

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
January 13, 2016

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

Members of the Board present:

Steve Watripont, Chairman
Judy Furgal, Vice-Chairwoman
Roman Nestorowicz, Secretary
Sherry Brasza, Asst. Secretary
Henry Brasza
Charles Anglin
Richard Tabbi III
Jeremy Fisher

Members of the Board absent:

Ann Pauta

Also present:

Roxanne Canestrelli, City Attorney
Everett Murphy, Zoning Inspector

1. CALL TO ORDER

Chairman Watripont called the meeting to order at 7:34 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Secretary Nestorowicz did get a call from Board Member Pauta earlier today, she's down with the flu and unable to attend tonight's meeting.

Motion:

Board Member S. Brasza made the motion to excuse Board Member Pauta and Board Member Anglin supported the motion.

Chairman Watripont has a motion to excuse by Board Member S. Brasza; support by Board Member Anglin.

Voice Vote:

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

4. **ADOPTION OF THE AGENDA**

Motion:

Board Member S. Brasza made the motion to adopt the agenda and Board Member H. Brasza supported the motion.

Chairman Watripont has a motion for the adoption of the agenda by Board Member S. Brasza; support by Board Member H. Brasza.

Voice Vote:

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

5. **APPROVAL OF THE MINUTES OF the Regular Meeting of December 9, 2015**

Motion:

Board Member H. Brasza made the motion to approve the minutes of December 9, 2015 and Secretary Nestorowicz supported the motion.

Chairman Watripont has a motion by Board Member H. Brasza; support by Secretary Nestorowicz.

Voice Vote:

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

6. **PUBLIC HEARING**

APPLICANT: Mr. Paul Stodulski – REDICO Management, Inc., Sole Member of REDICO Holdings LLC

(Rescheduled from 12/9/15)

REPRESENTATIVE:

Mr. Chris Jones – Meijers Inc.

COMMON DESCRIPTION:

13355 Ten Mile Road

LEGAL DESCRIPTION:

13-23-476-008

ZONE:

R-2 (being zoned to C-2)

VARIANCES REQUESTED: Permission to:

Waive 429 spaces of required off street parking.

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (22): Off-street parking requirements. One (1) parking space for each one hundred fifty (150) square feet of floor area.

John Drain, Project Manager for REDICO, appeared before the Board stating he was there on behalf of Paul Stodulski and REDICO.

Secretary Nestorowicz informed they did get a letter. He forgot to mention that John Drain is a representative here to speak.

John Drain knew there was a question about that in last month's meeting so they clarified that. He introduced his team explaining he is joined by Chris Jones from Meijer, Scott McCarthy from REDICO and Juli Sala from AEW. He explained last month they appeared before the Board to discuss the litany of variances and due to a posting error in the required number of parking spaces, which is one of the variances... Due to a posting error they had to reappear this month before the Board. Juli Sala from AEW and Chris Jones will speak to the variance they request tonight.

Juli Sala appeared before the Board stating he was with Anderson, Eckstein and Westrick, they're the civil engineering firm located at 51301 Schoenherr Road in Shelby Township. He just wanted to give the Board an idea of what the site is looking like and why they're here requesting for this variance. He's just going to jump right to it really. What they are required to provide by the ordinance is one space for every one hundred and fifty (150) square feet of building and sales area, which results in 1,066 spaces. They're proposing to put in 637, resulting in the shortage of 429 spaces which is what they're here asking for a variance on. In looking at past developments they've done, really he looked at the one to one hundred and fifty (150) square foot requirement; he agrees it works great for small retail developments. When you're looking at large scale retail such as Meijer or other developments you really start restricting it as in requiring more spaces than what are really needed. He looked at some surround municipalities as well to see what their requirements are and of course it varies from Warren, which is the one to one fifty to Sterling Heights which is one to two fifty, for every two hundred and fifty (250) square feet; even Clinton Township which goes as far as one for every three hundred and fifty (350) square feet for large developments. What really is the ideal ratio that we would look for? That where it kind of comes in handy and it's nice they're working with Meijer, they have a total of 223 stores in the Midwest, so they know exactly how many spaces they really need to best service their sites. What really ends up being the magic number is about one space for every two hundred and fifty (250) square feet, which coincidentally happens to be exactly the number that their proposing that just so happen by the site that they have and where they're putting the parking spaces. He'll go ahead and move forward with what they have at the site.

Juli Sala had a visible site plan for the Board that he turned to make north upwards so it's easy to reference.

Julia Sala continued to explain they're located on the corner of Ten Mile and Schoenherr Road and they're limited by a number of things on this site, just based on location and what's surrounding them. One of them is just area of the site itself; even if they were to pave pretty much every part of that area they still wouldn't be able to meet the parking requirements, plus all the other requirements, setbacks and all the other zoning requirements. They would still be here requesting a variance, it's just a matter of how many spaces they're looking to vary from. On this site, as the Board can see, they have on the North side an out lot which is still residentially zoned and there is a detention pond with a berm. The purpose of that is they don't want to pavement, they don't want to put development closer to the residents than necessary. That's meant to buffer them, adding spaces along there would probably

put headlights towards the residents; they don't want to do that and wouldn't be gaining anything. On the East side they've kept the green space wider than they were allowed to, they could actually make that narrower but they wouldn't, again, want to do that just because they like the idea of having more green instead of gray for the sole purpose that adding those extra spaces is really not that beneficial. On the Southeast corner where they have the fuel center, again, this is something they've done initially where they've kept the fuel center a little further back and into what would be parking area to keep and preserve those large mature trees that are in that corner; they want to preserve as many of those as they can. Like he said, that really limits their site and they've tried to put parking spaces wherever they can in the remainder of the area and that's where they came to a total of 637. One of the biggest restrictions is just the size of the lot and what's surrounding it, the residential area on the North and again the trees on the site. When they look at asking for variances that have certain qualifications they have to meet, for one make sure it's not a detriment to the surround community. He would argue that it's actually beneficial to allow the variance because it's less parking spaces, less lighting, less intrusive to the neighbors and they know from experience with Meijer guiding them the number of spaces they're proposing certainly meets Meijers needs. Additionally, there is less storm water runoff, City Engineering would love that as well. The last thing he wanted to point out that this isn't really cost driven, it's not a matter of where they're trying to save money by not adding these spaces. Meijer has agreed to many other things that actually increase the cost of development, such as adding electric vehicle charging, upgraded façade's and shorter lights was another agreement they agreed to. It's not driven by reducing cost, it's actually just driven by the benefit to the community. With that he'll go ahead and end it and just ask for the Board's approval of it. If the Board has any questions they'll be more than happy...

Chris Jones, Real Estate Manager for Meijer, appeared before the Board thanking them for their time and stated his address as 2929 Walker Avenue in Grand Rapids, Michigan. He wanted to add on to what Juli Sala had to say, he pretty much covered it in good detail, a lot of their 223 stores in six (6) Midwestern states, 113 of those stores are here in Michigan. They made the decision to have a smaller prototype store at this location. He believes the first plan they rolled out was close to 200,000 square feet but having met with residents and community leaders, they decided to do a smaller store and this smaller store of 157,000 square feet also allowed them to do less parking spaces. They found a lot of the codes are written towards busiest shopping days of the year, Black Friday after Thanksgiving and the week after Christmas. They found that more green space, less pavement, more open space, more landscaping is beneficial for the longer term and for the longer period of time than just the couple of shopping days that the spaces would be full. The majority of the spaces are oriented in the front of the store; they do have some side spaces on the South side and a few on the North side. That's all he had to add and thanked the Board.

Chairman Watriont stated this is a public hearing, anyone wishing to speak on this item to please approach the podium.

Everett Murphy, Zoning Inspector for City of Warren, appeared before the Board stating that if he ever sit down to try to think of areas of the zoning ordinance that need work, the parking ordinance is probably one of those that are going to make a very short list of things that really need to be examined and gone over. If we continually bring people in front of you for parking variances, it shows that we really need to look at it and see if we need to amend that ordinance; be more flexible on the parking projects such as this when that zoning ordinance was written. This is a very complex, it's a very big lot, very complex plan and he doesn't think at the time they wrote it a lot of the problems that we face today even existed. Something to keep in mind when they ask for a parking variance is something like that. This may way very well be a good candidate for a parking variance.

Chairman Watripont thanked him.

No audible response.

Chairman Watripont said hearing and seeing no others he closed the public hearing and turned this matter over to the Board.

Board Member S. Brasza said to the petitioner whoever wants to answer, in regards to outlet buildings A & B, she wondered if they're configuring any parking shared for those facilities. She's sure they don't have anything scheduled at this time.

Juli Sala answered certainly not.

Board Member S. Brasza asked if they'll have their own stand alone parking.

Chris Jones stated exactly.

Juli Sala replied yes.

Board Member S. Brasza thanked them.

Chris Jones explained they'll have to meet the ordinance whether it's a restaurant, retail shop, whatever may go on this out lot.

Chairman Watripont asked him to please speak into the mic.

Chris Jones continued explaining Meijer will own the out lot to the North and REDICO, their partners are going to own the out lot to the South and they'll be required to be self sufficient in parking and stand on their own. We have an agreement between REDICO and Meijer that no shared parking is allowed.

Chairman Watripont and Board Member S. Brasza thanked them.

Board Member S. Brasza wondered if there were any further questions.

No audible response.

Motion:

Board Member S. Brasza made the motion to approve the variance requested to waive 429 required off street parking spaces. Due to: size and shape of the lot.

Board Member Anglin supported the motion.

Chairman Watriont stated he has a motion by Board Member S. Brasza to support the variance as requested; due to size and shape of the lot. Supported by Board Member Anglin. Roll Call.

Roll Call:

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

Board Member S. Brasza	Yes, for the reasons stated in the motion.
Board Member Anglin	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.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Tabbi	Yes, for the reasons stated in the motion.
Board Member Fisher	Yes, for the reasons stated in the motion.
Chairman Watriont	Yes, for the reasons stated in the motion.

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

Chairman Watriont stated item number seven, we are short one Board Member so if you have a use variance and wish to have it heard at an upcoming meeting, when you come up here please let us know that you wish to reschedule it at that time. He explained a use variance requires six (6) votes out of the eight (8) members that are here; that's reason for the announcement.

7. PUBLIC HEARING

APPLICANT: Mr. Ken Boutillier-USE-
(Rescheduled from 12/9/15)

REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	3690 Nine Mile
LEGAL DESCRIPTION:	13-31-226-004
ZONE:	C-1

VARIANCES REQUESTED: Permission to:-USE-

1. Continue and expand a legal non-conforming residential use in a C-1 District.
2. Construct a building 28' x 50' = 1400 sq. ft. with an overall height of 21' in the required rear setback to within 7' of the rear property line.

ORDINANCES and REQUIREMENTS:

Section 13.01 – Uses permitted: In all C-1 Districts no building or land, except as otherwise provided in this Ordinance shall be erected or used except for one (1) or

more of the following uses: (a) All uses permitted in R-1-A, R-1-B, R-1-C, R-2, R-3, R-1-P, and Office Districts except residential dwellings.

Ken Boutillier stated 3690 East Nine Mile Road in Warren, MI.

Chairman Watripont asked for the reason for his petition and to put the mic up closer.

Ken Boutillier explained the reason for his petition is to build a garage on his property that is in a C-1 district.

Chairman Watripont asked for his hardship.

Ken Boutillier stated there is no hardship.

Chairman Watripont began to say this is a public hearing.

Roxanne Canestrelli, City Attorney, stated he has to say his hardship.

Chairman Watripont gave the floor to the City Attorney.

Roxanne Canestrelli suggested to show him his application so he could state his hardship based on the application that he had already submitted by writing to the City of Warren.

Chairman Watripont told him he needs a hardship.

Roxanne Canestrelli asked if that document looked familiar, is that your handwriting?

Ken Boutillier stated he's been here, this is the fourth time now. He didn't see this being an issue, he doesn't know what you consider is a hardship.

Chairman Watripont explained a hardship is a reason for you to get your variance. There are certain standards within the ordinance you have to meet, if you don't meet those you have to let the Board know why, what your hardship is in order to be granted one.

Ken Boutillier said the hardship listed on the previous application was to store vehicles for his family, storage of personal items, yard equipment and store personal items from out of the basement to avoid possible flooding that was previously experienced.

Chairman Watripont asked if lack of storage was still accurate.

Ken Boutillier replied that is still accurate, absolutely.

Chairman Watripont and Roxanne Canestrelli thanked him.

Chairman Watriont said this is a public hearing, anyone wishing to speak on this item to please approach the podium.

Everett Murphy stated as you brought up right in the beginning this is a use variance, it's held to a higher standard; we need six (6) votes instead of the regular five (5). In order to get that variance he's supposed to have demonstrated the following: the first one being that the property cannot be used as zoned. That is a C-1 district and quite frankly he can't think of any reasons why that can't be used for any of the C-1 uses. It certainly can and he seen or heard anything from the petitioner to suggest that he could meet that burden. The second one is not self imposed, you might be able to argue that one, he doesn't know. He's asking for it, he thinks wants it and he's not sure that's a hardship. The third one is that the property is unique; he hasn't seen any features on this property to suggest that it's unique from the properties around it, so he doesn't think he has met that standard. The fourth one, not being a detriment, that's arguable; you could say that. The fifth one is that it's necessary again. He doesn't think that he's demonstrated that and so if he hasn't met all five (5) standards then the variance should not be granted. He'll leave that up to the Board.

Chairman Watriont thanked him.

No audible response.

Chairman Watriont said seeing and hearing no others he closed the public hearing and turned this matter over to the Board.

Board Member S. Brasza said in regards to whatever Mr. Murphy just stated, she finds also that she's lacking a good reason as such their hardship was given to him to state, being that he didn't think there was any kind of hardship. She believes it is totally self imposed, she finds it difficult to approve a structure that's greater than the home in which he lives and she realizes he's got a big cement area in the back that's a tennis court and that's what the facility would be mounted onto, but yet she doesn't know that is a good enough reason for such a large facility and for that reason she will be voting no.

Chairman Watriont has concerns about the size as well, which he believes we covered at the last meeting.

Ken Boutillier believes we thoroughly covered that the last few meetings and that the size was acceptable, we were simply just restating, with Everett Murphy's assistance, the wording and the variance because his predecessor didn't specify that it was a C-1 district even though we all understood it was going through these several meetings that we had. Again, we've been over this with the Board, we've also gone through a reduction of almost fifty (50) percent in size from the previous request and it was his understanding that this was acceptable to the Board in the last meeting.

Chairman Watripont stated we didn't vote it on last meeting so he doesn't know how it was acceptable.

Ken Boutillier totally understands that.

Chairman Watripont knows they did ask him to reduce it and it has been reduced, but he still thinks it is still too large.

Board Member Anglin asked what the acreage on that.

Ken Boutillier replied 0.42 acres.

Board Member Anglin said half acre and thanked him.

Board Member Fisher is concerned, he thinks this is their third time before this and we don't grant these simply because somebody wants something, we grant them because of need. He thinks it's pretty clear that there isn't a need, just a want and for that reason he plans on voting no.

Moment of no audible sound.

Chairman Watripont stated the item is still before the Board.

Board Member S. Brasza said if there no further discussion she would like to make the motion.

No audible response.

Motion:

Board Member S. Brasza made the motion to deny the variance requested, permission for use variance of 1. Continue and expand a legal non-conforming residential use in a C-2 district and 2. Construct a building 28' x 50' = 1400 square feet with an overall height of 21' in the required rear setback within 7' of the rear property line. Due to: Self imposed hardship; not necessary.

Board Member Fisher supported the motion.

Chairman Watripont has a motion by Board Member S. Brasza to deny; due to self imposed hardship and unreasonable.

Board Member S. Brasza informed that doesn't mean you can't come back with a smaller unit.

Ken Boutillier said we've already done that.

Ken Boutillier, in the background, wondered if he could ask what would be...

Chairman Watripont said it was supported by Board Member Fisher. Roll Call

Roll Call:

A roll call was taken on the motion to deny and the motion carried (4 – 4).

Board Member S. Brasza	Yes to deny.
Board Member Fisher	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	No; because they did actually negotiate and talk about sizes the last time they were here.
Board Member Furgal	No; agrees with Secretary Nestorowicz, they did discuss the size.
Board Member Anglin	No; believed they discussed it and the size was brought down.
Board Member Tabbi	No.
Board Member H. Brasza	Yes to deny; they asked for it to be one step smaller.
Chairman Watripont	Yes to deny; knows they did discuss the size, but still wasn't happy with it last time also.

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

8. PUBLIC HEARING

APPLICANT: Mr. Arkan Alton, LA Motors Inc
(Rescheduled from 12/9/15)

REPRESENTATIVE: Kerm Billette & Arthur Rose III
COMMON DESCRIPTION: 24055 Ryan
LEGAL DESCRIPTION: 13-30-278-031
ZONE: M-1

VARIANCES REQUESTED: Permission to:

1. Add sixteen used car spaces creating stacking of vehicles without a maneuvering lane.
2. Waive five (5) required parking spaces in addition to the two (2) spaces waived by the ZBA on 8/31/11.
3. Allow a six (6) foot high iron fence and gate in the front yard setback per the site plan.
4. Allow hard surfacing for parking in the front yard setback per the site plan.

ORDINANCES and REQUIREMENTS:

Section 15.01 (e)(11)(a & b)(f) Used car display area: (a): There shall be provided a minimum of eight (8) feet by seventeen (17) feet of storage/display space for each used car to be displayed. (b) Access to each individual used car shall be provided. Used cars shall not be positioned in a stacked or packed formation. (f) The setback areas along street frontages shall not be used for the parking or for the storage/display of used cars.

Section 15.01 Item (e) Paragraph (8). Off-street parking required: Separate off-street parking shall be provided in compliance with the regulations contained in section 4.32 and the following provisions: (a) The minimum number of parking spaces to

be provided shall be calculated based on the formula of five (5) spaces plus one (1) space per each fifteen (15) used car storage/display spaces.

Section 15.01 (e)(13)(b): Site design requirements: Maneuvering lanes for the storage/display area shall be a minimum of twenty (20) feet in width.

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

Arthur Rose, Attorney with offices at 31851 Mound in Warren, stated he is representing LA Motors tonight. He thanked the Board. He explained that LA Motors is a small used car facility on Ryan Road just north of Stephens, it's on the west side. It has been in business for about four and a half years since its final advised site plan approval in 2011, but it needs to grow to be successful. It's on a very, very small lot with an existing building in front that makes site blinds very difficult, particularly the fact that it is enclosed with commercial properties both to the north and south. The size and shape of the property is the hardship which prohibits and prevents the growth of this business. Before the Board tonight for their application for what was called a mild amendment to the site plan to allow stacking of display vehicles as well as couple three clean up variances that he thinks Everett Murphy threw him. As you're well aware the new city protocols require them to go to the Planning Department first, consult with the Planning staff and go to the Planning Commission. This has in fact happened in this matter and resulted in some delays, and also resulted in a site plan that is before you, that is slightly different than the original site plan. In fact, this site plan as he recalls, is only asking for thirteen (13) additional display spaces from twenty-two (22) to thirty-five (35) so that the stacking that is shown will not be the sixteen (16) spaces they originally applied for. They worked this out with the Planning staff and the staff recommended approval; the Planning Commission did approve it. It is important, as he's sure many of the Board drove by this site, see it's very hard to see from the road, it's hard because there was a building that was built who knows when back to the front of the lot line, frankly without the display vehicles being stacking a little bit, it almost looks like it's out of business. He's not a repair facility; it is not anything like that. They had made several improvements to the property which he thinks have enhanced both the property and the neighborhood, they've widened the driveway, they have put up a fence that is a ironed fence, black fence and they put arborvitae in the back as required. They've been generally a very good neighborhood and a very good business. The requests they are making are basically internal to this property but essential to the success of the business. Honestly, when you have a lot like that and small building on the front there are not a ton of businesses that can run there. They don't have many customers, they don't need a ton of parking, but they need enough vehicles on display to bring customers to have the critical mass of the types of vehicles; different types, different models, different colors, different prices which will attract the public to the site. That's the major reason for the display vehicles, which is their major request over the minor amendment. The approved site plan also called for this widened driveway they talked about and completed, that driveway and the fencing involved required a gate. The gate was put in, it was approved, the building permit was received and the gate and fence was installed but nobody noticed at the time that that fence was on the setback line.

They're asking for a cleanup amendment to allow the fence that has in fact been installed, the electronic fence that goes back and forth on the green belt to be approved and also the part of the fence that is to the west of the greenbelt, which is behind the fence to be hard surfaced as the rest of the lot is; those are two cleanup variances that are required as a result of the installation of the fence. Finally, they're asking for another reduction in parking. Basically they don't feel that there's a necessity for the customer parking that is required in this because it's a destination lot, they hope, they hope people come in but not that many do come in. Those are the reasons for the request and basically the hardship is the size of the lot largely and also the existence of where it is.

Chairman Watripont said this is a public hearing, anyone wishing to speak on this item to please approach the podium.

Everett Murphy can tell the Board that they've had many visits to this site for code enforcement. The fact is he's had extra cars on this site that he should not have had for a long time. Despite repeated requests for him to stop, he hasn't and we actually had to start writing tickets. That's pretty much what got him to go to the Planning Commission and to the Zoning Board tonight. He's operated that used car lot over there for several years and they're indicating that he needs to grow and business is good. Again, when you go back to the criteria of what he needs to prove is one, it's not self imposed. He needs the parking variance because he wants to bring in more cars, that alone is self imposed. If he doesn't bring in the extra sixteen (16) vehicles then he doesn't need the extra parking spaces. He agrees the six (6) foot fence and the hard surface was something, he actually has a permit for that fence, he was granted in error at the time but he did get a permit and put it up the right way. That was an oversight, he considers that a cleanup item as well, he doesn't see any issues with that. As far as adding the sixteen (16) used cars he's not really sure how that is anything other than economic reasons, which isn't really something that the Board is supposed to consider. He wants to bring in more cars so he can have more sales, more selection. Again, that goes to self imposed, so he's not really sure he met the requirements of this. He doesn't know if it would necessarily be a big detriment to the area, but he can tell you that it has been an enforcement issue for quite some time. Is it necessary? He doesn't know, he indicated that his business is doing pretty good and he wants to grow. He doesn't know, he thinks he probably could continue this and still have a good business at this place without this. He doesn't really think that he's met his burden on this.

Chairman Watripont thanked him.

No audible response.

Chairman Watripont said hearing and seeing no others he closed the public hearing and turned this matter over to the Board.

Secretary Nestorowicz is very familiar where this business is since he drives up and down Ryan Road very often during his work week. One of the problems that he

has is a lot of times when people complain about some of the used car lots within the city, is where we try to put too much onto a small piece of property. When you start double stacking cars and all that stuff on a property this small, he thinks that's what creates the congestion that people then complain about being an eyesore. If a business is growing and it needs more cars, he would almost want to see somebody work with the city about getting a bigger piece of property where you can fit those sixteen (16) more cars. For those kinds of reasons he is not in favor of items one and two about adding the vehicles, stacking them, maneuvering, waiving the parking. He agrees the fence, yes; the hard surfacing he can agree to, but he's not in favor of one or two.

Board Member S. Brasza also conquered to the fact of the following: Mr. Rose stated internal to the property; yes, this is internal to the property but when you're waiving the customer and employee parking, that puts on the outside of the property. She assumes that if customers can't park in the lot, she can't imagine where they're going to park. Again, she believes there is great property around Warren that can accommodate more cars so she's not in favor of waiving the additional customer and employee parking. She has a terrible time with stacking, for that reason it will be reflected on her vote.

Board Member Fisher explained when a business opens they always need to anticipate growth and when you put a business on a property this small to come back later and say it's a hardship, they can't grow. Well, that's the very nature of self imposed. You put a business somewhere you can't grow and then you're asking for a variance saying you need it. Well no you don't need it because you did it to yourself, you put yourself on the lot that's too small and now you're asking us to allow you to get a variance to stack vehicles, and in his opinion become an eyesore on the community, after having already repeatedly violating the variance and getting tickets. He doesn't see any reason to grant this variance and he will be voting no. If there is no other discussion he would move to make a motion.

No audible response.

Motion:

Board Member Fisher made the motion to deny the variance requested. Based on it being self imposed and it being a detriment to the community. Secretary Nestorowicz supported the motion.

Background whispering inaudible.

Chairman Watriont has a motion to deny by Board Member Fisher; support by Secretary Nestorowicz. He is going to ask a question before he says anything else. He asked that it is his understanding your to deny the whole thing, items one through four.

Board Member Fisher answered yes.

Chairman Watripont said hearing and seeing no one, he wondered if he had a motion to move this to the end of the agenda in case she shows up.

Motion:

Secretary Nestorowicz made the motion to move to the end of the agenda. Board Member S. Brasza supported the motion.

Chairman Watripont has a motion by Secretary Nestorowicz to move items 9a and 9b to...

Secretary Nestorowicz suggested 15a and b.

Board Member S. Brasza mentioned there is a 16.

Secretary Nestorowicz apologized and said there is 16, so that would be 17a and b.

Chairman Watripont said no 17 is new business. So 16a and b. There will be a 16, 16a and 16b. He asked Board Member Nestorowicz if that is correct.

Secretary Nestorowicz replied yes it is.

Chairman Watripont has support by...

Board Member S. Brasza said support.

Chairman Watripont explained he had so many at the time he didn't know who it was.

Voice Vote:

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

9b. 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, 2016 through January 8, 2017 to no less than 58 ft. from the Ryan Road property line and 45 ft. from the Thirteen 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.

Item 9b was included as part of the motion for item 9a.

10. PUBLIC HEARING	APPLICANT: Mr. Richard Viano-USE-
REPRESENTATIVE:	Barry L. Brickner
COMMON DESCRIPTION:	4536 Ten Mile Road
LEGAL DESCRIPTION:	13-29-103-003
ZONE:	R-1-C

VARIANCES REQUESTED: Permission to:-USE-

Continue two dwellings on the same parcel located in a single-family residential zone.

ORDINANCES and REQUIREMENTS:

Section 4.17 (b): Non-conforming use restoration: Nothing in this Ordinance shall prevent the restoration, repairing, or rebuilding of any non-conforming building or structure damaged to the extent of sixty (60) percent or less of its valuation by fire, explosion, act of God, or any act of the public enemy, subsequent to the effective date of this Ordinance, or shall prevent the continuance of the use of such building or part thereof, as such use existed at the time of such impairment of such building or part thereof.

Section 5.01 thru 7.01: Uses in residential districts: Multiple dwellings are not allowed on the same parcel in single family districts.

Barry Brickner appeared before the Board explaining the petitioner is a partnership consisting of Richard Viano and the estate of Donald Viano, known as Viano Properties. The estate is represented by Kimberly Koyle, they're actually brother and sister. The property is located at 4536 Ten Mile Road, the property along with neighboring properties have two homes on one lot, which was predate zoning, that's why they allowed two homes on a single dwelling lot. By allowing the variance it will not change the neighborhood it would actually keep it the way it is as it stands today. The smaller home, which is what we're really here about, was damaged by smoke from an electrical fire. The exterior of the home is in good condition, the interior, plaster walls were removed due to smoke damage. It wasn't really fire damage, it was mostly smoke damage. The hardship is that if the variance is not granted, the home will be demolished. The hardship was not caused by the petitioner; it was caused by an electrical fire. The petitioner would like to obtain a building permit to finish the interior to code and Mr. Viano wants to move into the home himself. Due to the requirements of the code Mr. Viano's contractor could not obtain a permit without the Board granting a variance. Getting to this point has taken some time due to obtaining payment by the insurance company for the damage to the home and the non cooperation of the mortgage company who was more interested in getting paid off than fixing the home. He's happy to report the home was just paid because oddly enough the amount that was being held in retainage by the mortgage company to pay for the... The escrow amount was actually greater than what it took to pay off the home, so they took the escrow to pay off the home, so now the home is paid in

full and there is not the mortgage company to stop the petitioner from moving forward. This matter came before Council on a demolition order and at that time he was here, October 27, 2015, majority of Council voted to adjourn to allow Viano Properties to seek a variance before the Board so that a permit could be sought to rehabilitate the home. The petitioner has two contractor proposals to bring the home to code, one was for \$9,500.00 and the other was for \$11,500.00. As he stated before, there are two single family homes on the one lot, it was allowed because that's the way things were when these homes were built. The zoning changed after the homes were built and that's why they're here today. Petitioner is seeking a variance under the Section 4.17 of the Warren Code of Ordinances because this was damage caused by smoke from a fire and that particular section, which is set forth in the agenda, it says it better than myself, but it does allow for the rehabilitation of the property to the extent that it's sixty percent or less of the evaluation. His client is not asking to change the exterior of the home in its size or height; don't need an exception for that. Except for the replacement of the front door and window, all the rehabilitation is on the interior of the home. Basically they're asking to keep things they way they are except to allow for the home to be rehabilitated as opposed to destroyed. Based upon an appraisal obtained by his client in 2014, the home in question is \$32,000.00; he does have the appraisal with him and wasn't sure if that was given to the Board. The cost of repair is approximately 1/3 of the building value, well within the ordinance. The city is holding a cash bond on the building to cover demolition costs in case you do not grant a variance. Since the City Council allowed his client to come to the Board there was a feeling at that time when there was a vote to adjourn to give his client the opportunity to rehabilitate the smaller and not just tear it down. Request that the Board grant his client's request and grant the variance under 4.17, which will allow his client to obtain the necessary permits to restore the home. He will tell you this, as of earlier today he went to the assessing site the 2015 SEV for the property, the entire property is \$34,880.00 or \$69,760.00 for Market Value. The appraisal for just the smaller home was \$32,000.00. The contractor bid to repair the home is \$9,500.00 to \$11,500.00; this is well within the sixty percent threshold that is set forth in the ordinance. He is asking to please grant them the variance so that Mr. Viano contractor can even pull the permits to get the construction done, they have nothing stopping them from doing it now. The insurance company is out of the way, the mortgage company is gone, the only thing they need is their help so they can get the home fixed up so you won't be tearing a house down, you'll be preserving a home in Warren. He asked his client if he wanted to say anything. He stated he explained to his client that it does take six (6) Board Members for this variance and he's willing to proceed today. They had to adjourn the hearing in front of the council which was actually scheduled for yesterday so they could come before the Board today.

Inaudible background whispering.

Barry Brickner thanked the Board.

Chairman Watriont said this is a public hearing but before he goes to the public hearing he would like the attorney to make some comments.

Roxanne Canestrelli stated that just for information purposes and you can comment on her comments as well, just for information purposes for the Board, this item the property went through the Nuisance Abatement hearing officer and it was declared a nuisance. It went onto the next step before City Council, which was the appeal regarding the nuisance abatement. City Council basically before upholding the hearing officer's determination of a nuisance to abate or demolish, they adjourned that hearing, which is that they tabled that issue, to give the petitioner an opportunity to come before the ZBA, which would require a variance due to the structural damage of the house losing its conformity, the non-conforming status due to the fire. As the petitioner stated, two properties were built on one parcel, which at that time it was built prior to the ordinance. Hopefully she helped educate the Board and not confuse.

Barry Brickner stated that what she said is exactly his understanding of what went on, obviously he didn't get involved until the hearing stage in front of the Council. At that point in time the Council was gracious enough to allow them to come to the ZBA to seek the variance because they couldn't get anything done without getting a variance from the ZBA first and that's why they're here. His client is very lucky that Council saw fit to allow him to at least come before the Board to seek the variance because he will state some of the council members would rather see the house be rehabilitated than removed; that's the reason why they made it to this juncture.

Chairman Watriont said this is a public hearing, and wondered if anyone was wishing to speak.

Everett Murphy thinks even by their own omissions no one is really disputing the fact that this house, the structure itself, was damaged beyond sixty percent of its value, otherwise they wouldn't even need to be here. They would allow to rehabilitate or make necessary repairs. He thinks it has been established that the damage is greater than sixty percent. Whenever they have something that is legal non-conforming where there are triggers built in, for the purpose of that eventually at some point in time it's expected that the property will comply with the zoning ordinance. One of those triggers is exactly this, they reached greater than sixty percent damage due to the fire so it lost its legal non-conforming status, it is expected now that the property should be brought up to code, or brought up to the current ordinance. Can the property be used as a zone? We go back to the land use variance, yes it can be used as a single family residence, it has one on it now. We take this one down and it still has a single family residence so it can be used as zoned. He agrees is probably not self-imposed. The property isn't really unique; it is similar to the others. The others are legal non-conforming as well and at some point in time we would hope they would be brought up to the existing code as well; single family residence. Is it a detriment? No, he doesn't think they can get that. Is it necessary? He doesn't think the variance is necessary for the preservation and the enjoyment of the property, which is item number five. If we go by the standards, which they must meet all in order for the variance to be granted, this variance should not be granted.

Chairman Watriont thanked him.

No audible response.

Chairman Watriont said hearing and seeing no others he closed the public hearing and turned this matter over to the Board.

Board Member S. Brasza said Ten Mile, this is a fairly nice residential area considering it is on a main street and in regards to this particular property at 4536, the lot size itself is basically just shy of seventy-six wide. It's long and narrow and the single home concept is what she would like to see this property go back to. The structure that they're speaking of is very close to the house, it is small.

Chairman Watriont said close to the garage.

Board Member S. Brasza said it's close to the garage and close to the other home. She asked Mr. Murphy if it complies with the setbacks. It seems to her that it's even closer to the west portion of the property than the home itself.

Everett Murphy said they would need at least five feet in the side yard, the plan doesn't say much.

Board Member S. Brasza said this being a use variance, she finds it very difficult for her to find that this is not only self imposed but it's certainly not necessary to have this second property. Again, with use in a non conforming, we want to eventually clean up this area. It's an older home at the time in which it was built it was ok to do so. As things change and unfortunately it came to the city as a nuisance property and this is our time to take action.

Board Member Anglin said to Mr. Murphy when he was talking about that piece of property being over sixty percent damaged, did that smoke or electrical fire burn through the roof?

Everett Murphy said the reports don't state that. He believes you have the evaluation reports and should have a bunch of documents.

Board Member Anglin said he looked at those but being a contractor, nine to eleven thousand dollars is not a lot of damage. Not being able to go in and see that piece of property he has to figure out what part of this is he going to vote on and believe that we broke a sixty percent damage to it. If it's eleven thousand, that's not a sixty.

Everett Murphy asked if he had the evaluation report.

Board Member Anglin said he has that, yes.

Everett Murphy said we have a true cash value in 2014 of \$5,624.00 on that structure. That's at the very bottom of the evaluation report.

Board Member Anglin said ok, he got that.

Barry Brickner said he has a picture of the structure, the roof was not breached.

Chairman Watriont asked him to speak into the microphone.

Barry Brickner said he does have the appraisal of the property for just the one house; the roof is intact, the exterior is intact, it's all interior damage. If the Board wishes to he can present a copy of the appraisal which put it at \$32,000.00. Obviously the reason why we're here is because they disagree with the evaluation. He doesn't know if you can separate out the houses, the SEV of the property is \$38,000.00 and \$69,000.00 for the whole shooting match. \$11,000.00 is not 2/3 of the value of the property. We're indicating that's where the disagreement is, they think they undervalued the smaller home and this is not sixty percent of the value of the smaller home or of the whole entire property.

Chairman Watriont said they do have one of the appraisals in their packet of the \$11,000.00.

Barry Brickner said the cost of repair, not the appraisal. He does have the actual appraisal, his client hired an appraiser back in 2014.

Everett Murphy informed they go by the value that assessing assigns to that structure only. You can't take the property into consideration, we're talking about sixty percent of the value of the structure itself.

Barry Brickner said they don't break it down.

Chairman Watriont said this is our meeting, it's over to the Board right now. He told Board Member Anglin that he still has the floor.

Board Member Anglin asked how many square feet is that house, the small house.

Barry Brickner said about seven hundred square feet.

Board Member Anglin thanked him.

Board Member Furgal has a question regarding a certain paper, she doesn't know what it's called, it just has a bunch of letters on it. It says J3 number of stories damaged by flame and it says number of stories with significant damage, one, and that's twenty-five to forty-nine percent of flame damage. She's a little bit confused whether it's twenty-five to forty-nine percent of sixty percent.

Inaudible.

Board Member Furgal said yes, but it's a non conforming use and a non conforming use...

Inaudible.

Board Member Furgal continued to say it's already a non conforming use and it's a damage. If it's damaged, if it's sixty percent then it should be demolished because we don't allow, because the goal of non conforming is to always make it conforming, but if it's less than sixty percent then they're allowed to repair it.

Inaudible.

Board Member Furgal says she knows. But her question is it says here from twenty-five to forty-nine percent, that's why she's asking the question.

No audible response.

Board Member Furgal doesn't see anyone telling her an answer. She asked Mr. Everett if he knows what that means. There may be a logical explanation for it.

Inaudible.

Chairman Watriont asked what she is looking at that says those percentages.

Board Member Furgal said it's these papers in this packet.

Inaudible.

Board Member Furgal said that's not the contractor!

Everett Murphy said that's the flame damage, that's not even addressing the smoke damage.

Board Member Furgal said she's just asking.

Everett Murphy said what we're looking at though is...

Board Member Furgal explained that is the only number that she saw...

Everett Murphy said so the \$11,000.00...

Board Member Furgal continued to say besides the sixty percent she saw nothing that.

Everett Murphy said right and he thinks that what we're looking at is the \$11,000.00 plus cost to fix the structure that assessing is saying has a cash value of \$5,000.00.

Board Member Furgal asked if the number on this one page is \$5,000.00 is the assessment. She did see that and that's why she asked the question.

Everett Murphy said that's in the evaluation report, correct.

Board Member Furgal said these group of papers with the blocks with the letter appeared to be to her a copy of a computer, something on the computer that was run off.

Everett Murphy said right, he did see the one that talks about flame damage.

Board Member Furgal said location. Pardon?

Everett Murphy said yes, that's talks about flame damage, right.

Board Member Furgal stated yeah and then it has estimated dollar losses and values property, 15. This might even be an insurance rate form, she doesn't know. She doesn't know where it came from, she just knows that there is one little spot that says number of stories with significant damage twenty-five to forty- nine percent flame damage, one. That's all she saw that would indicate that there was damage to the building and she just wants to be consistent.

Chairman Watriont believes that report is from the Fire Department.

Board Member Anglin said it is.

Board Member Furgal said it was not clear to her where it came from, that's why she said why she asked the question.

Everett Murphy included it because he believes that this was information that Council had when they were hearing it. When he was given a Council of that, he included it for everybody so you would have everything that he had.

Roxanne Canestrelli said that is correct; it is a fire report. The fire report though is not based on construction specialties in the fire reports.

Board Member Furgal said that's a reasonable explanation. She was just confused when she saw that.

Roxanne Canestrelli replied no problem.

Board Member Furgal asked if a certain paper is from the assessor, the one that says \$5,624.00 at the bottom.

Everett Murphy replied correct, the evaluation report.

Board Member Furgal asked if it's really more than sixty percent, it's like.. ok.

Secretary Nestorowicz had a question and maybe for the petitioner, when he looked at this, he's familiar with the property because those two houses have been there for a very long time, but this fire happened in 2013 per this report; it's 2016 and been over two years. Why is it just coming up here now about getting this repaired as opposed to...

Barry Brickner said when he explained this to the Council they seemed to be more upset with the insurance company than anything else. You're dealing with an insurance company that didn't want to pay then the other problem is your dealing with the mortgage company that wanted all the money to pay off the mortgage. That's why it took a while to get the money then they couldn't get permission from the mortgage company to proceed because the check had two names on it, the petitioners name and the mortgage company names on it. They couldn't use the money because they wouldn't release the money. It came up for the demolition, that's when he got involved but by then everything has been cleared away and now the mortgage company is totally gone.

Secretary Nestorowicz followed up with one other question. With these two properties, were they rentals, was someone living in both of them or how was it...

Barry Brickner replied yes, they were both rentals.

Secretary Nestorowicz restated they were both rentals.

Barry Brickner explained that at this point in time Mr. Viano doesn't want to rent, the bigger home is being rented now and the smaller home he wanted to fix up and live in himself. He lives with his sister, not this one. He's going to be buying the house from the estate, he has a portion already and he has to buy the rest of it out, the whole lot, everything. He wants to end up owning the property in his own name but he still has to buy it from the estate. Now the mortgage company is gone so he can complete the purchase of it, he also wanted to live in the smaller home.

Secretary Nestorowicz said being non conforming, this does seem like the opportune time to bring this into conformity with the regulations in that area with the zoning. He has a hard time being in favor of this overall.

Barry Brickner said they're asking to just keep it the way it is now, but if the Boards intentions is to remove...

Board Member S. Brasza said for the Board again, this is a use variance, this goes with the property, it looks like a rental property, it can totally be a rental property within a heartbeat.

Barry Brickner said they both were rental properties but he wants to rehabilitate the other one.

Chairman Watripont has one concern with numbers and everything. The fire happened in 2013 and the evaluation they're looking at is a 2014 evaluation.

Board Member Furgal said that's true.

Chairman Watripont continued to say this is 2016.

Inaudible.

Chairman Watripont doesn't know what the evaluation was before the fire.

Barry Brickner said you didn't differentiate between the two buildings before the fire. If you go online and check out the assessor's office's evaluation is for the whole thing, they don't differentiate between the buildings.

Chairman Watripont says that's where his concern lies.

Board Member Fisher asked the City Attorney the use variance code here says that they need to come before us based on the sixty percent evaluation, whose job is it to determine that sixty percent evaluation, whether or not it meets that and has that body already done so. It doesn't appear according to the code that that would be our responsibility, they should be coming before us after that determination has been made, should they not?

Roxanne Canestrelli stated that's correct based on documentation support.

Board Member Fisher wondered if someone made that determination that it is over sixty percent.

Chairman Watripont thinks that is why it's here.

Roxanne Canestrelli said that's correct, that's why it's here.

Chairman Watripont doesn't know who that person is either though.

Roxanne Canestrelli said it's been going through nuisance abatement with the city, so the determination was made at the nuisance abatement's officers hearing.

Barry Brickner agrees with the Chair, they're making abatement, assessment based on its current condition as opposed to what is comparable might be in the neighborhood, are other homes the same size and stature. It makes it difficult it's only worth \$5,000.00 because of its current conditions.

Chairman Watripont thinks the matter...

Roxanne Canestrelli asked out of curiosity if he brought that to the hearings officer attention.

Barry Brickner wasn't there at the time, he didn't come in until after the fact. He doesn't know if the petitioner was there.

Roxanne Canestrelli suggested to the Board for them to reschedule this to see if the petitioner wants to go have additional evidence to bring to the hearing officer.

Barry Brickner said that would be fine.

Board Member Fisher agrees, he thinks we have an incomplete record here.

Roxanne Canestrelli said since what the hearing officer might have reviewed may have been outdated, not sure.

Barry Brickner said he wasn't there.

Roxanne Canestrelli wasn't there either.

Barry Brickner said he's done these...

Chairman Watriont told Board Member Fisher he still has the floor.

Board Member Fisher thinks we have an incomplete record here, without being able to review exactly what was determined as far as valuation, to determine how close we are to that sixty percent it may impact this. If we're looking at this and saying well it was sixty-two percent valuation fire damage that might be different than if it was ninety-two percent valuation damage. Without knowing specifically what was determined, he thinks it's difficult to make a decision. He doesn't want to make a decision that we have to tear down the house if there's only \$11,000.00 worth of damage, unless we have to. If its \$11,000.00 compared to a \$5,000.00 house he thinks that's the right thing to do is tear it down. If it's \$11,000.00 compared to a \$30,000.00 home then it's probably the wrong thing to do. He thinks we need to have that decision before us whatever was decided at whatever level in order to make a reasonable decision here.

Board Member Anglin wondered what the appearance of that property is as it sits. When you have a fire or any electrical type thing, is the appearance of the exterior part of the house detrimental to the neighbors that they have to look at something or is it kept in a fashion that it looks good, it's not an eyesore to the neighborhood.

Board Member S. Brasza said it's already in nuisance.

Board Member Anglin understands that but...

Chairman Watriont said there are some photos being brought up.

Board Member Anglin thanked him.

Board Member S. Brasza assumes you would have to go back to assessing and the assessment of the property has never denoted the dollar value of the individual units; this is going to be a round robin. She doesn't know who can place an assessment value on the structure itself, it's not in any records.

Board Member Fisher would like more evidence here and what he believes that there is another body whose job it is to make this determination and he's not sure it's entirely clear to him that somebody has actually made the determination to over sixty percent and if they have he would like that before us.

Inaudible whispering.

Board Member Furgal said that's exactly what she was trying to find out.

Chairman Watriont understood that.

Everett Murphy said that first of all, he does think that it's a good idea to table this and let's see if we can get some numbers that we can rely on but he also wants to remind the Board it's the petitioner's responsibility to have this information presented to you. This isn't really for us to go dig up all this information, the burden is on them to provide that information to us. Now he will make it a point to go over to assessing, try to figure out exactly what this particular structure was worth prior to the fire and maybe after the fire if they have that, he'll do that just as a matter of business, he doesn't have a problem with that. They should bring those figures in front of us and tell us exactly where they got those figures from and that needs to be somewhere that the city recognizes.

Inaudible background whispering.

Barry Brickner said that's actually the appraisal that his client had saying it's \$32,000.00 for one building based on Comparables in the Neighborhood.

Everett Murphy doesn't know who made that appraisal.

Barry Brickner said that is the name of the appraisers. He can give a copy of it.

Everett Murphy said right, but we have our own assessing department. Why don't we put this over, that would be his suggestion if the Board would agree to table it to the next meeting so they can get these numbers together and he will get something to help verify these numbers that they're going to bring.

Secretary Nestorowicz thinks that rescheduling is not really going to change very much because he really thinks that trying to figures of assessing what a value of a house in the back, is not even a standalone property, you're never going to be able to get a good accurate figure. It's going to be a he said, she said. It's not like you're

going to be able to look at any comp values of what that little house in the back is. The house as it is now; he would like to make a motion.

Motion:

Secretary Nestorowicz made the motion to deny the petitioner's request. Reasons being: Size and shape of the property; non conforming; there's nothing unique about this property; it is actually a detriment as it currently stand.

Board Member S. Brasza supported the motion with discussion.

Chairman Watriont said he had a motion on the floor by Secretary Nestorowicz, support by Board Member S. Brasza with discussion.

Board Member S. Brasza gave Board Member Fisher to have the floor.

Board Member Fisher said his concern here is that people are talking about the assessors department , nuisance abatement. He wants to make clear that we need to know exactly who and what determines whether it's above or below sixty percent because they may not need a variance at all if it's below sixty percent and our only job is to determine if they get the variance; so they need to know how close they are to that number in his opinion to make an educated decision. He thinks if not this could be an appealable situation if we deny this without having some kind of idea about the numbers.

Board Member S. Brasza withdrew her support for a table motion.

Motion:

Board Member S. Brasza made the motion to table the petitioner's request to the next meeting for the powers that be: of course it wouldn't have been in front of us if it hadn't already transpired all of these number crunching.

Chairman Watriont said the motion to table has been rescinded and we have the motion to deny. Due to: size and shape of the lot; non conforming; property doesn't have anything unique on it; detriment to the area.

Inaudible background whispering.

Board Member S. Brasza said no. She pulled her support to make a table motion which over powers his to reschedule for more information.

Inaudible background whispering.

Chairman Watriont asked if she wanted to reschedule. So you withdraw your support in favor of that? We have a motion on the floor that dies due to lack of support. Now we have a motion on the floor to reschedule.

Secretary Nestorowicz said March 9th.

Chairman Watripont wondered if we won't be able to get it into the February meeting.

Secretary Nestorowicz said we'll be down two Board Members and this is a use.

Inaudible.

Chairman Watripont said this is a use.

Inaudible.

Chairman Watripont said if we reschedule to March 9th, he asked the petitioner if he would be able to come up with documentation to the zoning department; what's needed, three weeks.

Barry Brickner needs the appraisal report back. He will get that to the zoning department and will talk to assessing too of that if that will help expedite it.

Inaudible background whispering.

Chairman Watripont said he has a motion to reschedule to March 9, 2016. He wondered if he had a support.

Inaudible background whispering.

Board Member Furgal supported the motion.

Chairman Watripont has support by Board Member Furgal.

Voice Vote:

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

Chairman Watripont said City Attorney has a question.

Roxanne Canestrelli wondered if he had a business card.

Barry Brickner replied yes.

Roxanne Canestrelli asked if he could please forward that and thanked him.

Chairman Watripont explained this will not be reposted, your notice now is when it's going to be rescheduled so it will be date determined and thanked him.

Motion:

Secretary Nestorowicz made the motion to take a five minute break.

Chairman Watriont has a motion to have a five minute break and wondered if he had support.

Board Member Fisher supported the motion.

Chairman Watriont has support by Board Member Fisher.

Secretary Nestorowicz suggested nine o'clock exactly.

Chairman Watriont said we'll start back up at nine o'clock.

Voice Vote:

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

FIVE MINUTE BREAK.

Chairman Watriont called the meeting back to order at 9:01 p.m.

11. PUBLIC HEARING

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

ZONE:

APPLICANT: Allied Signs, Inc.

Patrick Stieber

8317 E Twelve Mile Road

13-10-353-010

C-2 & P

VARIANCES REQUESTED: Permission to:

Install one (1) wall sign 4' x 28'-8" for a total of 114.67 sq. ft. of wall signage for this business.

ORDINANCES and REQUIREMENTS:

Section 4A.37 Paragraph (c): Shopping Centers: Regardless of the zoning district, shopping centers as defined in section 2.67 are permitted the following signage: One (1) wall sign of a size not to exceed forty (40) square feet shall be allowed for each business located in the shopping center.

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

Jim Fields, Allied Signs, 33650 Giftus Drive in Clinton Township, Michigan appeared before the Board.

Chairman Watriont asked the reason for your petition.

Jim Fields explained they're here to allow a larger wall sign. The hardship is they're 509 feet from Twelve Mile and 1,026 feet from Van Dyke. The current zoning at 40 square feet you have no visibility. This is an updated retail center, Tech Plaza has

done a pretty nice job in bringing good retailers, solid footings; they're just no visibility where the building is. It's not a detriment to any of the surrounding properties, it's not self imposed being the conditions created by the zoning at 40 square feet, the property has been redeveloped, it's more attractive, the buildings set back and everything comes into play, there is just no visibility with the square feet.

Chairman Watriont said this is a public hearing anyone wishing to speak on this item.

No audible response.

Chairman Watriont said hearing and seeing none he turned this matter over to the Board.

Board Member S. Brasza somewhat begs to differ only for the fact that you will be facing Twelve Mile and you will have more visibility than the other part of the 'L' which is actually facing Van Dyke, so they'll see you before they see the properties that are facing to the West, number one. Number two, 40 square feet are allowed and you're asking for 114 so you're going almost three times what is allowed. She wonders if there is any way to bring the lettering down to a little bit smaller size. She can understand the twenty-eight feet because you can get the width and get a good positive view with the width, but can you deal with the height a little bit to bring the square footage down; maybe six foot?

Jim Fields asked six foot on the size of the letters.

Board Member S. Brasza said it goes with the box.

Jim Fields said the box is an architectural piece, that's part of the fascia, all their proposing is the signage. The fascia is actually a louvered airfoil system that's architectural on the building, that is not signage or backers. All they're proposing is a four foot set of channel letters. By the time they span that out...

Board Member S. Brasza said oh, she can understand the four feet then.

Jim Fields said right, they're going to have that just the white lettering.

Board Member S. Brasza asked if the letters can be a little bit smaller; do you need twenty-eight feet? How wide is the building, the particular suite?

Jim Fields said the full frontage on the suite itself is fifty-six feet, and that's your full store front. If they start scaling back the lettering, what happens in their logo the 'o' disappears and it starts running together being that it's all white. They don't have a contrast in colors and as you start pulling away in increments of one hundred and you go twenty-five feet back, you start losing everything and then you're going to end up looking one large rectangle on there.

Board Member S. Brasza said your signage is already half the size, more than half the size of the width of the building, is what you're saying. So you're saying if you go smaller with the letters the 'o' is going to be not detectable.

Jim Fields replied yeah.

Board Member S. Brasza said the 'o' doesn't have to change 'belw'.

Jim Fields stated you're messing with a corporate ID here. If they're matching and putting up in the fascia of this would be able to us and they're going off our distance at Twelve Mile at five hundred feet. We just did the same thing for Marshalls and they're probably going to be doing the same thing at Ulta and everything else in the shopping plaza where there has already been a couple of variances. When dealing with corporate ID's they're dealing with a program that all these people and designers have gone so they can't modify this in individual letter.

Board Member S. Brasza said corporate ID is fine, she can understand that, but we can determine the size.

Jim Fields said sure.

Board Member S. Brasza is asking him if it can come down in size, however he wants to do it.

Jim Fields wondered what she is asking. To go from four foot to where?

Chairman Watriont said it would be proportionate.

Board Member S. Brasza said it would be proportionate to your corporate structure; ten percent less.

Secretary Nestorowicz understands corporate have their signage, they have their logos. Last meeting they had discussion regarding a sign for the Meijer on Ten Mile. They came with one dimension, we asked for a smaller size and they actually went to their next stand by size one below. What he's asking is, does Five Below have a sign that is a smaller size than this one. As part of that, because he's assuming they're also going to have a sign on the pylon, are you not advertising the store?

Jim Fields said it's in a panel.

Inaudible.

Jim Hall, Director of Construction for Five Below; 1818 Market Street in Philadelphia, PA, appeared before the Board.

Chairman Watriont welcomed him to Michigan.

Jim Hall thanked the Chairman and the Board for hearing their case this evening. To specifically answer the question, they do have; they're proposing the forty-eight inch sign, they can actually make any custom sign but their next standard sign would be a forty-two inch letter which would bring that down to just a little under three and a half feet wide.

Chairman Watrion said three and a half feet and then proportionate going length.

Jim Hall said exactly but he wanted to point out that one of the unique features of this building, this property, there are several large facades built in as part of this building and any tenant that occupies one of those spaces that is associated with one of those facades is really limited with the forty square foot requirement and would have to put in a disproportionate size sign based on the current code. What they're actually proposing and saying that the forty-eight inch letter meets the proportion of the façade that they're moving into.

Board Member S. Brasza said in that scenario she would allow Marshalls to use half of their building in signage and that's not going to happen. Their sign is going to be twice theirs, if not three times.

Jim Hall explained that their façade where their sign goes is not twice or three times as large as theirs. Their façade is not and he doesn't have exact features.

Board Member S. Brasza said we're not here to worry about your façade, we're here for the signage.

Jim Hall said right, but we're talking proportions. Their façade is not two or three times smaller than Marshall's façade it's actually smaller but not two to three times smaller. He's saying that they shouldn't be limited to two or three times smaller than Marshalls.

Board Member S. Brasza said you're not going to win that one.

Chairman Watrion asked if they know the size on the forty-two.

Jim Fields said they're at twenty-eight feet on a forty-eight inch set of letters and they're at fifty-six foot façade. You got the architectural element which is going to wind up coming in roughly at about thirty-eight give or take two feet. If you want to go to a forty-two inch set of letters, that's going to go from twenty-eight feet in width it's going to drop it down to about twenty-five point two to twenty-six. They're going to run about two feet less in that three and a half. So really you're going to drop down to just tail end of 100 square feet if they draw a rectangular box around it they don't do anything in the kerning to clot it and actually go actual square footage.

Chairman Watrion asked if he had the actual square footage if they used 100 square feet, are you sure it would fit in there.

Jim Fields asked if they want to go with 100 square feet. If they want to tell him that they have to come back with a 100 square feet and that's what they'll grant then they can make it fit.

Inaudible background whispering.

Jim Fields explained right now they're sitting at one fourteen. If they want to just lay it down that way they can make it fit.

Chairman Watripont asked if he had the actual length when they go to the three and a half feet.

Jim Fields doesn't have it on him and he doesn't have a calculator.

Board Member S. Brasza said that's eighty-eight point two if they do three and a half by twenty-five point two.

Chairman Watripont said twenty-five point two.

Board Member S. Brasza said by three and a half.

Chairman Watripont said three and a half by twenty-five point two.

Board Member S. Brasza said it's eighty-eight point two.

Chairman Watripont said eighty-eight point two. He asked if their twenty-five point two is a good number.

Jim Fields wondered what square footage the Board is allowing.

Board Member S. Brasza said it still gives you more than half. It's still more than half of your façade.

Jim Fields fully understands that they're giving more than half.

Board Member S. Brasza said it gives you to eighty-eight point two square feet.

Jim Fields asked if they want to go eight-eight point two square foot signage.

Board Member S. Brasza said three and a half by twenty-five point two.

Jim Fields replied ok and wondered not to exceed eighty-eight square feet.

Chairman Watripont called to Mr. Murphy.

Jim Fields asked Jim Hall if he was good with that.

Inaudible.

Everett Murphy said they're giving us the sizes for the Five Below and wondered what the blue area is that surrounds that.

Jim Fields explained that is not signage.

Everett Murphy said actually if it's a different color than the rest of the building that could very well be considered that.

Jim Hall said that's part of the building, that's attached to the building.

Everett Murphy asked if it's already done.

Jim Hall informed its being done, it's not done yet, but it's being done by the builder.

Everett Murphy explained traditionally speaking we take a frame all the way around and don't generally allow people to put designs on their building; that's signage. They're trying to take advantage of this blue area, he's just noticing that, the square footage is just for the letters. The blue area hasn't even been calculated in there, you do that you're up to six foot by thirty-four; you're close to two-hundred there.

Inaudible.

Board Member S. Brasza said this guy knows.

Jim Fields said the blue area wouldn't have already been approved by the Building Department as part of the building.

Board Member S. Brasza said no.

Jim Fields said by permitting that or is that...

Board Member S. Brasza stated that is part of your signage; that's the box.

Everett Murphy said you're taking advantage or something but...

Board Member S. Brasza suggested they could make that smaller to go with the letters.

Everett Murphy said absolutely.

Jim Fields gets that. He's the sign guy he's not the architect or the designer of the building. He's going to get a wall section of what they're going to attached to.

Everett Murphy explained when we grant a building permit, they can show all kinds of colors on the building it has nothing to do with the structure itself so they grant that permit based on the building plans themselves, not the colors.

Jim Hall stated the building plans show that louver. He was on site today and that is all part of the building.

Everett Murphy said correct...

Board Member s. Brasza asked if they framed it out.

Everett Murphy said it wouldn't be blue it would be the same color as the building.

Jim Hall said it's a feature they're adding to the building that they just haven't added yet. It was on their plans and it shows it as a separate louver and they were just doing a sign over top the louvers.

Board Member S. Brasza wondered if the louvers were going to be painted by you.

Jim Hall stated no that's all part of the building.

Board Member S. Brasza asked in blue.

Jim Hall said in blue.

Everett Murphy explained that construction doesn't take into considerate colors.

Board Member Anglin stated that part of the concept of Five Below, does their standard signs that go on all their buildings that they have, have that blue background.

Jim Hall replied yes.

Board Member Anglin said that is an add on by you, not necessarily the add on by the construction.

Jim Hall said its part of the building, their trademark includes a white letters on a blue background, but it is part of the building itself.

Board Member S. Brasza said you have to own it as part of your signage.

Everett Murphy said the question would be if Five Below wasn't going there and it was going to be some other store, were they still planning on putting blue louvers on.

Jim Hall said according to the building permit that was issued and the building design ...

Everett Murphy inaudible.

Secretary Nestorowicz said there are a number of Five Below's all around this area. If you go into Troy there is one on John R, you can go up to Clinton Township, there is one there. They all have the sign up...

Inaudible.

Secretary Nestorowicz she he knows, we want them here. They all have the blue behind the white channel letterings, that's part of their signage for Five Below. He thinks we all want him to get his sign, he wants him to get his sign, he just wants it to be smaller than the one hundred and fourteen square feet.

Jim Fields asked regarding that too. For every Five Below its on a blue background, which he is going to say that's their fascia because for every DSW that's going to be on black fascia, for every Kay Jewelers they're going to be on black tile fascia, and then as no instance as that fascia, which is a corporate call out, been considered part of the sign. The sign has always been considered just the part of the sign. Same as the Hampton when...

Board Member S. Brasza said that's due to a particular city. Each city handles it differently, Warren handles it to where the frame itself is included in the square foot of the signage; the blue frame.

Jim Fields said the frame of the architectural framing if that's going to be considered as part of the signs.

Board Member S. Brasza said exactly but what they're saying to them is the letters themselves can be eighty-eight point two so it will be up to you to put your fascia in size with the letters because it's shrinking; so you might want to shrink the fascia.

Jim Hall wondered if you're saying the letters and the fascia have to shrink.

Board Member S. Brasza said that's a corporate thing for you. We're saying the letters need to be eighty-eight point two.

Jim Hall said they can do that.

Board Member S. Brasza wondered if they're going to want to.

Inaudible.

Board Member S. Brasza said now we're just approving the letters. No, it's not going to happen through the city. They're going to have to get the width and the depth of the fascia.

Everett Murphy said what they're using is this page.

Inaudible.

Chairman Watriont asked Mr. Murphy to speak into the microphone.

Everett Murphy thinks the blue background on the extruded aluminum louvers, that blue was more than likely negotiated with the property owners. This to him certainly goes along with the letters, it goes with everything and right now what they would be asking for, if they were any other business in this city just like we do, is almost two hundred feet. That's not what they asked for, they asked for the letters only. If you want to put it on louvers that are the same color as the building, we don't have an issue to go down where what you're talking about.

Jim Hall states that kind of contradicts your arguments. If the louvers are part of the building or they're not part of the building, are they part of the sign or not part of the sign.

Board Member S. Brasza said they're part of the sign.

Everett Murphy said they're part of the sign.

Jim Hall said ok. He wondered if it doesn't matter what color it is.

Board Member S. Brasza replied correct.

Jim Hall said their hardship, again to restate, is the distance from Twelve Mile. If you're heading West on Twelve Mile, you're going to come based on the geometry of the building, you're practically on top of the portion of the façade that faces Twelve Mile, because Marshalls isn't 'L' you're going down Twelve Mile, you won't actually see Five Below until you're passed Five Below.

Board Member S. Brasza said at twenty-eight point eight square feet across the fascia of your building, your blue is going to be greater than that which is probably three quarters of the building itself is going to be all signage. That's not acceptable.

Jim Hall wondered if you're saying that eighty-eight point two square feet...

Jim Fields stated in the background eighty-eight point two.

Jim Hall continued to ask if that would be acceptable.

Board Member S. Brasza mentioned including the blue.

Jim Hall said including the blue.

Jim Fields said a second ago you eighty-eight point two for the signed portion itself and then proportionally adjusting the blue area of the façade to match that.

Board Member S. Brasza said it wasn't determined at that point that...

Jim Fields continued to say he's saying that now that the entire architectural amendment, whatever it is...

Board Member S. Brasza asked if he would care for us to table this so he could up with a square footage that would be appropriate for your...

Jim Hall said again the hardship is the distance in the setbacks and also the unique properties of the building. Where they're building many acre facades and they're asking to put a proportional sign onto that façade and the code is not allowing them to do that. They want to be visible and to have a proportional sign to the façade.

Board Member S. Brasza asked if he was on the monument sign, correct.

Jim Hall informed they are on one, the Twelve Mile Road pylon sign, he thinks they have one of the small panels on the pylon sign.

Jim Fields explained they have a small eight square foot panel.

Jim Hall explained that panel is very important to them but due to the busyness and all the other facades, he thinks it's less impactful.

Jim Fields informed six point seven five square foot of monument sign.

Board Member Anglin questioned it's the letters that are here before them here tonight, whether they grant them the eighty-eight point two, the blue part of it would be up to the city to say that is not part of the sign, would it not?

Board Member S. Brasza said no.

Board Member Anglin asked who determines the backing color that's part of the construction compared to... All they're asking for is to be able to put this up.

Board Member S. Brasza stated there is no determination we need to make it, its part of the sign. They were not aware of it, we were not aware of it. Everett Murphy is just stating to us the blue is included in the square footage of the signage, from there we have to make a determination.

Inaudible.

Board Member S. Brasza said Marshalls is just letters, they don't have any fascia color.

Jim Fields mentioned to Board Member S. Brasza and Mr. Murphy that if it's blue its part of the sign, if it's not blue it's part of the building.

Board Member S. Brasza and Everett Murphy both replied correct.

Jim Fields said they're contradicting themselves.

Board Member S. Brasza said no they're not, no.

Everett Murphy explained if every single store is going to have blue, then he thinks we have some consistency in that argument but not every store is going to have blue, only Five Below is going to have this blue background that fits these letters. They only asked for the letters and we forwarded their request but as he said as he's looking at this one shows the letters, on this page they're certainly taking advantage of the...

Board Member S. Brasza said she's sure because they're both with a signed company, this might not have been to their privy as far as the fascia of the building and the fact that Warren is going to include that as signage.

Jim Hall doesn't know if they did a pre code check and they probably did, but any national retailer that has a branded sign and branded colors whether it's Jared's or whoever, Jared's is going to want to come in with brown louvers with their lettering, Dick's is going to come in with white letters with green louvers.

Board Member S. Brasza stated they'll use that as square footage.

Jim Fields wondered if there is any way that you can reference the part of your sign code that spells that out because he's familiar with the Warren sign code and he would just like to be refreshed on that.

Board Member S. Brasza thinks they can do that.

Everett Murphy stated he can do that.

Jim Fields said so that way he knows exactly what's calling that out in those terms.

Board Member S. Brasza mentioned in lieu of this would you care for us to table this because you'll need to make some...

Jim Fields said he knows, they've been through this a couple times with other store fronts and this is a first. He doesn't know what happened at 2015 if there was a re-write or reinterpretation.

Board Member S. Brasza said they've never gone with just the letters, it's always been the box.

Jim Fields said he can go back through his records to check and make sure.

Board Member S. Brasza replied please.

Secretary Nestorowicz said maybe this question is more directed towards Everett Murphy or the building department, he knows that there are a number of other tenants coming into that plaza, there's others that have been named. He wondering if any of them came for their signs, because he hasn't seen them come before us yet, are they going with smaller signs. He thinks that's actually one of the keys too, if you give one tenant a much larger sign than the others then the next acre tenant, he knows there are a couple others that are mentioned as coming into that plaza, are they going to come asking for the exact same sign and saying that... He knows, he doesn't want to be naming names.

Everett Murphy said they're going to be looking a lot closer to what they're submitting.

Secretary Nestorowicz just wonders. If you go and give one tenant a much larger sign then the next one that comes in front of us is going to say, "Five Below you gave them this many square feet. We just want the same that Five Below has." Then the third tenant says, "Well I want the same that the first two have."

Jim Fields informed that's already been put in precedent at the plaza itself is determining what everybody's is based on designs. Remind you, they work for national companies, National Sign Co. We're just a sign installer. So they're making these things and they're doing all their code checks compared to when they go to Warren and this site and they see the other anchored retailers there and the fascias, that's what's going on.

Board Member S. Brasza said H&R Block, we've made theirs smaller.

Everett Murphy said we hear similar arguments, because they showed pictures of signs on the building when they got the building permit for the structure itself, they assumed they could put up all the signs. Just because you put them on the architectural drawings and the building drawings, you did not receive sign permits. When they want to put up louvers, the building inspector when he's looking at it doesn't care what color it is, it doesn't mean anything to him. If the louvers are the same color as the building or if they want to make the entire building blue, they don't have an issue with that. This was specifically framed; this was as far as he was concerned...

Board Member S. Brasza mentioned special order.

Everett Murphy said they were certainly taking advantage of the feature but as far as the measurement of the signed area, the surface area of the sign shall be measured and defined by the area which encloses the extreme limits of individual letters, words, symbols or messages together with any frame. He would argue that it's a frame and if they want to appeal his decision and come before the Board to say that's not a frame, we can come back.

Board Member Fisher asked what section that was.

Jim Fields said it's an architectural element, it's not...

Everett Murphy said it's 4A.16. Gas stations have identification on their canopies with stripes and we make them get sign permits for the stripes on the canopies. It's all in the sign package.

Jim Fields said it's lit up.

Everett Murphy said it doesn't matter if it's lit up or not. The canopies themselves and this Board has seen this all the time on a gas station, that stripe that goes all the way around, we count that; that's signage. It's always part of their package.

Jim Fields inaudible.

Everett Murphy said that is always part of their sign package. I'll leave you with that.

Secretary Nestorowicz thinks we need to table this for the simple fact that it was posted using just the channel letters. He thinks based on their discussion it's the full box is the sign, it's not posted correctly, needs to be reposted and it should be re-scheduled. The next meeting would be February 10th and doesn't know if that's enough time to get the measurements and reposting. He thinks the petitioner has heard we don't like very large signs. We're giving more than the forty square feet but we don't like the very large signs. When it would be reposted keep that in mind.

Motion:

Secretary Nestorowicz made the motion to reschedule to February 10, 2016.

Chairman Watripont has a motion to reschedule.

Board Member S. Brasza supported the motion.

Chairman Watripont said motion to reschedule by Secretary Nestorowicz; support by Board Member S. Brasza to February 10th. Is that enough time?

Board Member Furgal has a question. If it was posted as wall sign four foot by twenty-eight point eight inches for 114. square foot wall signage, that includes the blue part actually.

Board Member S. Brasza said no, he said it's not.

Board Member Furgal said that's the signage they asked for.

Chairman Watripont said that's the signage they asked for.

Board Member Anglin said that's the blue area they can have.

Board Member Furgal said so that's the size that they're asking for and that should include the blue area. He doesn't know what EQ means but that's what they have on here. So it needs to be reposted.

Board Member S. Brasza said right.

Board Member Furgal said if they're going to have a different size sign and they need to tell us what size sign they're asking for before they can even do anything. She just suggesting that if this is the size of the sign that they're asking for and this is what was mailed out and that's not what they want, then they need to. This is what they wanted.

Inaudible.

Chairman Watripont stated right. That's why we're rescheduling but we want it even smaller than that to include the blue panel.

Board Member Furgal is saying it needs to be reposted.

Inaudible.

Board Member Furgal apologized; she's a little distracted today.

Chairman Watripont has a motion to reschedule. To repost it you'll have to have it in by January 24th.

Inaudible.

Chairman Watripont stated they have to be mailed out by the 26th so the 24th is a good day. Motion to reschedule by Secretary Nestorowicz; support by Board Member S. Brasza.

Voice Vote:

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

The Petitioner's request has been **RESCHEDULED.**

- | | |
|---------------------------|--|
| 12. PUBLIC HEARING | APPLICANT: Alex Lowe/The Woods Church |
| REPRESENTATIVE: | Greg Morgan/Phillips Sign & Lighting |
| COMMON DESCRIPTION: | 14300 Thirteen Mile Road |
| LEGAL DESCRIPTION: | 13-12-126-012 |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to:

1. Allow a 41" x 87" LED Message Center as part of a new Monument sign.
2. Allow a monument sign 60" x 96" = 40 sq. ft.
3. Allow a monument sign with an overall height of 74".

Monument sign to be located seven (7) feet from the front property line and twenty-one (21) feet west of the driveway per the plan.

ORDINANCES and REQUIREMENTS:

Section 4A.14, Paragraph (a): Prohibited signs. Signs that utilize flashing, blinking, intermittent or moving lights or exposed incandescent light bulbs.

Section 4A.31 Paragraph (d): Permitted non residential uses: One (1) freestanding and one (1) wall sign **not to exceed thirty-two (32) square feet in sign area** for each sign for permitted non-residential uses including churches...

Section 4A.32: Residential height and setback regulations. All freestanding signs located in residential districts shall have a maximum height of five (5) feet and shall be set back from the right-of-way line a minimum distance equal to the height of the sign...

Greg Morgan, Phillips Sign & Lighting 40920 Executive Drive in Harrison Township, appeared before the Board.

Chairman Watriont asked the reason for his petition.

Greg Morgan informed there are two existing signs on the property at thirty-two square feet each. They want to remove those two signs, install just one sign that would be forty square feet, six feet two inches tall. Also, in the area they have other ground signs that would measure the same forty square feet and six feet tall, specifically the Warren Woods School sign is that exact same size. In essence what they're doing is eliminating two older signs on the property and installing a new upgraded sign which is a message board and making it the same size as the existing signs in the area. Along with the message board they would operate the message board within what the city ordinance allows. He knows they don't allow any flashing or scrolling of messages, no videos. This is going to be strictly a message board for the community and would be changing the messages every thirty seconds.

Chairman Watriont said this is a public hearing, anyone wishing to speak on this item.

Pam Russo, 31041 Louise Court in Warren, 48088, appeared before the Board. She explained she's a stay at home, she came this evening and left her six and three and a half year old at home to hear what was going on. She just received a letter in the mail saying that if you're within three hundred feet of this sign you're supposed to receive this letter. She apologizes because she's not really prepared and is kind of nervous. Her question is that kind of, why is it needed? She is just learning now that they would take down the other two signs, she didn't really know if that was in the original letter. To her she feels that it could kind of be a little bit of an eye sore or safety issue. Very recently there was a car accident with a grandma and her granddaughter leaving the church parking lot. They were turning west bound out of the exit and they hit a man and woman that were traveling east bound on Thirteen Mile Road. She is a bit concerned that perhaps this new sign might be a little too close to the street and a little too big. It also is saying that they have to have a minimum distance equal to the height of the sign, which it sounds like their sign was going to be

eight feet tall, the monument sign, which would be three feet higher than the five feet requirement. She's not a big fan about things flashing and blinking and everything, she believes that could potentially be a very bad thing and having young ones growing up in the area, she's kind of opposed to that as well. She's not sure if the residents, she doesn't know because she's not really educated in what R-1-C means but she doesn't know if this applies, but if it is residential and if they already have signs she doesn't know if the burden of proof has to be put on them to whether or not their funds are going down because they're not getting enough foot traffic. She knows sometimes they put a big bounce house thing on outside and they put their own little signs out front, you can hear them playing the Frozen music right off in the beginning, it wakes you up in the morning. They have a garage sale and then they have the kids on the one side of the street yelling, "GARAGE SALE! GARAGE SALE!" and she can hear them do that too. She is right down the street, across the street down the court. She's twelve o'clock straight to that area. She's a little concerned about the height, the flashing, the blinking, the safety blocking and just an eyesore. She feels that area is already kind of residential and it's nice now that the roads done, it looks very nice, but people don't go forty miles per hour down that street and now you're going to have this thing that's flashing and blinking at them as they're driving. Being in the court they get a lot of people that use their court for turnaround probably half a dozen times a day on average; she's a stay at home mom she sees this. With the kids out there playing and they can't read the sign, are they going to turnaround in the court to go back and read the sign some more, which the signs falling over but that's another point. Anyways, with technology today and she was thinking of this as she was waiting, she just feels that they have, newsletters. She is a church going person, she's Christian, her kids went to their school too so there's nothing like that going on here. It's just a concern, worry, safety and the eyesore value of the neighborhood. So she was going to say you have Facebook, you have texting, you can have distribution lists on email, you can have flyers, and there are so many other ways to advertise. At last, she was thinking of this too. Ironically, she belongs to a women's' group, La Leche League of Warren and recently, she doesn't know time wise with the kids, they wanted to have a cloth diaper sale there. They were told it was fine, they did it the same day as their other outdoor garage sale but ironically they were told they couldn't have any signage. It was hard for them to get any people coming in for them so she doesn't know if they would allow the message board to advertise something like that as well if it's just for the church. They want to serve the community but here's an example that they didn't even... She asked a friend who runs it about her signs and wondered if they could a balloon. They couldn't put any sign on any of their walls inside the building, nothing out front. She's just sitting here and going ok, if she needs to prove any of that she can. She just didn't know what they needed her to say and that's all she had to say.

No audible response.

Chairman Watriont said hearing and seeing no others, he turned this matter over to the Board.

Board Member S. Brasza said this is to Mr. Murphy. She noticed in their application they stated that they have given they will remove two existing ground signs, each thirty-two square feet. She doesn't see any where what they actually have. She wondered if he knew what they would give up to have this monument sign.

Everett Murphy believes Mr. Phillips has the information.

Board Member S. Brasza had another question in regards to this sign. She wondered if this one unit, right? They're looking at the LED being within the monument sign of sixty by ninety-six.

Everett Murphy said one, right. Just so that everybody understands, the overall height of the sign that they're looking for is not...

Chairman Watriont stated just six feet, two inches.

Everett Murphy said exactly.

Chairman Watriont said is the overall height.

Everett Murphy said right, it's not going to be eight foot tall. The question is could they do it within the thirty-two square feet, could they do it within the five height, that's the argument.

Board Member S. Brasza said FYI to Phillips Sign, no flashing and scrolling and you can't change the read out once every five minutes. That's our ordinance and no scrolling and no flashing.

Chairman Watriont informed that's what the Board has traditionally done is once every five minutes.

Inaudible.

Greg Morgan said a car passing a sign passes that sign within ten seconds. Just driving even at twenty-five miles per hour and you passed a sign it wouldn't take you any more of about ten seconds to do that. If they changed it every thirty seconds versus changing it every minute, only one message is going to be read by the car. They understand you want to operate the sign within so it's not a distraction to the drivers where there would be flashing.

Board Member S. Brasza said but throughout the city they will place that in their motion. She asked if he had the previous...

Greg Morgan said the previous was passed up there. He could pass this around too, he has a picture of a sign that is just a quarter or a mile down the road.

Inaudible.

Secretary Nestorowicz thinks that having one sign compared to two is good. He is going to make the motion but before he does, he wants to reiterate when he makes the motion that he will be stating that the sign does change once every five minutes. He wondered if they're ok with that because that's what we say for all the LED signs in the city.

Greg Morgan agreed to it.

Secretary Nestorowicz didn't want any future disagreements if the sign starts changing every minute or so and have you say, "I didn't know!"

Motion:

Secretary Nestorowicz made the motion to approve the petitioner's request to: 1. Allow a 41" x 87" LED message center as part of a new monument sign. 2. Allow a monument sign 60" x 96" = 40 sq. ft. 3. Allow a monument sign with an overall height of 74". Monument sign to be located seven (7) feet from the front property line and twenty-one (21) feet west of the driveway per the plan.

With the understanding that the petitioner is relinquishing their two existing ground signs to be replaced by this new one; no flashing, no animations, no scrolling and message on the screen will not change more often than once every five minutes.

Reasons being: Size and shape of the property; Not a detriment to the neighborhood.

Board Member Anglin supported the motion.

Chairman Watriont has a motion by Secretary Nestorowicz; support by Board Member Anglin.

Board Member S. Brasza asked if they wanted the pictures back.

Chairman Watriont continued to say to approve your petition as granted with the conditions as read. Roll Call.

Roll Call:

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

Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Board Member Fisher	Yes, for the reasons stated in the motion.
Board Member Tabbi	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.

Chairman Watripont

Yes, for the reasons stated in the motion.

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

13. PUBLIC HEARING

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

ZONE:

APPLICANT: Canvasser Ryan-Ten Invest Co

Phillips Sign and Lighting

4198 East Ten Mile Road

13-29-101-003

C-1

VARIANCES REQUESTED: Permission to:

1. Continue a legal non-conforming pylon sign located off site.
2. Add a new, updated tenant cabinet (8' 3" x 6' 8" = 55 sq. ft.) to the existing pylon sign and allow an under-clearance of 5' 2 7/8".
3. Allow an increase in total sign area to 285.9 sq. ft. as per the plan.

ORDINANCES and REQUIREMENTS:

Section 4A.14, Paragraph (j): Off-premise signs other than billboards, election and special events or activities signs as regulated in this ordinance.

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

Section 4A.35 Paragraph (b): One freestanding on-premise sign or advertising display of a size no to exceed seventy-five (75) square feet shall be allowed in commercial business districts zoned C-1... M-2.

Section 4A.58 Paragraph (b): A legal non-conforming sign shall lose its designation and is required to be brought into conformity with this ordinance up any of the following events occurring: The structure or size of the sign is altered in any way except toward compliance with this ordinance.

Ryan Canvasser, Canvasser Ryan-Ten Investment Company 28580 Orchard Lake Road in Farmington, appeared before the Board.

Greg Morgan, Phillips Sign Company 40920 Executive Drive in Harrison Township, appeared before the Board again. He stated they would ask the Board three things here that is stated in the petition. That is you allow us to continue the non conforming pylon sign and also they would refurbish the lower tenant cabinet. As you can see in the drawing here the existing sign is much in need of repair and it has some other signs hanging off the lower portion of it so you can't see through there. They want to propose is to remove and dispose of that cabinet, put a new fifty-five square foot tenant cabinet in that area. It would give them a five foot, two inch clearance on the bottom of the sign. They would not be changing the top cabinet where the Little Caesar's is or the Family Dollar; those two would stay the same and they're just going to work on the bottom section of the sign that is in disrepair. They're going to paint the poles and make them a charcoal gray to dress the sign up considerably.

Chairman Watripont said this is a public hearing anyone wishing to speak on this item.

No audible response.

Chairman Watripont said hearing and seeing none he turned this matter over to the Board. He asked what the under clearance was before.

Greg Morgan said what is existing now is nonexistent because that be face sign is there and there's also the Shoe Shine sign that's underneath there so there isn't really any under clearance of the sign.

Chairman Watripont says he's sure those weren't approved either.

Greg Morgan laughed.

Chairman Watripont said part of his point.

Greg Morgan checked to see if he had that information about the existing cabinet under clearance is. He thinks it's probably a little more than five feet, let's say its six feet. He doesn't have it actually.

Chairman Watripont stated the variance he's reading and he doesn't know if it's the right one has a ten foot under clearance. He turned the matter over to the Board.

Inaudible.

Chairman Watripont said this is a public hearing anyone wishing to speak on this item. He thought he did that.

No audible response.

Chairman Watripont said hearing and seeing none he turned the matter over to the Board. He could have sworn he did that.

Board Member S. Brasza is wondering where they came in to increasing it 285 square feet. She's not sure what it is versus now to include.

Inaudible.

Board Member S. Brasza wondered if that was the total of the whole unit.

Inaudible.

Board Member S. Brasza wondered if they just didn't have permission in the first place.

Inaudible.

Everett Murphy said the variance granted 2/28/1967 allotted 256 square foot sign with the ten foot under clearance. Everything that was done from that point on shouldn't have been done. Now they're asking for a total of 285...

Board Member S. Brasza said 285.9.

Everett Murphy continued to say they're increasing from 256 to 285.9.

Board Member S. Brasza said thank you.

Inaudible.

Board Member Furgal asked the petitioner how many tenants they have there. How many possible does he have.

Ryan Canvasser answered twelve tenants.

Inaudible.

Board Member Furgal restated he has twelve.

Ryan Canvasser said when it's full.

Inaudible.

Board Member Furgal asked if he plans on rebuilding the building that burnt down.

Ryan Canvasser stated that's not theirs.

Board Member Furgal said it was part of the sign.

Ryan Canvasser explained it belongs to another owner and apologized.

Board Member Furgal started to explain that this sign...

Ryan Canvasser said it's the vacant portion.

Board Member Furgal said the vacant part of the sign is that particular tenant of building because it was Farmer Jack at one time. That's a good portion of your sign-age for a building that does not exist. She asked if this is his sign, if he owned the sign.

Ryan Canvasser explained they owned the signed with Borman Foods, then to Farmer Jack which then sold out to A & P. They share the sign.

Board Member Furgal forgot that A & P owned it.

Inaudible.

Board Member Furgal said she knows.

Inaudible.

Board Member Furgal said what she's saying is you don't need quite so many of those small boxes because you have that sign up on the top.

Ryan Canvasser said no that's reserved for the vacant space where Farmer Jack was.

Board Member Furgal wondered if it was being rebuilt.

Ryan Canvasser would assume so.

Board Member Furgal said it doesn't look like it, that's why she's asking. She lived there for many years.

Ryan Canvasser said they don't own that property though.

Board Member Furgal said he doesn't even own the property.

Ryan Canvasser said no they don't own the property where the Farmer Jack was...

Board Member Furgal knows, the Burger King owns that property; it's on their property. She said it's kind of sloppy looking anyway.

Inaudible.

Greg Morgan said shared partnership on the sign so he doesn't have full control of the sign.

Secretary Nestorowicz is a little confused now. When that was Farmer Jack, that entire top box was Farmer Jack, when that other retailer opened there, he forgets the reseller, they had that entire top portion of the sign. After that building burnt down this past year Little Creaser's moved up there. He worries that if that property is rebuilt is that other property owner is going to come and want more signage.

Board Member Furgal said true.

Secretary Nestorowicz wondered if he co-owned the sign with the other property owner.

Ryan Canvasser replied yes.

Secretary Nestorowicz wondered if it states that the other property only gets that upper part of the sign so in a year or two somebody is not going to come back to us and say they need a bigger sign.

Ryan Canvasser answered no. He explained they bought the property in 1962 at that time they built the pylon sign that exist today and they built the spaces, the twelve units adjacent to the Borman Food at that time. Then it was their understanding they would share it between the two of them.

Secretary Nestorowicz asked if that upper part of the sign is going to be empty until that property is some day developed.

Ryan Canvasser replied yes.

Secretary Nestorowicz asked they won't find Family Dollar moving up there in a month or two.

Ryan Canvasser said no. Family Dollar is in the second position right now.

Secretary Nestorowicz said it would be nice to clean up that sign. Driving down Ryan, that sign needs to be cleaned up, it's a very large sign even as a pylon sign.

Inaudible.

Board Member S. Brasza said we're going to be allowing more signage than is there now and having the top portion be empty. She asked if she is correct.

Chairman Watriont said that is what the petitioner is requesting.

Greg Morgan said the square footage for the 285 he believes is incorrect. The top sign there which he believes they came up with 195 square feet is not twelve feet tall, it is only ten feet tall.

Board Member S. Brasza said ten feet, six.

Greg Morgan said ten feet, six. Ten feet, six times your sixteen feet, three comes up to 171 square feet and if you add the 171 square feet for the top cabinet the Family Dollar is twenty-seven and...

Board Member S. Brasza said fifty-five.

Greg Morgan continued point seven five and then the fifty-five you come up with a total of 253.75 square feet for the total signage on the sign. They're actually less than and not asking for more signage; they're actually less than.

Inaudible.

Board Member S. Brasza said he doesn't need to be here. She wondered if they do.

Everett Murphy said they were allowed 256 square feet, they now want to go to 271.

Greg Morgan said no, it's 253.

Board Member S. Brasza no it's 253. He said it's 253.

Board Member Anglin also mentioned he said 253.

Chairman Watriont said they want the five and two seven eighths under clearance also.

Board Member S. Brasza said that's right.

Chairman Watriont said he is working on numbers right now. He knows he worked on them when they had the numbers.

Inaudible.

Everett Murphy said his number was based on the twelve sixth. He informed he had a drawing, and the petitioner has a copy of it here, where it was originally approved where he mistook a twelve is actually a ten. You can see it either way but he explains and he believes him that it's ten feet. So that does bring his square footage down so he doesn't need that one, but he does need the under clearance.

Greg Morgan explained what they want to do is clean this sign up and make it an acceptable sign.

Board Member S. Brasza said absolutely, it's wonderful.

Motion:

Board Member S. Brasza made the motion to approve the petitioner's request to 1. Continue a legal non-conforming pylon sign located off site. 2. Add a new, updated tenant cabinet (8' 3" x 6' x 8" = 55 sq. ft.) to the existing pylon sign and allow an under clearance of 5' - 2 7/8". 3. Allow total sign area to 253.75 square feet.

Due do: Not a detriment to the area; Lack of identification.

Board Member Anglin supported the motion.

Chairman Watriont has a motion by Board Member S. Brasza; support by Board Member Anglin to grant the variances as written, except to number three it does not say increase and is changed to 253.75. Reasons being: Not a detriment to the area. Roll Call.

Roll Call:

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

Board Member S. Brasza	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.

Secretary Nestorowicz wanted to make one comment. They're fixing up their sign, the next item here is Burger King which is right next door. He's right next door, the signs are so close and hard to see. Consider getting one sign, in his opinion.

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 Tabbi	Yes, for the reasons stated in the motion.
Board Member Fisher	Yes, for the reasons stated in the motion.
Chairman Watriont	Yes, for the reasons stated in the motion.

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

14. PUBLIC HEARING

APPLICANT: Williams Restaurants of Ryan, Inc./Metro Detroit Signs

REPRESENTATIVE:	Kevin Deters/Metro Detroit Signs
COMMON DESCRIPTION:	24840 Ryan Road
LEGAL DESCRIPTION:	13-29-101-005
ZONE:	M-2

VARIANCES REQUESTED: Permission to:

Erect four (4) additional wall signs as follows:

1. Two (2) circular wall signs "Burger King" at 36 sq. ft. each. One on the drive-thru elevation and one on the front elevation, in addition to an existing 36 sq. ft. circular wall sign on the main entrance elevation, as per the plan.
2. One (1) wall sign "Taste is King" at 89.75" x 12" = 7.48 sq. ft. on the main entrance elevation.
3. One (1) wall sign "Home of the Whopper" at 285.75" x 14" = 27.78 sq. ft. on the main entrance elevation.

Total of 143.26 sq. ft. of wall signage.

ORDINANCES and REQUIREMENTS:

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

Kevin Deters, Metro Detroit Signs 23544 Hoover Road in Warren, appeared before the Board. He introduced the gentleman to his left as Todd Williams, the owner of Burger King, and said he will introduce himself when he speaks. He understands the variance request is worded that they're asking for four additional wall signs, he believes that means right now they have one wall sign up on the front of the building, it's a six foot circle for thirty-six square feet, so the variance says they're asking for

four more. In this particular zone and this particular case he believes the wall signs is inconsequential, really the only variance they're asking for is excess and area. He understands it's worded in such a way to understand what everything is that they are asking for but he doesn't believe the part about number of signs holds any water in this instance. These signs are small and they're aesthetically pleasing, they don't take up a large portion of the façade, they're all thirty-six square feet or less these additional ones they're proposing. The reason that they're here is that several months ago Burger King got their building permit, their building plans approved. Shortly before the renovations were completed they got around to get their sign permits and find out they're over the signage allowance and need a variance. That was just a mishap or an oversight, so sort of at the eleventh hour this came to them needing this sign variance. Had they known they needed this sign variance before they can finish their renovations, they would have put this renovation on hold and moved onto a different store until it got settled. Due to unfortunate circumstances, the renovation is complete and right now they can only have the one wall sign on their building. It kind of makes it look like, people could be confused if it's open. There's this huge building with just the one sign on it, it doesn't look like it was intended to look in their building plans. Again, that was just an oversight or a mistake not realizing they needed this sign variance after the building plans that had these signs on them were approved. That's why they're here, they found out later they needed a sign variance. He'll be happy to answer any questions they have and so would Todd here. He thanked the Board.

Todd Williams, Burger King owner at Ten and Mile, appeared before the Board. He stated he's been the owner for twenty-four years. He is the only Burger King operator in the city that lives in Warren; his address is 4477 Ten Mile. In fact, he believes he is the only fast food owner in Warren that lives in the city. He is an unfortunate victim. He hired Burger King's architect to handle this, they got approval from the city. Apparently what they deal with is signs are stamped if additional approvals are needed, or signs stamped; they didn't see anything. They went ahead and proceeded, they tore apart his building, they took half a million dollars from him which it was very hard to come up with the money, particularly at that location. Signs were supposed to go up and was told that none could go up other than one small sign. They took down more signs than what they're putting. They took down a home of the whopper sign, they're putting up a "Home of the Whopper" sign. They took down three, four foot signs on the building previously; they're putting three, three foot signs on the building. They took down four directionals on the property, one preview board, they're putting up one small, non illuminated "Taste is King" decorative item over the window. They took down a ton and putting up less. In the mean time the store instead of being positive in sales like you would normally see in a remodel they're down \$37,000.00 in three months that they've been waiting to come to this meeting. Their hardship is a great financial one, the building looks closed every single day, customers come through the door everyday and tell them they didn't know they were back open, didn't know they were closed for this long and asking what's been going on. It's been financially devastating to himself and his family, he's just asking for some relief from the Board.

Chairman Watripont said this is a public hearing anyone wishing to speak.

Everett Murphy had a question for the petitioner but he'll ask the Board. He would like to know how many of those signs are actually installed right now.

Board Member S. Brasza said all over them.

Kevin Deters said just the one six foot circle on the front, he believes.

Board Member S. Brasza said and the "Home of the Whopper" and "Taste is King".

Kevin Deters said they didn't put those up.

Board Member S. Brasza said they're there and he was there today.

Kevin Deters apologized. The last time he was there at the site is when they put up the six foot circle which they already have a permit for, the one six foot circle above the entrance. He was not aware that "Home of the Whopper" and "Taste is King" were up. He apologized to the Board.

Everett Murphy said that was his question.

Todd Williams said that the "Home of the Whopper" part is part of the awning.

Chairman Watripont said this is still open to the public.

Todd Williams apologized and asked if that was not him.

Chairman Watripont said you're the petitioner, so no.

No audible response.

Chairman Watripont said hearing and seeing no more he turned the matter over the Board.

Todd Williams said ok.

Board Member S. Brasza said she just stated that she went by, "Home of the Whopper" is up, "Taste is King" is up, the one thirty-six square foot is up on the south side of the building, there is nothing on the west. She wondered if they're, Mr. Murphy, including the two monument sign.

Chairman Watripont said monument sign is not a wall sign.

Board Member S. Brasza said ok, just dealing with wall sign.

Kevin Deters said that six foot circle, they have a permit for, they have one issued already. So that six foot circle that's up they pulled a permit for.

Chairman Watrion said that one's legal conforming.

Board Member S. Brasza said the two more thirty-six, she wondered where they are going to go. She assumes one on the west.

Kevin Deters said right and one on the drive-thru elevation as well.

Board Member S. Brasza wondered which is... She didn't pay...

Everett Murphy said north.

Board Member S. Brasza asked north.

Kevin Deters said in total you would a six foot circle for both entrances and the drive-thru, one for each elevation.

Inaudible.

Board Member S. Brasza said she feels sad that the "Home of the Whopper" takes so much wall space. Not only do you have the monument sign that allows us to know that it's Burger King, but you're asking for... allowed is forty square foot and you're asking for 143. She asked how much square footage he has in his building.

Todd Williams wondered if she meant the size of the building itself.

Kevin Deters checked to see if he had that, he's not sure if he does.

Board Member S. Brasza doesn't see it anywhere in the paperwork.

Kevin Deters has the size of the sign bans but not the overall measurements of the building.

Todd Williams said just shooting from the hip, that style building is usually forty-five hundred square feet.

Board Member S. Brasza questioned forty-five hundred square feet.

Todd Williams said yes, generally that size. He doesn't know if since there is no longer a green house on that building if it cut it down or what it did.

Board Member S. Brasza said he put them in a really peculiar position because the signage is up. Whether its...

Todd Williams guaranteed he didn't put up the sign. He only hired one sign company, if they put it up they put it up when he was in Arizona last week. He has no idea why they would do that, he's the victim. He doesn't have the choice of who to hire, that's his problem. If he did he could run around fire people and get really mad, but he's caught between a rock and a hard place.

Kevin Deters is not sure if someone installed the canopy and figured the "Home of the Whopper" goes with this canopy or if they said "Taste is King" is just decorative it doesn't need a permit. His company didn't install those two signs. The only day they were out there was to install the six foot circle. He doesn't know, he honestly did not know those were up.

Board Member S. Brasza thanked them.

Inaudible.

Board Member S. Brasza wondered if there is any way they could remove one of the thirty-six square foot circle and go with two instead of three.

Kevin Deters asked Todd Williams if he would be willing to do that.

Board Member S. Brasza would think the north side.

Todd Williams said if there is a way to do anything, it wouldn't conform to what every other Burger King looks like including the one at 11 and Hoover, they have three of those signs.

Board Member S. Brasza doesn't think they have "Home of the Whopper" in medal going all the way across their canopy.

Todd Williams said "Home of the Whopper" was out when that one was built and it actually says "Burger King" but not on the awning, it's on the side of the building.

Inaudible.

Board Member S. Brasza suggested or you can remove...

Inaudible.

Todd Williams said he is not removing "Taste is King".

Board Member S. Brasza said that's only 7.4...

Inaudible.

Board Member S. Brasza said they're trying to bring it down to something close. Forty is allowed, you're asking for 143 and would like to bring it down to one hundred. She asked what he suggested.

Todd Williams suggested he will put up whatever they let him to put up.

Board Member S. Brasza assumed he would want the west Burger King circular wall sign. If you had a choice between the north and the south.

Todd Williams said possibly. That's buried into the parking lot and he would have to have an expert look at it and Burger King would have to say where the two would go. His bet is they would want them on the towers because the buried in the center you're already in the parking lot ready to eat there, you don't necessarily need to know where you're at. The fact of the matter is...

Inaudible.

Todd Williams continued to say that whatever is there is not illuminated and it's absolutely killing the sales.

Board Member S. Brasza asked if his pylon is illuminated.

Todd Williams said just the pylon. He explained that when your building is under construction and you have wires hanging from the building, people think you're closed.

Board Member S. Brasza said oh, but now you're not.

Todd Williams answered yeah.

Board Member S. Brasza told him now it looks good, it looks very good.

Unknown Board Member said he wants to light the signs.

Secretary Nestorowicz said his building looks fantastic compared to the older version that it was previously. He's ate there many times, he lives just at 11 Mile and Ryan so he's very familiar with his building.

Todd Williams thanked him and appreciated it.

Secretary Nestorowicz said if they could have just two out of the three he would totally vote for it in a heartbeat. That's his personal opinion.

Todd Williams said ok, we'll agree to two out of the three. He'll put the other one in his garage because he's already paid for those. He's stuck with them no matter what they do.

Chairman Watripont asked Mr. Murphy if they need to know locations right now.

Everett Murphy said no, the ordinance isn't specific to that, it's strictly speaks to the square footage.

Chairman Watripont said ok, if they...

Everett Murphy said where they put them is almost irrelevant.

Chairman Watripont said ok, that way he can go back and determine where he wants it also.

Secretary Nestorowicz said his personal opinion is the one in the parking lot, he really doesn't need. If you were asking him because he drives north Ryan, that pylon catches your eye more than.

Todd Williams thinks they're going to want the towers but he doesn't know, they're going to have to decide.

Motion:

Secretary Nestorowicz made the motion to approve the petitioner's request to: 1. Install one (1) additional circular wall signs of "Burger King" at thirty-six square feet each, he won't state the location, as per the plan. 2. One (1) wall sign "Taste is King" for total of 7.48 square feet on the main entrance elevation. 3. One (1) wall sign "Home of the Whopper" of 27.78 square feet on the main entrance elevation. For a new total wall signage of 107.26 square feet.

Reasons being: Size and shape of the property; Not a detriment to the neighborhood; Lack of identification.

Board Member H. Brasza supported the motion.

Chairman Watripont has a motion by Secretary Nestorowicz; support by Board Member H. Brasza with the conditions as stated. Due to: Size and shape of the lot and not a detriment to the area. Roll call.

Roll Call:

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

Secretary Nestorowicz	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 Tabbi	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 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**.

Inaudible.

Todd Williams talking to Kevin Deters said he doesn't know if he knew either, just tell him I expect him to be out there tomorrow morning at 7 a.m.

15. ADMINISTRATIVE HEARING: **APPLICANT: Kwang Jin America, Inc.**
REPRESENTATIVE: James Cummins
COMMON DESCRIPTION: 6400 East Eleven Mile Road
LEGAL DESCRIPTION: 13-21-126-026
ZONE: M-3

VARIANCES REQUESTED: Permission to:

1. Construct a truck well addition to within 34.02 feet of the south 696 property line as per the plan.
2. Continue and retain the legal non-conforming building to within 58.58 feet of the front property line and to within 34 feet of the rear property line.

ORDINANCES and REQUIREMENTS:

Section 17.02 Paragraph (a): Rear yards. 60 feet each in M-3 Districts.

Section 17.02 Paragraph (a): Front yards. 150 feet each in M-3 Districts.

Section 4A.32: Residential height and setback regulations. All freestanding signs located in residential districts shall have a maximum height of five (5) feet and shall be set back from the right-to-way line a minimum distance equal to the height of the sign.

James Cummins, 45136 Cass Avenue in Utica, appeared before the Board. He is the architect and the owner's representative for Kwang Jin of America, 6400 East Eleven Mile Road. The petitioner desires to construct a 1,292 square foot loading dock addition with a depressed truck well to no less than thirty-four feet from the south I-696 property and retain the existing building non conformities. The proposed addition will follow the same thirty-four foot setback as the existing building. Maintaining this setback allows for better material handling, better truck maneuvering, it also allows the owner to relocate their current outdoor storage that is located along the south property line to an area that is just north of the proposed addition which will completely screen this storage. The proposed addition is the yellow that he showed on a site plan, with the depressed truck wells. He showed the current storage that will move to a different area that would allow for better truck maneuvering space. It prevents any conflicts between the two sets of loading docks that will be in there and it certainly allows for better flow within the plan and the material handling. The setback variance is the result land taken for the construction of I-696 creating a size and shape of the property hardship. The owner did not create this hardship. Strict interpretation of the ordinance would unreasonably prevent the owner from utilizing the property for its intended purposes would be unnecessarily burdensome and would deny the petitioner substantial property rights that are currently enjoyed

by similar properties within the same zoning district. If granted, these variances will not create a detriment to the surrounding neighborhood nor will it materially impair the spirit or intent of the ordinance. Currently this property is hardly visible from 696, they have a trucking company that is located to the east, TACOM is to their north and you have more industrial and the crushing facility on the south side of I-696. With these things in mind, he would respectfully request the Board's favorable consideration in the granting of these variances this evening. He would happy to be answer any questions that the Board may have.

Chairman Watripont said this is a public hearing anyone wishing to speak on this item.

No audible response.

Chairman Watripont said hearing and seeing none, he turns this matter over the Board.

Secretary Nestorowicz said making an addition onto this building would actually not be any kind of detriment to anyone in that area because as Mr. Cummins pointed out it backs into 696, the people on the express way won't be bothered by it, it surrounded by industrial buildings on either side. If there is no discussion he would like to make a motion.

No audible response.

Motion:

Secretary Nestorowicz made a motion to approve the petitioner's request to 1. Construct a truck well addition to within 34.02 feet of the south 696 property line as per the plan and 2. Continue and retail the legal non conforming building to within 58.58 feet of the front property line and to within 34 feet of the rear property line.

Reasons being: Size and shape of the lot; Not a detriment to the area.

Board Member Anglin supported the motion.

Chairman Watripont has a motion by Secretary Nestorowicz; support by Board Member Anglin to approve the variance requested as written. Due to: size and shape of the lot and not a detriment to the area. Roll call.

Roll Call:

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

Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
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 Furgal	Yes, for the reasons stated in the motion.
Board Member Tabbi	Yes, for the reasons stated in the motion.
Board Member Fisher	Yes, for the reasons stated in the motion.
Chairman Watrion	Yes, for the reasons stated in the motion.

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

James Cummins thanked the Board for their consideration this evening.

16. PUBLIC HEARING

APPLICANT: Super Car Wash Companies, Inc./Todd Gesund (Owner)-USE-

REPRESENTATIVE:

Super Car Wash Companies, Inc./
Todd Gesund (Owner)

COMMON DESCRIPTION:

13665 Twelve Mile Road

LEGAL DESCRIPTION:

13-12-353-012

ZONE:

C-1, P

VARIANCES REQUESTED: Permission to:-USE-

1. Continue and expand a legal non-conforming "auto-conveyor" car wash by adding an automotive vacuum system.
2. Allow hard surface to the front property line along 12 Mile Road.

ORDINANCES and REQUIREMENTS:

Section 14.01, Item A.1.c: Automatic Conveyor. Lot Area: shall have a minimum 20,000 sq. ft. with 150' frontage along a major road.

Section 14.01, Item P.3: Automatic Conveyor. An automatic conveyor is defined as an auto wash where the auto is attached to a conveyor to move the auto through the line as it is washed by machines and employees. **An automatic conveyor auto was shall be allowed only in C-3, M-1 and M-2 zones.**

Section 14.01, Item P.3.a.2: Front Yard Setback. All auto washed shall have a minimum of thirty-five (35) feet front yard setback measuring from the proposed right-of-way line established by the City's Master Thoroughfare Plan to the front wall of the building.

Todd Gesund, 6868 Alderbury Court in Commerce, appeared before the Board. He said he's the owner/operator of Super Car Wash, a family owned car wash company. They have ten locations, been in business over thirty-eight years and have two locations in the City of Warren. The location talking about today at 13665 Twelve Mile, they're here today to get approval to replace the existing vacuum system with a new updated, more modern, more functional and better aesthetically looking system. The vacuums are very important part of their business, thirty-five percent of their car wash business is driven by the vacuums; that is their hardship. They've had vacuums since opened seventeen years ago, it has been a car wash since 1964. There were vacuums there when they took over in 1998. Vacuums are a staple at every car wash location; there's twelve other car wash locations in the City of Warren and all of them having vacuums.

Chairman Watripont asked for his hardship.

Todd Gesund stated as he said before his hardship is that thirty-five percent of his customers utilize that vacuum system.

Chairman Watripont said this is a public hearing anyone wishing to speak on this item.

No audible response.

Chairman Watripont said hearing and seeing none he turned this matter over to the Board.

Board Member S. Brasza asked the petitioner how many vacuum systems they will have, she sees seventeen of them.

Todd Gesund said there is fifteen of them.

Board Member S. Brasza questioned fifteen.

Todd Gesund explained the interesting thing about these is the ones he had before, he isn't sure if anyone is familiar with this location, they were stand alone vacuum so each vacuum operated themselves. The motors that ran the vacuum for the suction were on top of each single vacuum so the noise came from the motors and the motors create a lot of noise. What they're doing now is with this system the motors actually inside the building so the airflow is piped out through the building to the vacuum. There are two 25 horsepower motors that run the entire system and those motors are inside the building so all the noise associated with it will be inside the building.

Board Member S. Brasza asked right now he has nothing and he took it all down, correct? She thinks she saw one.

Todd Gesund explained they had them, they started the project, didn't realize they needed... They had pulled permits for electrical but did not realize at the time they needed a permit to just replace those vacuums.

Board Member S. Brasza asked that he's not going to have any curve into each slot, it's just going to be...

Todd Gesund said the same way it was before. Before the vacuums sat, and there are a couple of them left if you visited the site, there was cement pads.

Board Member S. Brasza asked if those were going to be gone.

Todd Gesund continued there's no more cement pads, you just pull in. Everything is up above.

Board Member S. Brasza stated he 49.6 feet between the property line and the building itself. She asked if they normally have two lanes of traffic going into the car wash.

Todd Gesund said there's about ten to fifteen days a year that they're really busy during the winter time. In those days if they start to line up onto Twelve Mile Road they do utilize a second land but unfortunately for him that's a very rare occurrence.

Board Member S. Brasza said ok because that would be very difficult to pull out of that.

Todd Gesund said right, but the idea is that the vacuums are a free service to the customers so it's part of the wash. The idea is for them to vacuum their car and continue on through the car wash and not exit the property, but they can exit the property if they need to.

Board Member S. Brasza said that would be kind of difficult if your bays are all full.

Todd Gesund said on one of those days that is, the fact that it is a free service the idea is for them to continue on to the car wash.

Board Member S. Brasza thanked him.

Board Member Tabbi asked if that's the same system he has out Twelve and Orchard Lake.

Todd Gesund said it's the same system at Twelve and Orchard Lake.

Board Member Tabbi said he used that car wash quite a bit out other.

Todd Gesund asked if it works good.

Board Member Tabbi said it's nice.

Todd Gesund thanked him.

Motion:

Board Member Tabbi made a motion to approve the petitioner's request to 1. Continue and expand a legal non conforming "auto-conveyor" car was by adding an automotive vacuum system and 2. Allow hard surface to the front property line along Twelve Mile Road.

Reasons being: Not a detriment to the area; Not unreasonable.

Board Member Anglin supported the motion.

Inaudible.

Chairman Watripont said knowing that they've been before us for many, many years he's assuming something might have happened to the petitioner that she put the wrong date down or something. Maybe we can write her a letter and reschedule it for the next meeting, he believes there are open spots, it doesn't have to be posted again and it will be re-noticed right now.

Board Member Anglin asked if he needed a motion.

Chairman Watripont replied yes.

Motion:

Board Member Anglin made the motion to postpone Thrifty Florist of Warren, Item numbers 16a and 16b to the next scheduled meeting, February 10, 2016.

Board Member S. Brasza supported the motion.

Chairman Watripont has a motion by Board Member Anglin; support by Board Member S. Brasza to reschedule items numbers 16a and 16b, originally 9a and 9b, Thrifty Florist of Warren, 29010 Schoenherr Road and 30975 Ryan Road to February 10th.

Voice Vote:

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

16b. PUBLIC HEARING REPRESENTATIVE:	APPLICANT: Thrifty Florist of Warren, #2
COMMON DESCRIPTION:	Ms. Nicole Agbay
LEGAL DESCRIPTION:	30975 Ryan Road
ZONE:	13-07-227-013
	C-1 & P

VARIANCES REQUESTED: Permission to:

Conduct a seasonal outdoor sales operation 20' x 30' (600 sq. ft.) from March 31, 2016 through January 8, 2017 to no less than 58 ft. from the Ryan Road property line and 45 ft. from the Thirteen 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.

Item 16b was included as part of the motion for item 16a.

17. NEW BUSINESS

Board Member S. Brasza informed she will not be available for the February 10, 2016 meeting. She will be out of town.

Chairman Watripont said noted.

Board Member H. Brasza said he will be out of town February 10, 2016.

Chairman Watripont said to have a nice trip.

18. ADJOURNMENT

Motion:

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

Chairman Watripont stated there was a motion to adjourn and support.

Voice Vote:

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

The meeting was adjourned at 10:29 p.m.

Roman Nestorowicz
Secretary of the Board