- 2.) Allow a sixteen (16) foot tall precast masonry wall as per the plan.

ORDINANCES and REQUIREMENTS:

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

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

Mr. Gary Kirsh, Regional Manager for ITC Holdings, 27175 Energy Way, Novi, Michigan, appeared before the Board and stated that he is representing 12575 Stephens Road, Warren, Michigan. ITC is before the Board tonight to request the opportunity to install a twelve (12) foot high mini-mesh fence with one (1) foot V-barb on top, as well as a sixteen (16) foot precast concrete wall as per the plan; this is to be in compliance with their NERC requirements. The NERC is the National Energy Regulatory Corporation and ITC owns and operates the transmission system throughout the State of Michigan and they are under Federal Regulations to make sure that they continue to keep their system in regulations that are placed upon them. ITC working with the regulations, have determined that this application before the Board tonight would put them in compliance with that and that is why they are asking for the variance tonight, to allow the sixteen (16) foot walls and twelve (12) foot fence.

Chairman Nestorowicz stated this is a public hearing, are there any members of the public who would like to speak on this item? He asked the individual at the podium to state her name and address for the record.

Ms. Lisa Astros, 25401 Constitution, Warren, Michigan 48089; appeared before the Board and stated that she happens to live on a lot that her backyard faces ITC Holdings and when they built in that area, they were assured that there would not be building in that area or they would not have purchased in that area. Her children coming out to see barbed wire in their backyard is just unacceptable or a prison wall—the masonry wall—is just unacceptable. They have a nice ascetic view out of their window and they did not sign off to that; they have been there 13 years.

Mr. Gary Kirsh asked if he could clarify something... he apologizes for the confusion, but the wall will be placed in the same location as the current fence is now, so behind their...

Ms. Lisa Astros stated there is no fence.

Mr. Gary Kirsh stated there is a fence around their substation...

Ms. Lisa Astros stated well that is for down towards 10 Mile...

Mr. Gary Kirsh stated yes, that is exactly where it will be. There is an existing...no, and he apologizes, he should have....he is always accused of being too detailed, so now he is going the opposite way. They currently have a fence around the substation now, and what they would be doing is replacing the current fence with the... (*pointing to a site plan*) noted here is going to be the walls, and then this would be the mini-mesh fence, which is anti-climb, anti-cut, which is here in the same location as the existing fence.

Ms. Lisa Astros stated the way the letter read, was as if they are...they were thinking that it was going to be right behind them, so.

Mr. Gary Kirsh stated no, it will be in the same location as it currently is.

Ms. Lisa Astros stated she does not have to fight then. (Laughter)

Chairman Nestorowicz asked the next individual of the audience to state his name and address for the record.

Mr. Gary Kirsh asked the Board if they minded if he addressed the individual.

Chairman Nestorowicz stated if he could just state his name and address for the record, but then yes.

Mr. Rodney Evans, 25080 Audrey Avenue, appeared before the Board and stated that he grew up at 24300 Antoinette and his mother is still there; he wished to know what they were doing.

Chairman Nestorowicz stated to please go ahead.

Mr. Gary Kirsh (*pointing to his site plan*) stated they currently have a cyclone fence that incases the substation; the walls that they are proposing would be here and then the cyclone mini-mesh fence that is anti-climb and anti-cut would be in the same location, so any home with their lawn there, there would be no (inaudible) there right now.

Mr. Rodney Evans stated so it is not a factor.

Mr. Gary Kirsh stated no, they are not impacting anything close to anybody's homes, it is just going to be exactly in the same location they currently have the fence that is there now.

Mr. Rodney Evans stated okay, that is good and thanked Mr. Kirsh.

Chairman Nestorowicz asked the next member of the audience to state his name and address for the record.

Mr. Bohle, 24370 Antoinette; appeared before the Board.

Mr. Gary Kirsh to Mr. Bohle (*explaining the site plan map*), stated currently they have a fence around the property; they are going to be replacing the current fence with a 16 foot walls in this area...

Mr. Bohle asked if the 16 foot wall is going to be what he will be seeing passed his yard first, or with the wire mesh.

Mr. Gary Kirsh stated actually what it is, is that this area here (*pointing to the site plan*), is the only spot that they would have the 16 foot walls, then back here, is where the 12 foot mini-mesh is.

Mr. Bohle stated okay and pointing to the site plan map, asked if that is where Stephens is?

Mr. Gary Kirsh stated yes.

(Inaudible)

Mr. Bohle asked where the DPW lot was in regards to his area that he is showing him there.

Mr. Gary Kirsh asked DPW...?

Mr. Bohle stated the Warren DPW backs up into their area, correct?

Mr. Gary Kirsh stated they have from Stephens Road to 10 Mile Road and then, adjacent on the opposite side of where the homes are, is where there is an industrial. So...

Mr. Bohle (Inaudible)...

(Inaudible discussion)

Chairman Nestorowicz stated actually if they are having any discussion, the Board could not actually hear for the record and... if they could speak...it is a public hearing, so they would need to be able to hear.

Secretary S. Brasza stated and if not, if they are not wrapping up, they could just go onto the next person who would like to....

Mr. Bohle stated it is not right behind their homes like they thought it was; they are good to go.

Board Member Anglin stated if there was no further discussion...

Chairman Nestorowicz stated if there were no other discussions from the public, he turns it over to the Board.

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

Chairman Nestorowicz stated there is a discussion first...

Board Member Fisher stated if he could just ask, in regards to the barb wire, they would just like some clarification.

Mr. Gary Kirsh asked in regards to what...he apologized, he could not hear.

Board Member Fisher stated he is asking for barb wire...

Mr. Gary Kirsh stated yes.

Board Member Fisher asked if it is razor wire or barb wire.

Mr. Gary Kirsh stated no, it is the actual three (3) strands of barb wire, not the...

Board Member Fisher asked if that is required by Federal Regulation or if that is just recommended.

Mr. Gary Kirsh stated it is a...he does not want to misstate...it is part of the requirements for that to prevent somebody from climbing over. There are other avenues they could use, like it was mentioned like they use on prisons with the constant...or the razor wire he thinks it is called, but they chose to use the v-barbed three (3) strands of barb wire instead.

Board Member Fisher stated okay, but other than razor wire or barb wire, are there any other alternatives that do not involve....

Mr. Gary Kirsh stated his understanding from looking at the plan that is what they could put in there and still be in compliance. He could not say that there is not something else that there might be out there on a product, but it was the same thing to prevent somebody from crawling over the top of it. That is why; otherwise if they just had the fence, you would be able to crawl over top.

Board Member Fisher stated so they are required to have something of this nature.

Mr. Gary Kirsh stated yes; he is always apprehensive if somebody comes up here and says well here is this other wire...why did you not use this. (Laughter)

Chairman Nestorowicz asked if Board Member Pauta had any other comment. (No response)

Motion:

- Board Member Anglin made the motion to approve the petitioner's request to:
- 1.) Allow a twelve (12) foot tall mini mesh fence with one (1) foot of V Barb on top as per the plan.
 - 2.) Allow a sixteen (16) foot tall precast masonry wall as per the plan.

Reasons being: Not Self Imposed and the Property is Unique.

Board Member Pauta Supported the motion.

Chairman Nestorowicz stated they have a motion by Board Member Anglin, Supported by Board Member Pauta to approve the petitioner's request: Reasons being: Not Self Imposed and the Property is Unique. He asked for Roll Call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (8 – 0).

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

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

17b. PUBLIC HEARING:	APPLICANT: Mr. Nick Lavdas
REPRESENTATIVE:	Mr. Nick Lavdas
COMMON DESCRIPTION:	7635 Eight Mile & 7657 Eight Mile, Rivard
LEGAL DESCRIPTION:	13-33-479-048
ZONE:	C-2

VARIANCES REQUESTED: Permission to

- 1.) Conduct a **seasonal** outdoor sales operation in the front 15' setback, 11' x 22.73', (250 sq. ft.), area, including a 10' x 10' = 100 sq. ft. tent and outdoor display area 10' x 15' = 150 sq. ft. (TOTAL 250 sq. ft.); May 1, 2016 through October 31, 2016. Hours of operation will be limited to match hours of operation and limited to display only. As per the plan.

2.) The goods to be displayed are from 7657 Eight Mile, 8 Mile Pawnbrokers.

ORDINANCES and REQUIREMENTS:

Section 14.06 Front yard for commercial buildings: A front yard setback of fifteen (15) feet shall be provided for commercial buildings...

Section 4.52 Standards for temporary outdoor retail sales Paragraph (c): The proposed sale must not be located within any required setback of the applicable zoning district.

Section 4.53 Regulations for outdoor sales Paragraph (c): No sales or display of merchandise shall be permitted in the public right-of-way or any required setback.

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

Mr. Nick Lavdas, 3671 East Twelve Mile, Warren, Michigan; appeared before the Board stated the reason for the petition is for their outdoor sales that they do every year just to help them generate more business at the facility.

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

Board Member Pauta to Mr. Lavdas stated he is not changing anything from the previous years?

Mr. Nick Lavdas stated no; nothing.

Board Member Pauta stated because she would like to make a motion to approve this if there are no other comments...

Motion:

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

- 1.) Conduct a **seasonal** outdoor sales operation in the front 15' setback, 11' x 22.73', (250 sq. ft.), area, including a 10' x 10' = 100 sq. ft. tent and outdoor display area 10' x 15' = 150 sq. ft. (TOTAL 250 sq. ft.); May 1, 2016 through October 31, 2016. Hours of operation will be limited to match hours of operation and limited to display only. As per the plan.
- 2.) The goods to be displayed are from 7657 Eight Mile, 8 Mile Pawnbrokers.

Reasons being: Not a Detriment to the Area and Needs Approval of the Board.

Board Member H. Brasza Supported the motion.

Chairman Nestorowicz stated they have a motion by Board Member Pauta, Supported by Board Member H. Brasza to approve the petitioner's request: Reasons being: Not a Detriment to the Area and Needs Approval of the Board.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (6 – 2).

Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Fisher	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Sophiaea	Yes, for the reasons stated in the motion.
Board Member Furgal	No, Self Imposed.
Secretary S. Brasza	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	No, Self Imposed.

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

Mr. Nick Lavdas thanked the Board and stated that he apologizes for inconveniencing the Board by arriving late and thanked the Board for allowing him to come back.

18. NEW BUSINESS

Chairman Nestorowicz stated the Board received notification that Board Member Tabbi has resigned from the Zoning Board of Appeals Board, and he just wanted to inform everyone about that. The City Council would have to fill that position. The second item he also wanted mentioned under New Business is that they are going to have a **Spring Training Session**, conducted by a City Attorney Roxanne Canestrelli for ZBA Members on the Board for especially some of their newer members on the Board that recently joined; that is going to take place on **Wednesday, June 1st, at 7:00 p.m., Conference Room A**. He would highly recommend all of the new Board Members, but actually even the existing Board Members, it is always good to get a refresher on items. Does anyone else have any other New Business?

19. ADJOURNMENT

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

Voice Vote:

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

The meeting was adjourned at 8:50 p.m.

Sherry Brasza
Secretary of the Board