

WARREN ZONING BOARD OF APPEALS  
SPECIAL MEETING  
October 28, 2015

A Special Meeting of the Warren Zoning Board of Appeals was called on Wednesday, October 28, 2015 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  
Henry Brasza  
Ann Pauta  
Charles Anglin  
Jeremy F. Fisher

**Members of the Board absent:**

Rick Tabbi III

**Also present:**

Roxanne Canestrelli, City Attorney  
Lynn Martin, Chief Zoning Inspector

**1. CALL TO ORDER**

Chairman Watripont called the meeting to order at 7:35 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Board Member Tabbi was not present at the meeting.

**4. ADOPTION OF THE AGENDA**

Secretary Nestorowicz stated the Board received a request from one of the petitioner's. General Motors requested for **item number 14** to be heard as **item number 13** and **item number 13** to be heard as **number 14**; basically to swap the two.

Chairman Watripont stated the Board will make...

Board Member S. Brasza stated support.

Chairman Watripont stated motion and support; what the Board will do is, make item number 13, number **14a** and they would not have a number 13 then.

**Voice Vote:**

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

(Inaudible)

Chairman Watriont stated that was to move the item...he needs... to adopt the agenda as amended now.

(Inaudible)

Chairman Watriont stated item 13 now becomes **14a**; 14 will remain in place, it will fall right behind.

**Motion:**

Board Member S. Brasza made the motion to accept the agenda as it changed.

Chairman Watriont stated to accept the agenda as...

Board Member S. Brasza stated changed.

Chairman Watriont stated as it changed.

Board Member Pauta Supported the motion.

Chairman Watriont stated there is a motion by Board Member S. Brasza, Support by Board Member Pauta.

**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 October 14, 2015.**

Chairman Watriont stated it is his understanding that the minutes need to be looked at a little bit more; he asked if there was a motion to...

**Motion:**

Board Member S. Brasza made the motion to reschedule the minutes of the Regular Meeting of October 14, 2015.

Board Member H. Brasza supported the motion.

Chairman Watriont stated there is a motion by Board Member S. Brasza to table the minutes, Supported by Board Member H. Brasza.

**Voice Vote:**

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

6. PUBLIC HEARING

**APPLICANT: ITC Holdings -USE-**  
(Rescheduled from 9/23/15)

REPRESENTATIVE: Mr. Gary R. Kirsh  
COMMON DESCRIPTION: 12500 10 Mile Road  
LEGAL DESCRIPTION: 12-26-131-001  
ZONE: M-2 & R-1-P

**VARIANCES REQUESTED: Permission to: -USE-**

1. Allow two (2) above ground storage tanks to relocate per the plan.
2. Allow a twelve (12) foot fence around the property as per the plan.

**ORDINANCES and REQUIREMENTS:**

**Section 17.02 (p):** Propane tanks allowed in M-3 & M-4 with a one hundred fifty (150) foot setback from the property lines.

**Section 4D.38 Height of fences:** Fences in non-residential zones shall not exceed six (6) feet in height.

Chairman Watripont asked the individual at the podium to confirm that the microphone was turned on. He asked the individual to state his name and address for the record and the reason for the petition.

Mr. Gary R. Kirsh, ITC Holdings, 27175 Energy Way, Novi, Michigan 48377, appeared before the Board and stated he is present before the Board tonight to request the variances that were stated. On August 10<sup>th</sup>, ITC went through the Planning Commission review process and were approved, continued upon review and hoped approval by this Board for the two (2) variances. At the last meeting, three (3) individuals were in the audience; Ms. Wojcik, Mr. Wojcik—which is her brother, and also Ms. Pokurski; the Board suggested and he followed through on meeting with them after the meeting as well as with them at their property; they were satisfied with the review at both here and at their property and Ms. Wojcik provided him with a letter tonight, which he made copies and provided to the Board for their review. He apologizes that he did not get them in earlier, she just contacted him today and he told her that he would pick them up today on his way to the meeting. They did not believe that they would be present tonight and that was why she wanted to make sure a letter was submitted. If the Board has a chance to read the letter, she has all three (3) individuals did not believe...

Chairman Watripont stated the Board would read it as part of the public discussion.

Mr. Gary R. Kirsh, ITC Holdings stated that sounds fair. He could address any questions; he has spoken with the Planning Director and he also did not have any issues; like he has mentioned to him that the process is to go through the Zoning Board of Appeals and to get their comments and hopefully approve to input.

Chairman Watripont stated this is a public hearing, anyone wishing to speak on this item. Hearing and seeing none, he turned the matter over to Secretary Nestorowicz to read a letter.

Secretary Nestorowicz stated the letter is addressed to the City of Warren ZBA; he read: 'I am writing for myself, Donna Wojcik, Mark Wojcik, and Loretta Pokurski, con-

cerning the Variance that ITC is requesting. We attended the meeting of the Zoning Board. ITC postponed its case. However, we talked to Gary Kirsh, and he was very helpful at explaining what was happening behind our houses in the "ITC Corridor" pertaining to the variances ITC requested for their parcel...'; and basically they have no objection to ITC's plan and its signed and addressed by all three (3) of the neighbors over there.

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

Secretary Nestorowicz stated based on the business of that ITC is in, being in the electrical distribution and all that, it makes sense that area does need the higher for protection, for keeping people from out of there; a normal six (6) foot fence would not suffice, in his opinion, for safety; he personally has no problems with the plan that they have there and he thinks it would be good for safety reasons. If there were no other comments, he would like to make a motion.

**Motion:**

Secretary Nestorowicz made the motion to approve the petitioner's request to:

1. Allow two (2) above ground storage tanks to relocate per the plan.
2. Allow a twelve (12) foot fence around the property as per the plan.

Reason being: The Property is Unique, Not a Detriment, and it is actually necessary for the business that they are in.

Board Member H. Brasza supported the motion.

Chairman Watripont stated there is a motion by Secretary Nestorowicz, supported by Board Member H. Brasza, in favor of the item as written. He asked for 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 Furgal	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Fisher	Yes, for the reasons stated in the motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

The Petitioner's request was **GRANTED**, as written.



Board Member H. Brasza supported the motion.

Chairman Watripont stated there is a motion by Secretary Nestorowicz, supported by Board Member H. Brasza, and if someone would like to pick up the plans and return them, so that they could use them again, he would appreciate that. He asked for 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 Pauta	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Fisher	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 was **GRANTED**, as written.

8. PUBLIC HEARING **APPLICANT: Mr. Ken Boutillier-USE-**  
REPRESENTATIVE: Same as above  
COMMON DESCRIPTION: 3690 Nine Mile Road  
LEGAL DESCRIPTION: 13-31-226-004  
ZONE: C-1

**VARIANCES REQUESTED: Permission to:-USE-**

To expand an existing a legal non-conforming residential dwelling / with attached garage in a C-1 District to add a detached garage 65' x 33' = 2,143 sq. ft. with an 18' height to the eaves, in addition to an existing attached garage 17.2' x 20.3' = 349.16 sq. ft. TOTAL 2,494.16 sq. ft. of accessory structures.

**ORDINANCES and REQUIREMENTS:**

**Section 4.17 Paragraph (a): Non-conforming Use-Continuance.** Any lawful non-conforming use consisting of a building or land usage existing at the time of the effective date of this Ordinance may be continued, except as herein prohibited or restricted, provided that the building or use thereof shall not be structurally changed, altered or enlarged, unless such altered or enlarged building or use shall conform to the provisions or this Ordinance for the district in which it is located.

**Section 5.01 Paragraph (i):** ...All garages and/or accessory building shall not contain more than seven hundred (700) square feet of floor area. Only one (1) private garage for each residential lot is allowed.

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

Mr. Kenneth Boutillier, 3690 East Nine Mile Road, Warren, Michigan; appeared before the Board.

Chairman Watriont asked the reason for his petition.

Mr. Kenneth Boutillier stated to build a garage.

Chairman Watriont stated and his hardships for building this garage.

Mr. Kenneth Boutillier stated he does not have a hardship for building the garage; he would like to put a garage on the property. The only hardship involved in this is that it is being put on an existing pad, is at six (6) inches of Portland cement, so the pad is already there, he would just like to add the structure onto it.

Chairman Watriont asked Mr. Boutillier if he could speak a little bit closer to the mic.

Mr. Kenneth Boutillier apologized.

Chairman Watriont stated it was not a problem; he believes it was on; it just was not picking up his voice real well. This is a public hearing, anyone wishing to speak on this item. Hearing and seeing none, he turned the matter over to the Board.

Board Member S. Brasza stated this hardship, it says on his application that it is going to be used for miscellaneous things and one is going to be a boat; how big of a boat does he have?

Mr. Kenneth Boutillier stated it is a medium size boat, except when it is on the trailer, it is elevated and that is the reason for the structure being a bit tall.

Board Member S. Brasza stated and it is quite a large size considering he also has a 2 car attached garage.

Mr. Kenneth Boutillier stated it is a single attached garage actually not a two-car attached garage; he believes it is listed as under 400 square feet.

Board Member S. Brasza stated 349; and what else is going to go in there; she means that is a large structure and it is very tall. What is the need for the height?

Mr. Kenneth Boutillier stated the need for the height is simply the boat; it is simply the boat and if he is allowed to put any type of attic storage in there. They had a lot of damage during the flood; as a matter of fact, just the other day they had a problem with the basement flooding again, due to just the water leak.

Board Member S. Brasza asked what type of storage is he going to use. Is he going to have a stairway, is he going to have a ladder?

Mr. Kenneth Boutillier stated no, it would just be an attic storage, he is not sure exactly if they are even allowed the attic storage, if not, it works perfectly fine for them to just store their personal effects on the ground level.

Board Member S. Brasza thanked Mr. Boutillier.

Chairman Watripont asked Mr. Boutillier what the square footage of his house is.

Mr. Kenneth Boutillier stated he does not recall off-mind but he believes it is approximately 1,800 square feet.

Chairman Watripont stated so he wants to build a structure larger than his house right now?

Mr. Kenneth Boutillier stated that was correct; the structure does come out larger than the house with existing pad that is there. He would also like to add that it is on almost half acre lot, so it is not as though the structure is dwarfing the current property; it is a two-story structure that was rebuilt on the property several years ago, preexisting to his ownership of it.

Board Member Anglin stated well that was his question. When was that pad poured and if it was poured with a six (6) inch, basically, does it have a ratwall or does it fit the situation that is necessary to put a building on it.

Mr. Kenneth Boutillier stated the ratwall is non-existing; it is cut seven (7) feet from the property line put a ratwall in there. He understands for the structure, he would be applying to pour the ratwall himself. The structure was previously used as a basketball court. He is not sure why such a heavy cement was poured that way, but its previous use to other owners was a basketball court and it is painted as such, which he has worked hard to remove in recent months.

Chairman Watripont called on Lynne Martin, Chief Zoning Inspector.

Lynne Martin, Chief Zoning Inspector stated yes, because it is over 600 square feet, he is going to have to put in a footing, and that is per building code.

Chairman Watripont stated a footing, not a ratwall.

Lynne Martin, Chief Zoning Inspector stated correct.

Mr. Kenneth Boutillier apologized and stated he is not a contractor and he possibly misunderstood that.

Board Member S. Brasza stated to the Board, she is uncomfortable with there being more outdoor storage or storage for more than the square footage of the home; it seems a little inappropriate.

Chairman Watripont stated as is he.

Board Member S. Brasza to Mr. Boutillier asked if he would compromise in size of the structure.

Mr. Kenneth Boutillier stated the calculated is definitely to store his family's vehicles, personal effects and their recreational vehicles, which he would like to have. He would not like to compromise on the size; actually removing the existing pad that is there would be equivalent to constructing the structure that he is requesting the variance for.

Board Member S. Brasza stated well his structure does not need to be as large as the pad.

Mr. Kenneth Boutillier stated he has already made it smaller to come away from the property line. He would be removing a lot of the pad that is around there if approved for this.

Board Member S. Brasza stated oh she sees; so they would just be asking him to remove a little more.

Mr. Kenneth Boutillier asked if the Board had a suggestion as to how much more. Again, he has calculated the structure to suit his family's needs.

Board Member S. Brasza stated well 33 feet deep is itself...

Chairman Watripont stated 33 feet wide.

Board Member S. Brasza stated she meant wide. No it is 65 wide, 33 deep.

Chairman Watripont stated no, it is going...

Board Member S. Brasza stated oh, it is going to the other way?

Board Member Anglin stated 33 wide, 65 deep. He agrees his concern is that it is an awfully large building to put up but he could put on that property without removing any of the slabs, except what is necessary by code, put up a building—to say for instance—half that size and still leave that other portion of the slab in place. So it is not something that he would have to dig up and remove in his opinion, but he is uncomfortable with a building that large. He understands it is a half acre property, but it was specialled in eighteen (18) foot height.

Mr. Kenneth Boutillier stated he understands that, but using the pad as essentially an outdoor parking structure did not make a lot of sense to him, which is essentially what it is being used as right now; it is where he parks his vehicles, which he lives on Nine Mile Road, he has had security issues, their vehicles have been broken into on three separate occasions, in which they have installed alarm systems as well as cameras on the property and this is just a short time that they have been living at the residence. He would much rather have his family's personal artifacts inside of the structure.

Board Member S. Brasza stated and to the Board she just wants to reiterate not only her un-comfort with this, but it is also non-conforming C-1; so they are asking a resident, where they would be allowing a resident to put a larger structure for storage than their home.

Board Member Pauta stated she agrees with Board Member S. Brasza, but she also, regardless of what they approve or not approve, he would still have to put a footing or a ratwall in. She would agree to half of this size and make it a one-story, not a two-story because she thinks that is just too much, and it is too large.

Chairman Watripont stated he does agree; the eaves at 18 is much higher than he would approve.

Board Member Anglin stated just to address his opinion; he agrees to half the size that he would probably vote for and he would go as high as a 12 foot rafter line eaves on it, because that allows him to put in a 10' x 10' or 11' x 11' rollup door, which will fit about, unless that boat is a sail boat.

Mr. Kenneth Boutillier stated no, it is not.

Board Member Anglin stated okay, but if he was willing to adjust to that, he would be willing to go that route.

Board Member H. Brasza to Mr. Boutillier asked what the size of the boat that he was speaking of putting in the structure was.

Mr. Kenneth Boutillier apologized and stated he does not know the exact size on the trailer but he designed, the contractor designed the structure that would easily fit the boat. He believes that...

Board Member H. Brasza stated 65 feet would easily fit a lot of boat.

Mr. Kenneth Boutillier stated he was speaking about the height. The width of the garage is not an issue, he means obviously he would like a larger garage so that he could work, he could clean cars, he has space to move around in the winter and perform regular maintenance, he also sits on a larger lot, so the attached garage is basically used for storage of all of the property maintenance equipment that they are using to maintain that size of a lot that they have.

Board Member H. Brasza asked what the approximate length of the boat?

Mr. Kenneth Boutillier stated the approximate length is 20 feet.

Board Member H. Brasza stated so a 20 foot boat and he needs a 65 foot deep garage.

Mr. Kenneth Boutillier stated no, the garage is not 65 feet deep. The way that it would be designed is the door is...he believes it is only 33 feet.

Chairman Watriont stated so the doors would come off the side?

Mr. Kenneth Boutillier stated yes, that was correct, because it is essentially...

Board Member H. Brasza stated no, because the pictures do not show the driveway on the side.

Mr. Kenneth Boutillier stated he would be putting the driveway to the size of it; the use of this was a basketball court, so the driveway would be coming into the side of it.

Board Member H. Brasza stated if it is a 20 foot, the width of the boat is not more than 15 feet, is it?

Mr. Kenneth Boutillier stated that was correct.

Board Member H. Brasza stated he has 50 extra feet that he needs for that much storage? That seems excessive; he thinks that he is getting the message that...

Mr. Kenneth Boutillier stated he fully understands the message but with their recreation vehicles along with his family vehicles that they would like to park inside this structure that does complete the space within that structure, along with storing of personal affect.

Board Member H. Brasza stated he knows that he has a half acre lot, and he has one last problem with it; he asked Chairman Watriont to do the math.

Chairman Watriont asked what math he wanted him to do.

Board Member H. Brasza stated 65' x 33'...

Chairman Watriont stated he will do that as...

Board Member H. Brasza stated he believes that number is off by two (2) feet.

Chairman Watriont stated he is correct, it has to end in a 5, so ...

Board Member H. Brasza stated so they already have one minor issue, but again, he is not comfortable with it getting that large; he knows that the petitioner has a half an acre, but that is a lot of extra garage that goes with the property.

Secretary Nestorowicz stated listening to the comments that his fellow Board Members have, he means, he basically hears that most people are against the size of this garage being over 2100 square feet.

Mr. Kenneth Boutillier stated he understands.

Secretary Nestorowicz stated and he would have to get six votes affirmative to be able to have this; he would actually almost wants to say, would he want to consider rescheduling this and maybe going back and coming up with a smaller footing, a smaller size

addition and then coming back to the Board because he honestly does not think that the petition has the votes there to approve this and without having to make something up impromptu, pick a figure. He is just making a suggestion.

Chairman Watripont asked Mr. Boutillier what he does for a living.

Mr. Kenneth Boutillier stated he is an investor.

Chairman Watripont stated he is an investor.

Mr. Kenneth Boutillier stated yes, he trades stocks and bonds, mostly he is a trader.

Chairman Watripont stated okay, because when he was talking, there was something that he said that drew a lot more concerns to him even at the half size, is when he was speaking about working on vehicles.

Mr. Kenneth Boutillier stated he meant they like to clean their vehicles and such.

Chairman Watripont stated clean and wash okay.

Mr. Kenneth Boutillier stated that was all; he likes to wash the vehicles and clean them that was all; he does not mean working on them.

Chairman Watripont stated that drew a lot of concern where he was at, so that was why he wanted to make sure he understood where he was at.

Mr. Kenneth Boutillier stated no, he does not even know how to work on his vehicles on that matter regardless.

Board Member Pauta stated she agrees with Secretary Nestorowicz that the Board should let the petitioner reconsider this size at least half this size without a second floor.

Mr. Kenneth Boutillier stated he could remove the second floor, he never...it was not meant to have a second floor.

Chairman Watripont stated there was nothing on there saying a second floor, it is just the height of it and the item that is before the Board is this; if the Petitioner has not requested, they are moving forward with the item before them as far as rescheduling. He could always reapply and go from there.

(Inaudible)

Chairman Watripont stated on the drawing? It does not in the petition, which means it would have to be reposted if he wanted a second floor.

Mr. Kenneth Boutillier stated he would...

Chairman Watripont stated because it is not allowed. No matter what the drawing says, the request is not there, so, is that correct?

Mr. Kenneth Boutilier stated there would most definitely not be a second floor; the residential use only, that is what I am applying for. He does not know if they could make those changes standing there today. But just so that they are all clear and on the same page.

(Inaudible discussion)

Board Member S. Brasza asked if the other Board Members heard that he (Petitioner) wanted a second floor. If there was no further discussion, she would like to make a motion.

**Motion:**

Board Member S. Brasza made the motion to **deny** the variance requested to:  
To expand an existing a legal non-conforming residential dwelling / with attached garage in a C-1 District to add a detached garage 65' x 33' = 2,143 sq. ft. with an 18' height to the eaves, in addition to an existing attached garage 17.2' x 20.3' = 349.16 sq. ft. TOTAL 2,494.16 sq. ft. of accessory structures.

Reason being: Self Imposed Hardship and a Detriment to the Area.

Board Member Pauta supported the motion.

Chairman Watripont stated there is a motion to Deny by Board Member S. Brasza, due to Self Imposed Hardship, a Detriment to the Area and a support by Board Member Pauta. A Yes vote is a vote to deny. He asked for Roll Call.

**Roll Call:**

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

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

The Petitioner's request was **DENIED**.

9. PUBLIC HEARING

**APPLICANT: Three Brothers Holding, Inc /-USE-  
Ryan Palace**

REPRESENTATIVE:

Mr. AJ Daoud / Sanar Al-Jazrawi

COMMON DESCRIPTION:

4300 14 Mile Road

LEGAL DESCRIPTION:

13-05-101-038

ZONE:

C-1

**VARIANCES REQUESTED: Permission to: -USE-**

Continue a Class C restaurant / banquet facility in a C-1 Zone.

**ORDINANCES and REQUIREMENTS:**

**Section 13A.01 Paragraph: Use Permitted.** ...no building or land, except as otherwise provided..., shall be erected or altered except for one or more of the following specified uses: (c) restaurants or tea rooms without class c license for liquor.

**Section 14.01 Uses permitted in C-2 Paragraph (g):** Class C establishments as defined in Section 2.70 of this ordinance, taverns as defined in Section 2.71 of this ordinance.

**Section 2.70: Class C liquor license establishment:** A Class C Liquor establish shall mean any place licensed by the State of Michigan Liquor Control Commission to sell at retail beer, wine and spirits for consumption on the premises.

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

AJ Daoud, Attorney, 2300 14 Mile Road, appeared before the Board and stated he is on behalf of the Applicants, he is their attorney.

Chairman Watriont asked for the reason for the petition.

Paul Jaboro, 2741 Balsam Way, Sterling Heights, Michigan appeared before the Board and stated they are present for a variance for a liquor license for Three Brothers Holding, Ryan Palace on 14 Mile and they would like to get that variance if they could. They were not under the impression that their liquor license that did not come with the building or that was not complaint, so when they purchased the business, they were told that they would have to come up and get a variance from the Board.

Chairman Watriont called on Lynne Martin, Chief Zoning Inspector.

Lynne Martin, Chief Zoning Inspector stated what happen was that in 2004, they were issued a certificate of compliance or occupancy for a restaurant and Banquet facility. At that time, they did not have a check on getting liquor like they do now and they got their certificate of compliance, they went to the police department and obtained a liquor license in a C-1 Zone. It was an error at that time, now they do checks where the Zoning has to approve it and it came to light when they were selling the business and the new person wanted a liquor license and they are doing some housekeeping there because they have had it for eleven years, the liquor license has already been changed over to the new people and this is basically administrative approval to continue what has been there for eleven years.

AJ Daoud, Attorney stated if he may indicate something; many years ago he represented the purchaser of the business in Class C license Mr. Shamoan is present, as Mrs. Martin indicated, they had no knowledge of what is going on today, it was never brought up, they followed all of the procedures, obviously the license were issued, it was approved by the Liquor Control Commission and now today, he represents the purchasers again who have complied, done everything they had to do; they have actually been approved by the Michigan Liquor Control Commission, this has come up and they are present today, to make this legal according to their ordinances. This business has been operable for many years, it has supported Mr. Shamoan and his family, now they have the Applicant, three members who were going to prosper from this business, they are going to support their families; lots of money and time has been invested in this business. The liquor license would be rendered—he should not say rendered valueless or not worth anything—but it is there for a purpose. Respectfully they would like this business to continue and they are respectfully requesting that the Board allow the Special Use Variance to continue as a Class C business and banquet hall.

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

**Motion:**

Board Member Anglin made the motion to approve the petitioner's request to:  
Continue a Class C restaurant / banquet facility in a C-1 Zone.

Reason being: Due to Not a Detriment to the Area and necessary for the business.

Board Member Pauta supported the motion.

Chairman Watriont stated there is a motion by Board Member Anglin, Support by Board Member Pauta to grant the variance as requested, due to Not a Detriment to the Area and a required uniqueness of the business. (Inaudible) It has already been supported. He asked for Roll Call.

**Roll Call:**

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

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

The Petitioner's request was **GRANTED**, as written.



Chairman Watriont stated west.

Mr. Patrick Stieber stated it is going to face west, yes. That is also a struggle for them because obviously they have limited visibility from west bound Twelve Mile traffic. That was another reason for needing the larger sign.

Board Member S. Brasza asked would they be in the marquee at all.

Mr. Patrick Stieber stated they will, but it will be a rather smaller panel than there; it is going to be one of the multi-tenant ones.

Board Member S. Brasza stated but there is more than one panel, they will be...

Mr. Patrick Stieber stated they get one panel on the sign.

Board Member S. Brasza asked is there not two?

Mr. Patrick Stieber stated there are two signs, but they get one panel on it.

Board Member S. Brasza stated on each one.

Mr. Patrick Stieber stated yes.

Board Member S. Brasza stated and her only question is that they do not know what is going to go in the rest, so they do not know if this is going to be so oversized that it will...another question, are they taking up all the suite, all the way across?

Mr. Patrick Stieber stated no.

Board Member S. Brasza asked doesn't H&R Block has a little bit of the east portion of the...

(Inaudible)

Mr. Patrick Stieber stated they might.

(Inaudible)

Board Member S. Brasza stated oh they are around the corner?

(Inaudible)

Board Member S. Brasza stated in the back?

(Inaudible)

Board Member S. Brasza stated okay; she knows that they have a sign.

(Inaudible)

Lynne Martin, Chief Zoning Inspector stated there is going to be a Red Olive in the very corner of this, taking up part of that space towards Twelve Mile.

Board Member S. Brasza asked Lynne Martin if she had any idea of the size of the Marshalls sign at Eleven and Hoover.

(Inaudible)

Board Member S. Brasza stated you think it is as large.

Mr. Patrick Stieber stated they did come to this Board for a variance for that sign as well, four years ago or five years ago.

Board Member S. Brasza asked Mr. Stieber if he remembers the size.

Mr. Patrick Stieber stated he does not, off the top of his head.

Board Member S. Brasza stated okay.

Mr. Patrick Stieber stated very similar design, this is pretty standard...

Board Member S. Brasza stated very similar design, absolutely.

Mr. Patrick Stieber stated standard sign in size for setback situations like this along with the other one on Dequindre.

Board Member S. Brasza stated sure, and thanked Mr. Stieber.

Chairman Watriont stated in his opinion, it is setback a long ways and even with the traffic going down Twelve Mile eastbound, he thinks he needs a large sign and it is four and a half times the amount and he does not have a problem with it at that size. If they want to make it a little smaller, they are willing to listen.

Board Member S. Brasza stated if there was no further discussion, she is good with the size.

**Motion:**

Board Member S. Brasza made the motion to approve the petitioner's request to:  
Install one (1) wall sign 6' x 31'-1" = 186.5 sq. ft. on the front elevation.

Reason being: Due to Size and Shape and Lack of Identification.

Board Member Anglin supported the motion.

Chairman Watripont stated there is a motion by Board Member S. Brasza, Support by Board Member Anglin granting the variance, due to size and shape of the lot and lack of identification. He asked for Roll Call.

**Roll Call:**

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

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

The Petitioner's request was **GRANTED**, as written.

11. PUBLIC HEARING

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

ZONE:

**APPLICANT: TSFR Apple Venture, LLC (Applebee's)**

Ryan Jones / USFR Apple Venture, LLC

8399 Twelve Mile Road

13-10-353-010

C-2 & P

**VARIANCES REQUESTED: Permission to:**

Add an Applebee's sign on the existing Tech Plaza pylon sign as per the plans, 22" x 77.25" = 12.11 sq. ft. (Applebee's at 8025 12 Mile, 13-10-353-012)

**ORDINANCES and REQUIREMENTS:**

**Section 4A.11, Item (25) Off Premise Signs:** A sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which the sign is located.

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

Mr. Ryan Jones, 17800 Laurel Park Drive, in Livonia, Michigan; appeared before the Board and stated he represents TSFR Apple Venture, LLC. They are a Michigan based restaurant company; they have been operating restaurants in Michigan only for over forty years. They recently purchased 62 Applebee's in the State of Michigan from corporate and as part of their redevelopment plan, they have been reinvesting in all of their Applebee's locations and actually this Applebee's here in Warren, they remodeled it not too long ago and with that reinvestment in the restaurant and making its outlook good for the community, they worked out a deal with Walmart, who is actually their owner, their landlord, that they would extend their lease for several years and reinvest with the remodel that they did, if they could get additional signage on their proposed

new signage monument or pylon sign whatever they would like to call those, on both Twelve Mile Road and Van Dyke. The delay actually occurred with Walmart when they decided to sell off the eastern portion of the Tech Plaza, so then there was another landlord involved, so he is actually speaking on item...

Chairman Watripont stated they would address 12 later.

Mr. Ryan Jones stated okay.

Chairman Watripont stated he may have to repeat himself a lot but...

Mr. Ryan Jones stated he is speaking on both items, he will repeat himself. So, then there is a second landlord involved, so they are just actually waiting and Walmart is just waiting to finalize the ZBA outcome before they extend their lease with them; they feel that on Van Dyke they really have zero visibility and this overall center was really developed as one development, they feel although they are a separate parcel, they do not have direct access at all from Twelve Mile or Van Dyke directly to their site, so they actually have to go through the Walmart development to access their building. They feel that if Walmart and the other landlord of the eastern property, do not have an issue with what tenant goes on their pylon sign, which they would be one of six (6) tenants, that they would hope the four would feel the same way and that they would continue and extend their lease and operate a nice restaurant for the community.

Chairman Watripont stated this is a public hearing, anyone wishing to speak on this item; hearing and seeing none, he turned the matter over to the Board. He has one question to their City Attorney. The previous variance that they had, he will give her a copy if she does not have it handy; they approved this and he thought they approved it with the understanding that it was going to be offset advertising.

(Inaudible)

Chairman Watripont stated they will let Ms. Martin speak first.

Lynne Martin, Chief Zoning Inspector stated that was the intent, was Walmart and the new Tech Plaza could interchange signs; this is a separate parcel from that.

Chairman Watripont stated it is a third parcel on that.

Lynne Martin, Chief Zoning Inspector stated it is a third parcel on the front and that is why it is there, not part of the Walmart...

Chairman Watripont stated that answers his next question on number 12 then too.

Lynne Martin, Chief Zoning Inspector stated okay; yes, that is why it is offsite it is because this is a separate parcel.

Chairman Watripont stated okay.

**Motion:**

Board Member Anglin made the motion to approve the petitioner's request to:  
Add an Applebee's sign on the existing Tech Plaza pylon sign as per the plans, 22" x 77.25" = 12.11 sq. ft.

Reason being: Due to Not a Detriment, it is Necessary for the Operation of the Business and Lack of Identification.

Board Member Pauta supported the motion.

Chairman Watripont stated there is a motion by Board Member Anglin, Support by Board Member Pauta, due to Lack of Identification and not a detriment to the area. He asked for Roll Call.

**Roll Call:**

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

Board Member Anglin	Yes as stated in the motion.
Board Member Pauta	Yes, as stated in the motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
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.
Chairman Watripont	Yes, for the reasons stated in the motion.

The Petitioner's request was **GRANTED**, as written.

- |                     |  |
|---------------------|--|
| 12. PUBLIC HEARING  | <b>APPLICANT: TSFR Apple Venture, LLC (Applebee's)</b> |
| REPRESENTATIVE:     | Ryan Jones / USFR Apple Venture, LLC                   |
| COMMON DESCRIPTION: | 29176 Van Dyke   |
| LEGAL DESCRIPTION:  | 13-10-353-009  |
| ZONE:               | C-2 & P  |

**VARIANCES REQUESTED: Permission to:**

Add an Applebee's sign on the existing Wal-Mart pylon sign as per the plans, 22" x 77.25" = 12.11 sq. ft. (Applebee's at 8025 12 Mile 13-10-353-012)

**ORDINANCES and REQUIREMENTS:**

**Section 4A.11, Item (25) Off Premise Signs:** A sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which the sign is located.

Chairman Watripont asked the individual at the podium to state his and address and to do a quick recap.

Mr. Ryan Jones, 17800 Laurel Park Drive, in Livonia, Michigan, appeared before the Board and stated he is present asking for an off premise sign for the existing Walmart pylon sign, Applebee's would be taking one of the six available panels. As stated before, they have Walmart's approval to do this and they are actually looking to extend the lease and to keep the restaurant operating for several years for a trade off with Walmart for them giving them one of the panels on Van Dyke Road.

Chairman Watripont stated this is a public hearing, anyone wishing to speak on this item; hearing and seeing none, he turned the matter over to the Board. He just wants to state for the record, this does involve three (3) different parcels.

Board Member Pauta stated if there is no disagreeing to this, she would like to just make a motion.

**Motion:**

Board Member Pauta made the motion to approve the petitioner's request to:  
Add an Applebee's sign on the existing Wal-Mart pylon sign as per the plans, 22" x 77.25" = 12.11 sq. ft.

Reason being: Due to Lack of Identification and there are multiple parcel numbers involved.

Board Member Anglin supported the motion.

Chairman Watripont stated there is a motion by Board Member Pauta, Support by Board Member Anglin, to approve this as stated; due to Lack of Identification and not a detriment to the area. He asked for Roll Call.

**Roll Call:**

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

Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member 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.
Secretary Nestorowicz	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 was **GRANTED**, as written.



more sustainable as it relates to adding parking spaces and being able to provide maneuverability in its lots.

Chairman Watriont stated this is a public hearing, anyone wishing to speak on this item; hearing and seeing none, he turned the matter over to the Board. His understanding is this is for campus wide.

Mr. Patrick Dower, Smith Group, JJR stated yes, it is for Campus Wide.

Chairman Watriont stated and that would be from Twelve Mile to Thirteen Mile, from Van Dyke to Mound, correct?

Mr. Patrick Dower, Smith Group, JJR stated correct.

Board Member S. Brasza asked when it states 'retain some parking spaces', how many are some, the eighteen (18) feet?

Mr. Patrick Dower, Smith Group, JJR stated generally, what they would like to do is, they are actually adding in some green space into some of the parking lots, he could not give her some exact quantity of that right now, as they are going through the planning still, but what they would like to do is to be able to take advantage of either the green space or widen the walkways in order for them to be able to accommodate some of the parking lengths.

Board Member S. Brasza stated then they are just looking to not add more of that size, just to keep what they have?

Mr. Patrick Dower, Smith Group, JJR stated well to keep what they have but also to use that as part of the transformation of the campus, so that they could minimize the impervious service. They would be adding some additional spaces that would accommodate a two (2) foot overhang into a green space or over a walk.

Board Member S. Brasza stated and again, they do not have any indication of the number of some.

Mr. Patrick Dower, Smith Group, JJR stated no, but he thinks it is fairly low, he would say, right now their indications are that there will be over 20,000 parking spaces; there is over 20,000 now, they are adding 5,000 new jobs over the next five years on the campus and he would say that it is certainly less than twenty (20) percent of the parking spaces.

Board Member S. Brasza stated okay, super and thanked Mr. Dower.

Chairman Watriont stated on the overhanging, they are all within the campus? So, it is not over public walkways.

Mr. Patrick Dower, Smith Group, JJR stated absolutely, it would not be over any public rights of way.

Chairman Watripont stated he just wanted to verify; that was what he understood but...

Board Member S. Brasza asked if there was any further discussion.

**Motion:**

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

1. Retain parking maneuvering lane at 20 feet as per the plan.
2. Retain some parking spaces at 18' with a 2' overhead located adjacent to open space or pedestrian walkways as per the plan.

Reason being: Due to Size and Shape and Not a Detriment.

Secretary Nestorowicz supported the motion.

Chairman Watripont stated there is a motion by Board Member S. Brasza, Support by Secretary Nestorowicz, due to size and shape of the lot and not a detriment to the area, for the 20' maneuvering lanes and to have some parking spaces at 18' with a 2' overhang.

Board Member S. Brasza asked does she also mention that due to the approval, they will...

Chairman Watripont stated no.

Board Member S. Brasza stated okay and thanked the Chair.

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

The Petitioner's request was **GRANTED**, as written.

Mr. Patrick Dower, Smith Group, JJR thanked the Board and stated that on behalf of General Motors, they would like to withdraw items **14a** and **15**.

Chairman Watrion stated so stated. Items number **14a** and **15** have been **with-drawn** by the petitioner.

**14a. PUBLIC HEARING** **APPLICANT: General Motors**  
REPRESENTATIVE: Mr. Jason A. Harris  
COMMON DESCRIPTION: 30100 Mound  
LEGAL DESCRIPTION: 13-09-300-001  
ZONE: M-3

**VARIANCES REQUESTED: Permission to:**  
Have parking maneuvering lane at 20 feet as per the plan.  
**ORDINANCES and REQUIREMENTS:**  
**Section 4.32 (i):** Maneuvering lanes shall be 22 feet wide.

This item was **WITHDRAWN** pursuant to petitioner's request.

**15. PUBLIC HEARING** **APPLICANT: General Motors**  
REPRESENTATIVE: Mr. Jason A. Harris  
COMMON DESCRIPTION: 30007 Van Dyke  
LEGAL DESCRIPTION: 13-09-200-001,  
ZONE: M-2

**VARIANCES REQUESTED: Permission to:**  
Retain parking maneuvering lane at 20 feet as per the plan.  
**ORDINANCES and REQUIREMENTS:**  
**Section 4.32 (i):** Maneuvering lanes shall be 22 feet wide.

This item was **WITHDRAWN** pursuant to petitioner's request.

**16. PUBLIC HEARING** **APPLICANT: Michigan Kali Bari**  
REPRESENTATIVE: Mr. Braham Ryan  
COMMON DESCRIPTION: 2601 9 Mile  
LEGAL DESCRIPTION: 13-30-381-001  
ZONE: M-2 & P-1-P

**VARIANCES REQUESTED: Permission to:**

1. Convert an existing building that was built to 17.7 feet of the south property line and 19.1' of the east and west property lines, for a Hindu Temple.
2. Waive the wall/greenbelt adjacent to residential use on the east property lines as per the plans; retain the existing chain link fence on the property lines as per the plans.
3. Continue two (2) entry and approaches on Woodrow Wilson, as per the plans.
4. Continue hard surfacing to the west property line as per the plans.

**ORDINANCES and REQUIREMENTS:**  
**Section 5.11 Items 8, 9: Churches...** Front yard setback of not less than 30' and Two (2) side yards setback of not less than twenty (20) feet.

**Section 5.11 Item 5:** Six foot wall or eight foot greenbelt provided where site abutting a residential district or residential site.

**Section 5.11 (4):** That all vehicular access to and from the permitted uses shall be on a major thoroughfare or collector street.

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

Mr. Brahma Ryan, 3307 Horton Street, in Ferndale; appeared before the Board and stated he is the vice-president of the Michigan Kali Bari, who he is here to represent as far as these variances go.

Chairman Watriont asked the reason for the petition.

Mr. Brahma Ryan stated if he could go one by one if the Board likes to discuss the variances, three of them are just due to the building's location, with the two roads of the adjacent property on the east side and he cannot move the building, so that was one of the reasons he had to apply for the variance. The other is regarding a greenbelt, that is on the east side of the building, if the Board looks at the eastern side of that property, there are several different properties; they have a residential property up front by Nine Mile, and as they go back, there are commercial properties that are adjacent to the two and a half (2 ½) acre that they own. There is a six (6) foot commercial gate chain-link privacy fence that is intact along the entire property and on the east side, there is about, he would say 100 feet offhand, where their property touches the residential and that fence is 19'.1 off the building. They have two (2) doors that are on that side of the building and just for the fact that they have a playground back there and they like it to be as placed at, it is better to contain the kids for safety that they would keep that fence instead of removing it for a greenbelt and that way they could basically keep an eye on the kids and no one is walking other than the two entrances. They only have services on Sunday at this point when they get to open and they have already established a good rapport with the neighbors on that side and are very nice people; they did not have any problems either way with them or him with them. This has been a dream of many of them; there are twenty (20) families involved here; most of them are just working class family, himself and the president are probably the two highest/higher wage earner. He is a union iron worker by trade, he is an engineer, and most everyone is about \$50,000, \$40,000 the median income. When they first established themselves as a 5013C non-profit is when they were looking for a building. Many of the devotees that go to the temple, live in the City of Warren, himself, he only lives on the outskirts, he is just in Ferndale, a little way. They wanted Warren was a central location and a place that they have always had their eye on, so when they found a building, they approached several banks—ten to be exact—and every one of them, even though himself...the building cost \$250,000, himself and Shama Holder, the president, either one of them could have gotten a loan personally for the building, but as a collective group, every bank had some obstacle they could not overcome; one said they had to have a thousand parishioners, another said they had to be established for ten years and it was a succession of things like that, so all of the families, they basically put together all the money, all the cash they could come up with and they borrowed another additional \$40 plus thousand dollars from another Hindu friend of theirs, who as per the IRS had to

give it to them as a load at 1.7 percent.

In addition to the fact that they already have a chain-link fence there on that side and it does protect their two entrances on the east side of the property, building a brick wall would be out of their budget for a little while, they need to start having services and fundraising and that kind of thing before they could afford to make additions like that now. They did have a quite a few items that when they first began the inspection process that the City Inspectors let them know they had to fix and Lynne Martin and Ron Wuerth have been very helpful because not all of them, he has never had to go through this process himself and they have made every effort to fix all of the items that they could and these are the four that they cannot fix, they cannot move the building on three sides, if the Board has any questions.

Chairman Watriont stated they would have to go to a public hearing and then they go to the Board. This is a public hearing, anyone wishing to speak on this item to please approach the podium; hearing and seeing none, he turned the matter over to the Board.

Board Member S. Brasza stated she was able to see this property and they did very nice; how nice to be blessed with a playground already there.

Mr. Brahma Ryan yes, they are; the playground they are going to redo the wood, seal it and everything next year, but it was a good property for their needs.

Board Member S. Brasza stated and they have all that property in the back, what are their future thoughts on that?

Mr. Brahma Ryan stated that is their dream one day is that side of the property, they would be able to build an actual structure, a Hindu temple as per the two they have installed; regulations regarding buildings, but they would like to build an actual bigger temple to the future and...

Board Member S. Brasza stated closer to that commercial part in the back.

Mr. Brahma Ryan stated exactly, like he said, the residential property is very short along their border and he thinks there might be two businesses on the back of that property.

Board Member S. Brasza stated it is, it is a nice facility to be able to take over and thanks him because it is empty right now.

Mr. Brahma Ryan stated he appreciates all the help they got from the city too.

Board Member S. Brasza stated if there is not further discussion, she would make her motion.

**Motion:**

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

1. Convert an existing building that was built to 17.7 feet of the south property line and 19.1' of the east and west property lines, for a Hindu Temple.
2. Waive the wall/greenbelt adjacent to residential use on the east property lines as per the plans; retain the existing chain link fence on the property lines as per the plans.
3. Continue two (2) entry and approaches on Woodrow Wilson, as per the plans.
4. Continue hard surfacing to the west property line as per the plans.

Reason being: Due to Size and Shape and Not a Detriment to the area.

Board Member Anglin supported the motion.

Chairman Watripont stated there is a motion by Board Member S. Brasza, Support by Board Member Anglin, approving this as stated, due to size and shape of the lot and not a detriment to the area. He asked for a 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.
Board Member Fisher	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

The Petitioner's request was **GRANTED**, as written.

Mr. Brahma Ryan thanked the Board and thanked Ms. Martin and stated to her good luck on her retirement.



Mike Malone, with Partners in Architecture, 65 Market Street, Mount Clemens; appeared before the Board and stated a couple of the reasons that they are asking for all six of these items there, they would like to maintain a couple of the elements of the site that are currently there, so they just want to keep them the way they are, as item number 1 and number 6, which is dealing with this green wall as well as access into the site off of Capital. Those are existing conditions, they are doing some improvements to the access off of Capital and the other reasons are that the size and the configuration of this site, is hindering their ability to actually expand the facility and provide adequate parking, they need a total of 36 parking spaces and they cannot accommodate those without requesting these variances.

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

Secretary Nestorowicz stated he knows this library so very well because when he was growing up, that was the first library and the library he used to go to every week with his parents. Actually, he thinks it was actually wonderful that this library on the southern end of the city is actually being redeveloped because he thinks it would be a wonderful asset for that neighborhood and for the people that live down there. He personally sees no problems with, he means, all of the variances they are requesting, it is an existing site, and so, to build a bigger library they need those requests. He would like to make a motion if no one has any comments.

**Motion:**

Secretary Nestorowicz made the motion to approve the petitioner's request to:

1. Retain a screen wall along the west property line to no less than 24' of the north property line, as per the plans.
2. Construct a new library to no less than 19' of the front (north) property line as per the plans.
3. Construct a monument sign to no less than 19' of the north property line and to no less than 1' foot of the east property line as the plan, with an LED message center 2' x 6' = 12 sq. ft. (4'-4" in overall height, 1' x 6' = 6 sq. ft. top sign).
4. Construct a new library to no less than 10' of the east property line as per the plans.
5. Construct the parking lot to no less than 3'-5" of the east property line as per the plans.
6. Continue a vehicular entrance on Capital Street.

With the **Condition: on the LED signs, there would be no blinking, flashing, scrawling animation, and the message cannot change more than once every five minutes.**

Reason being: Due to Size and Shape of the Lot and Not a Detriment to the area and Lack of Identification.

Board Member H. Brasza supported the motion.

Chairman Watripont stated there is a motion by Secretary Nestorowicz, Support by Board Member H. Brasza, for all the variances as posted, due to Size and Shape of the Lot and Not a Detriment to the Area, Lack of Identification and letting the petitioner know about the requirements on the LED lighting.

**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 Pauta	Yes, for the reasons stated in the motion.
Board Member Furgal	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.
Chairman Watripont	Yes, for the reasons stated in the motion.

The Petitioner's request was **GRANTED**, as written, with the **Condition, that on the LED signs, there would be no blinking, flashing, scrawling animation and the message cannot change more than once every five minutes.**

18. **NEW BUSINESS**

Chairman Watripont stated he has a question for Lynne Martin; when is her last day with the Board.

Lynne Martin, Chief Zoning Inspector stated she will be present at the meeting on December 9<sup>th</sup>.

Chairman Watripont stated December 9<sup>th</sup>.

Lynne Martin, Chief Zoning Inspector stated yes, that will be her very last ZBA meeting.

Chairman Watripont asked when her final day of work?

Lynne Martin, Chief Zoning Inspector stated the 11<sup>th</sup>.

Chairman Watripont stated okay, couple of days after.

Lynne Martin, Chief Zoning Inspector stated the 17<sup>th</sup> actually because she has four (4) vacation days that week.

Chairman Watripont stated okay; luck her.

Lynne Martin, Chief Zoning Inspector stated yes, hallelujah, she survived.

Lynne Martin, Chief Zoning Inspector stated anything else under new business.

Secretary Nestorowicz stated happy Halloween.

Board Member S. Brasza stated happy Halloween.

19. **ADJOURNMENT**

**Motion:**

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

**Voice Vote:**

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

The meeting was adjourned at 8:47 p.m.

Roman Nestorowicz  
Secretary of the Board