

WARREN ZONING BOARD OF APPEALS  
REGULAR MEETING  
October 8, 2014

A Regular Meeting of the Warren Zoning Board of Appeals was called for Wednesday, October 8, 2014 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  
Jennifer Vigus, Assistant Secretary  
Jean Becher  
Sherry Brasza  
Jules Descamps  
Nick Hawatmeh arrived at 7:45 p.m.  
Ann Pauta

**Members of the Board absent:**

None

**Also present:**

Roxanne Canestrelli, City Attorney  
Lynne Martin, Chief Zoning Inspector

**1. CALL TO ORDER**

Chairman Watripont called the meeting to order at 7:37 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Chairman Watripont stated that Mr. Hawatmeh was in route to the meeting and the board would go forward with the rest of the agenda.

**4. ADOPTION OF THE AGENDA**

**Motion:**

Board Member Brasza made the motion to approve the agenda and Board Member Vigus supported the motion.

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

**5. APPROVAL OF THE MINUTES OF the Regular Meeting of September 24, 2014.**

Secretary Nestorowicz said he had a few items that needed to be brought up from September 24<sup>th</sup>. First that the agenda states September 23<sup>rd</sup> when it should

say September 24<sup>th</sup>. Under item number 4, at the last meeting he had incorrectly stated that two items would be rescheduled to November 12<sup>th</sup> and the date is actually November 5, 2014.

Board Member Descamps mentioned that there was a needed correction on which members were present and which were absent. It stated Nick Hawatmeh as both. It also needed to reflect that Jules Descamps was present.

Secretary Nestorowicz there were also three typo's that he would like to have corrected. Page number 4 at the bottom under item number 9, paragraph #3 where it says Board Member Brasza asked the 36 by... It does not make sense and he believes that it was supposed to be the dimension of the sign. On page #5 the second sentence it should actually say that it was a green block that was part, not park as written. On Page #6 under the motion, half way down the page there was a duplication of a couple of words in the sentence, where it says so the board can see that the board can see, and the second the board can see should be removed.

**Motion:**

Board Member Becher made the motion to approve the minutes as corrected of September 24, 2014 and Board Member Pauta supported the motion.

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

6. PUBLIC HEARING

**APPLICANT: Mr. Gary Oram, Infiniti Express  
Quality 1 Truck & Trailer Repair**

(Rescheduled from 7/23/14)

REPRESENTATIVE: Kerm Billette PCP  
COMMON DESCRIPTION: 27330 Gloede  
LEGAL DESCRIPTION: 13-13-477-017  
ZONE: M-2 & R-1-P

**VARIANCES REQUESTED: Permission to**

1. Allow 27,105 sq. ft. of gravel for outdoor storage area as per the plan.
2. Allow 27,105 sq. ft. of outdoor storage for semi trucks and trailers as per the plan.

**ORDINANCES and REQUIREMENTS:**

**Section 17.02, Item (s) Paragraph (2): Industrial Standards, Open storage other than junk...** The designated area shall be hard surfaced and screened from the public street and any residentially zones areas... Further, the designated area shall not exceed 50% of the building size...

Kerm Billette 38628 Warwickshire Drive in Sterling Heights, MI 48312 and he was representing the petitioner here that was the owner of the property. The petition was to allow open storage on gravel in a large area over on Gloede. The property was inspected by the Planning Department and several items were of concern and one was that there was an under growth along the property line to the north. Since then the petitioner has leveled the property and put some asphalt millings on a portion of it and the owner of the property next door has constructed a new fence along the

property line. He believes everything was in shape; he went out and measured the entrance driveway to make sure that the Planning Department was assured that the driveway was of adequate width and that it was not in conjunction with the property to the north and that it would not require an access agreement. He believes everything was under control here and the petitioner was here to answer any questions.

Board Member Becher said it was difficult to hear what the petitioner was saying she could only hear every other word.

Chairman Watriont stated he knew the microphone was on because he heard feedback a few times when Mr. Billette tried to lean in closer but he asked if Mr. Billette could restate most of that again.

Kerm Billette stated the property was presently about 2 ½ acres with a large building on it that only repairs trucks. There was parking in the front on the west side along the building and parking in the rear to the east. The petitioner was requesting that the area to the east which was approximately one acre to be used, continue to be used for outdoor storage of tractor trailers and trucks. There was undergrowth that was out there that has been cleaned up. The petitioner has put asphalt millings down on the property to make sure nothing grows up again. The owner of the property to the north has installed a chain link fence all the way down the property line. The fence was destroyed before but the adjacent neighbor next door has reconstructed the fence all the way down.

Chairman Watriont said the comments were a little better but still a little hard to hear. He knows the staff is working on it.

Chairman Watriont said this was a public hearing and asked if there was anyone in the audience that would like to comment on the item.

Brian Febernuts 27350 Gloede appeared before the Board and stated he had a concern about the site plan that he believed had been approved in September. He had put up a chain link fence and spent about \$10,000.00 to do that and cleaned up the area and put up the fence. His concern was per the site plan, he thinks the first picture there were three vehicles, trucks that were on the side of the north side of the building. Per the site plan there was no parking on that side. Also if the board would notice that where one of the trucks was near a telephone pole, there was a man door that was being blocked by one of the trucks and he thinks that is a violation. The second concern was that usually there was a semi in front on the side and there was another man door up front toward the front of the building and that would also be blocked when that semi trailer was there. Currently that trailer was not there today, it comes and goes, weekly or whatever the schedule was. If there was going to be parking on the side it should be designated in the plan or the drawing. The other issue was in the next picture, again he did put up a fence and he would like the fence to be protected and the way to do that would be for the Owner to have to put cement parking blocks down. If there were cars parked there that was one thing but the tractor trailers there was like mocking him right now about an inch away from the fence and he does not appreciate that. Again he put \$10,000.00 into the fence and

he would like for it to stand. As far as the gravel goes he does not have an issue with that, his issue was to try and protect the fence. If the board could do something to try and protect the fence or require that barricades be put up or something he would appreciate it.

Chairman Watriont asked if there was anyone else from the audience that would like to speak on this item. Hearing and seeing none he closed the public hearing and turned the matter over to the board.

Board Member Becher stated she had been out there on Monday and said he does have semi's parked on the north side of the building, she thought there were four or five of them stacked in there. He still has semis and a trailer backed into his truck dock that looked like it had been there quite some time. On the plan he shows that he has trailer parking and she saw the trailers parked across the back of the lot. If he has cleaned up some of the brush, she saw some of the tractor trailers parked across the back of the lot and all the trailers had tractors attached. When she was getting ready to leave another semi pulled in and she moved out of the way so he could get in and it took him the whole lot. He pulled in and then he made a u-turn and then he backed into a line of other semi's that were parked there with the trailer and she could not just go with the semi's with the tractors and trailers parked there on gravel without drainage. They notoriously leak oil and she would really like to know what engineering has to say about this. Also the plan says he would just have trailers parked and not the trailers and tractor and she saw both parked there. It does not show a tractor attached to the trailers and all of the trailers that were parked in the lot had tractors attached. She thinks this should be referred to Engineering. He was parking on the ground and there was no gravel there and what little asphalt that was there was deteriorated and was not doing its job. When the driver was backing up he was tipping back and forth because he was hitting all these ruts pot holes.

Gary Oram said he hired Piper Trucking and they were supposed to bring the millings and he has. He has done some of it and he was going to continue that on.

Board Member Becher said but there was not any drainage in there to take care of the oil.

Gary Oram said it drains. There was no oil there, he has a repair shop there and if the trucks have an issue he fixes it. There was no oil in the trucks because if there was DOT would pull them over and put those out of service, trucks do not go around leaking oil.

Board Member Becher said she was sorry but she would rather have a report from Engineering Division.

Gary Oram said this has been going on for two years now. He has been going back and forth for two years.

Board Member Pauta said she agreed with her colleague that this needed a little bit more, that it needs to be looked at more. Also, she was not aware of this being approved by Planning in September. Another thing was that there was a lot of brush and debris that needs to be cleaned-up and perhaps where the cars are in this picture he could put the parking bumpers in or something.

Gary Oram said the photo was old before the vegetation was cleaned up so he does not know when Brian took it and the neighbor that was north of him was a nice guy and so was Brian he has nothing against them but he has a landscape guy come and cut the grass.

Board Member Pauta said but the pictures are dated today.

Gary Oram said she was talking about the property there, whatever this four or five inches of a spot, the lot was 2 ½ acres and there was no vegetation around that property.

Board Member Pauta said this looks like feet and it was dated today.

Gary Oram said ma'am the crew comes every week to cut the grass and he has him trim and spray weed with round-up. He has 2 ½ acres of property and she was looking at 6 or 8 inches between the property lines.

Chairman Watriont said he seen a couple problems with the plans right now. He went to planning? Does the board have updated plans? Were the plans approved by Planning different than the original plans?

Kerm Billette said he would update the plans to show the entrance driveway and he should show the fence that has been constructed.

Chairman Watriont said but the board does not have those at this time and he did not do the fence.

Board Member Descamps said he would like to see an impact statement done, if the board could get that.

Lynne Martin, Chief Zoning Inspector said if Ron Wuerth creates one, but it was at his discretion.

Board Member Descamps said he still thought the board should have it.

Secretary Nestorowicz said there was one thing he would like to have addressed. He understands the neighbors concern regarding the fence. If this were approved and he was parking trucks in that back area near the fence, what was there to protect so that the trucks do not back into the fence and start destroying it.

Gary Oram said he wanted to explain something. He did put up 200 feet of fence but there was another 200 feet of fence that has been there that has not been knocked

down. The other fence that was knocked down has been down since he moved in there. He explained that to the planning commission, the chains from the fence were catching the tires or something, he did not know. Now that it has been replaced not one person has pushed the fence or knocked it down. It was located five feet on his property line. He called Jim McClain the owner of the property and explained that to him; He told him he had a survey plan that he would be more than glad to show them that they were putting the fence five feet on his property line. Nobody ever came over and the next thing he knew was someone was putting the fence up. He even allowed the people to use his yard to get in and out of there. He tried to be nice to the neighbors; he has property on the south side that was parking in their driveway. There are cars that are parked in the striped driveway. The building was not foreclosed and there are seven or eight owners and Ron wants signatures for ingress, egress, who he should deal with. Nobody knows. Half the building was gone the other half has four or five owners and the driveway as you enter has cars parked there. If someone went out there they would notice that they that right at the entrance of the driveway there was a stripe for cars to park in the driveway and along the whole side. They only have about eight feet of property. His other choice was to put up another fence on the south side. However, there are six or seven people that live off that business, if they put a fence up he could legally block them all out but he does not want to do that. He even talked to one of the business owners there today. They have families that they need to feed. Why should he put a fence up there, spend more money to create more enemies? He spoke to Brian about this, Brian just works there but Jim McClain owns the property. He hasn't had any issue with them, not with Brian, maybe some little things here or there but they have been resolved. Anything they need he was more than glad to work with but this has been back and forth for two years now. This all started now when he met with Lynne Martin, Ron Wuerth and Albert, it was supposed to be a simple gravel. He was approved for his business, the building has been approved and he was allowed to park trucks left or right or north or south or even in the back. The only thing he was here for was the 27,000 square feet of gravel parking when all of a sudden a 16 year old ordinance popped up. Every yard near him there has asphalt and cars and trucks parked on them. The one next door to him was on a railroad easement.

Board Member Brasza said she thought the fact the board was looking at was that with 27,000 sq. ft. the portion they have seen in a picture by the neighbor was not maintained. She could only assume that 27,000 sq. ft. that might not be maintained also. Whether or not if he has a landscaper was not the boards concern. It was the way it was maintained at this time. She would like him to address the vehicles that were on the north property line, against the building. Where they approved on the site plan.

Gary Oram did not know what site plan, he applied for occupancy and they approved all that.

Kerm Billette said the planning commission approved the site plan with conditions. A couple of the conditions were to come before the Zoning Board of Appeals and get approval of the gravel for the truck to park in back according to the site plan.

Board Member Brasza asked if the site plan showed any parking on the north side of the building.

Kerm Billette said it did not show parking on the north side of the building because that was a driveway to get in and out of the driveway.

Board Member Brasza said which was being blocked at this time by vehicles, was that correct.

Kerm Billette said that was correct, it was not used as a driveway because the parking in the back for the cars starts at the building and blocks that off from being used as a driveway. The driveway goes right out to the street, it goes right out the building and it was park of the entrance to the parking lot. He could show trucks parked on there; there was nothing illegal about parking trucks on the north side of the property. He was only asking for gravel and truck and trailer parking on the east end of the property. About a quarter of the property has been converted with asphalt millings. The owner brought in 120 yards and another 20 trucks. The actual millings would probably cover about  $\frac{3}{4}$  of the area that was gravel now and eventually be a fairly hard surface with asphalt millings.

Board Member Brasza asked what type of drainage was available once it hardens, which it would. Was there any drainage or any kind of drain tiles or anything.

Kerm Billette said there was drainage out there, a large catch basin right on the paved part of the parking.

Gary Oram stated there were two of them.

Kerm Billette said he thought he had noted on the drawing where the catch basins were.

Board Member Brasza said she knew Mr. Billette was in process of revamping the plans and it would be so appropriate for the board to really get a good feel for this if they were to have the revised plans. In lieu of that she wonders at this point she could make a motion to table to the date certain of the next meeting or December. Could he have the correct by the November meeting?

Kerm Billette said he would revise them.

General discussion took place as to the date of the next meeting which will be held November 5, 2014.

Chairman Watriont said the board would need to look at the plans and visit the site before the meeting and asked that the plans be submitted by October 20<sup>th</sup>.

The petitioner request December meeting.

**Motion:**



ing of off 12 Mile and smaller signage being very hard to be seen by traffic going 40 miles per hour down 12 Mile. Since H & R Block does not have any ground sign identification he felt that was essential for them.

Chairman Watripont said this was a public hearing and asked if there was anyone in the audience that would like to comment on the item. Hearing and seeing none he closed the public hearing and turned the matter over to the board.

**Motion:**

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

Board Member Hawatmeh asked the reason why H & R Block was not having a space on the ground sign for the shopping plaza.

Kevin Deters said it was really at the discretion of the landlord and he was not sure why H & R Block was not granted that signage. He was told several times in the last few weeks, that no, they were not getting any ground signage. Maybe someone else called it first he was not sure how that gets handled.

Secretary Nestorowicz said he understood the idea of lack of identification and all that but if the main sign facing 12 Mile was 35.3 sq. ft. why did the one on the side have to be that much larger. Why couldn't they be identical in size?

Kevin Deters said he would not stand here and tell him that they could not be but he thought with the amount of space on the side elevation, there sign band or their spot where they could put a sign was a little more conducive to a larger sign so that was why. If you put a 50 sq. ft. sign on the front sign it would look disproportionately large. This was the reason they were going with a larger sign on the side.

Secretary Nestorowicz said he thought it would look better proportionately if both signs were the same size. That way when drivers see both signs on the corner of the building it was identical. He thinks 50 sq. ft. was a lot for that side of the building.

Board Member Becher said that H & R Block was a seasonal business. They do most of their business during income tax time and if they were getting a contact over the telephone they could say they were in the 12 Mile and Van Dyke Shopping Center. She thinks this was too much signage, if the sign is put on the one corner of the building and that would be one store that was different from all the rest with the exception of Wal-Mart on the other end. There are two driveways there that they could see the sign on the front of the building. She thinks it was too much signage because they are putting a sign on a blank wall. It was too much signage, it is too much. If H & R Block was not there, whoever moves in next, they would have that extra signage that the rest of the shopping center does not have. They are a seasonal business.

Board Member Vigus said there were a lot of businesses, seven businesses that were going to face 12 Mile there, what was to stop any of the other businesses from coming and asking for the same thing with placement on that same side? Was the

board going to want a wall of signs because one business gets approval? That was a fear that she had because if there is approval for one, then that could lead to the others to say they do not have enough signage either.

Board Member Brasza asked if down the line the landlord allows H & R Block to put signage on the main sign was there any recourse to say they were not allowed to do that if this sign were to be granted.

City Attorney Roxanne Canestrelli said it would be considered a prior constraint on language and would not be allowed.

Kevin Deters asked if the board would be open to an identical 35 sq. ft. sign on the side rather than a 50 sq. ft. sign. It sounded like the board was concerned with too much signage and he understood their concern. Would the board be open to that?

Board Member Brasza said she had to agree with Board Member Vigus that just opens a can of worms and that corner was just cleaning up so well.

Chairman Watripont said there was a motion in favor of the item was there support? Motion dies due to lack of support.

Board Member Pauta said she did not have a problem with the 35.3 sq. ft. of sign on the side elevation but she did not think it was necessary for the east because that was huge.

Chairman Watripont said the south he was allowed by ordinance.

Kevin Deter said the south wall sign was already approved.

**Motion:**

Board Member Descamps made the motion to deny the petitioner's request.

Reasons being already enough signage for the building.

Board Member Becher supported the motion.

Chairman Watripont stated because it was an unreasonable impact, self-imposed, the property was not unique to other properties and could be seen as a detriment to the area. A yes vote was a vote to deny.

**Roll Call:**

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

Board Member Descamps                      Yes to deny due to detriment to the area, self-imposed hardship and other reasons stated in the motion.

Board Member Becher                         Yes to deny it was a self-imposed hardship, it was a detriment to the area and for all the reasons stated in the motion.



Chairman Watripont said this was a public hearing and asked if there was anyone in the audience that would like to comment on the item. Hearing and seeing none he closed the public hearing and turned the matter over to the board.

Secretary Nestorowicz said there were two letters received by the board; one from James Melnyck at 26740 Wexford and also from Chuck Holzen at 26808 Wexford and both letters spoke in favor of applicant and recommended approval.

Secretary Nestorowicz said he was also very familiar with Wexford and every time he has been down the street the truck was always behind the fence and the house was well kept. He does not think this was any detriment to the area.

Chairman Watripont had a question for the City Attorney. Could the board make a condition of approval that it must be parked behind the fence?

Roxanne Canestrelli said yes.

**Motion:**

Secretary Nestorowicz made the motion to approve the petitioner's request to be able to park one commercial truck in a residential driveway as per the site plan with the condition that the truck be parked behind the fence.

Reasons being not a detriment to the area and size and shape of the lot.

Board Member Pauta supported the motion.

**Roll Call:**

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

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 Vigus	Yes for the reasons stated in the motion.
Board Member Brasza	Yes for the reasons stated in the motion.
Board Member Becher	Yes for the reasons stated in the motion.
Board Member Hawatmeh	Yes for the reasons stated in the motion.
Board Member Descamps	Yes for the reasons stated in the motion.
Chairman Watripont	Yes for the reasons stated in the motion.

9. PUBLIC HEARING

**APPLICANT: St. Josaphat Ukrainian Church,  
Mr. Giuseppe Lentini-USE-**

REPRESENTATIVE:  
COMMON DESCRIPTION:  
LEGAL DESCRIPTION:  
ZONE:

Giuseppe Lentini/Alessandro Lentini/Alfredo Lentini  
26401 St. Josaphat Dr. (aka 26440 Ryan Road)  
13-20-152-001 & 13-20-152-002  
R-1-C

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

1. Conduct a seasonal outdoor sales operation of Christmas trees, on residential, church property from November 15, 2014 through January 15, 2015, with the hours of operation limited to 8:00 a.m. to 10:00 p.m.
2. Store a temporary trailer on the premises for the duration of the sale.

**ORDINANCES and REQUIREMENTS:**

**Section 4.46:** Outdoor sales are not permitted in R-1-C zoned districts.

**Section 4.53 Paragraph (i):** Camping trailers, portable sanitary facilities and temporary living quarters are prohibited.

Alessandro Lentini 24100 23 Mile Road, Macomb Township appeared before the board and stated he was requesting the variance to operate the Christmas tree lot.

Chairman Watriont said this was a public hearing and asked if there was anyone in the audience that would like to comment on the item. Hearing and seeing none he closed the public hearing and turned the matter over to the board.

Board Member Descamps said he recalled that this was an annual event for the Lentini family.

Alessandro Lentini said it has been for over 30 years.

Chairman Watriont said he had not noticed any previous variances even though this has been before the board many times. There were no changes from what had been done in the past?

Alessandro Lentini said it was the same way it had been since he started there.

Board Member Becher asked who buys a Christmas tree after December.

Alessandro Lentini said he freezes them and sell them-no he was just kidding.

Board Member Becher asked if the January 15<sup>th</sup> date was just so that there was time to clean-up the lot.

Alessandro Lentini said yes, sometimes it freezes and you cannot do everything right away and you do not want to mess up the land from the way it was.

Board Member Becher said she knew they liked to keep that church property pretty neat down there.

Alessandro Lentini said he tried to do his part.

Board Member Hawatmeh said his only concern was that it was making him realize how close we were to Christmas.

**Motion:**



nized the place as a party store. He was asking the board to please help him so that he could put the sign back.

Chairman Watriont asked the reason for his hardship.

Ron Ashackle said when people pass by there was no sign at the place.

Chairman Watriont said lack of identification.

Chairman Watriont said this was a public hearing and asked if there was anyone in the audience that would like to comment on the item. Hearing and seeing none he closed the public hearing and turned the matter over to the board.

Board Member Brasza said she would take the OR option, permission to install a pylon sign. She was not good with the idea of roof signs.

Board Member Descamps said he agreed with Board Member Brasza, the board tends to stay away from roof signs and the pylon sign would be much better for the area.

Board Member Furgal said if the board would pay attention to the previous variance from June 16, 2004, he was granted a request to grant 3 wall signs, one sign 83.2 sq. ft., another sign 40 sq. ft. and one more sign 55.9 sq. ft. for a total of 179.1 sq. ft. He already had permission for almost 180 sq. ft. of wall signs.

Chairman Watriont asked if he understood the rights he had with the wall signs right now.

Ron Ashackle said he was sorry he did not think it was that much he would have to add them up from Global signs. He went to the place and was working with them for the sign. He was here with both options to see whatever he could get to work.

Chairman Watriont asked if he knew what options he had with the ordinances and variances they had approval for already.

Ron Ashackle said no he did not.

Board Member Furgal said it was painted on the side of the building.

Chairman Watriont said the previous variances were for a total of 179.1 sq. ft. of wall signs. So asking for a monument sign or a roof sign on top of that without relinquishing that he knew he would not be in support. He had a lot of signage available right now and he did not know if the petitioner wanted to use those signs that were already approved or if he wanted to relinquish some of the signage in exchange for a new sign.

Ron Ashackle said if he could move some of the square footage, could he use it for another location because it did not benefit the business on the one side over there.

Chairman Watripont said no it was wall signage so he could not take it from there he would need to get approval from the board.

Board Member Descamps asked how much wall signage was being used right now, what the square footage was on the building.

Ron Ashackle said he did not pay attention to that but that he could get the square footage for that if he could schedule with Ms. Lynne he could bring it to her.

Board Member Descamps said he thought that would be in the petitioner's best interest. He thinks the pole sign would be much better than putting something on the wall. If he could figure out what he could relinquish and then come back here, maybe they could discuss that.

Ron Ashackle he does not think the gentleman next to him was aware that the pole sign could benefit him better, if he could do that.

Board Member Descamps said he would have to discuss with his client and with Lynne Martin. Figure out how much square footage has been used already and come back. The board still needs to know what has been used.

Chairman Watripont said he was allowed 40 sq. ft. of signage on the building. Does he currently have more than that anywhere on the building?

Ron Ashackle said he would take everything out except keep 40 sq. ft. and remove it.

Chairman Watripont asked if he wanted to relinquish the previous variance and move forward with a pole sign with the dimensions requested.

Ron Ashackle said yes.

Chairman Watripont said he has 40 sq. ft. which he was allowed by ordinance and then he was asking to relinquish the previous variance and move forward with a pole sign. He thinks most people would say no to a roof sign.

Board Member Becher said she thought it was a marvelous idea if he relinquishes the signage that he has now and sticks with the 40 sq. ft. that he normally has granted and she thinks that granting him the pylon sign would be a good fix for him. According to the picture the pylon sign was very showy and he was going to put in the east side of the building and she thinks that would work quite well. He would also be painting the side of his building and getting that old sign off and she thinks it would look wonderful. She asked the petitioner that he realized that he would have to paint the sign out on the side of the building on the east side.

Ron Ashackle said he was going to apply for it.

Board Member Becher said no, he did not have to apply for it he just had to paint it.

Ron Ashackle said he was saying that besides the paint he wants to do things to the whole building to remodel.

Chairman Watriont said he wanted to update the whole building by re-facing it or remodeling the outside of it.

Ron Ashackle said yes.

Board Member Becher said to just paint it a neutral color or whatever the color the building was going to be.

Ron Ashackle said he was sorry he had another store for the other side that was on 8 Mile that was 2 miles east of Warren and that place looked a disaster and after he owned the place for two years he had remodeled and made it look very nice. His point was that he was coming here to make the business look good. The wall he would paint and make it look way better now. Very soon business was picking up and he was coming here to make the place one of kind on 8 Mile and he needed the boards help right now.

Chairman Watriont said he understood and thought a majority of the board understood. The major question was the variance of what was on there before and where he wanted to go with that.

**Motion:**

Board Member Becher made the motion to approve the petitioner's request to install a pylon sign as follows: 132 inches by 80 inches totaling 73.3 sq. ft. and an overall height of 20 feet with a 13 foot under clearance to the property line on 8 Mile. With this sign the owner would be relinquishing the previous sign variances.

Reasons being lack of identification, size and shape of the lot and needs approval of the board.

Board Member Hawatmeh supported the motion.

**Roll Call:**

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

Board Member Becher	Yes for the reasons stated in the motion.
Board Member Hawatmeh	Yes for the reasons stated in the motion.
Board Member Pauta	Yes for the reasons stated in the motion.
Board Member Descamps	Yes for the reasons stated in the motion.
Board Member Brasza	Yes for the reasons stated in the motion.
Board Member Furgal	Yes for the reasons stated in the motion.
Board Member Vigus	Yes for the reasons stated in the motion.
Secretary Nestorowicz	Yes for the reasons stated in the motion.

Chairman Watripont

Yes for the reasons stated in the motion.

11. PUBLIC HEARING                                    **APPLICANT: Mr. Nicholas Shango**  
REPRESENTATIVE:                                    Mr. Nicholas Shango  
COMMON DESCRIPTION:                                5847 Thirteen Mile Road  
LEGAL DESCRIPTION:                                    13-05-476-006  
ZONE:    C-2 & P

**VARIANCES REQUESTED: Permission to:**

1. One (1) pylon sign as follows: 20 feet overall height, “Dunking Donuts Coffee & More” 10 feet 8/18 inches x 5.58 feet = 59.51 sq. ft. in addition to the three (3) pylon/ground signs already approved by the ZBA on 6/8/1994. Will a 7 foot 1 inch under clearance and to the front property line on Thirteen Mile as per the plan on the P Zone.
2. One (1) menu board as follows: over all height is 7 feet 2 inches to grade with two (2) sign areas 62 inches x 37 – 1/8 inches = 19.93 sq. ft. each (2 x 15.93 = 31.86 sq. ft.) illuminated and two (2) sign wing non-illuminated signs 15 inches = 11 – 7/16 inches = 1.15 sq. ft. each (2 x 1.15 = 2.3 sq. ft.)
3. Three (3) wall signs 3 feet x 5 feet 4 inches = 15.62 sq. ft. each (3 x 15.62 = 46.86 sq. ft.) one (1) on the north elevation, one (1) on east elevation and one (1) on the south elevation.
4. Three (3) wall signs “Dunkin Donuts” 6 feet 6 inches x 2 feet 8 inches = 17.8 sq. ft. each (3 x 17.8 = 53.4 sq. ft.) One on the north elevation, one on the east elevation and one on the south elevation.
5. Three (3) wall signs “Coffee & More”, 6 feet 6 inches x 1 foot 3 inches = 8.7 sq. ft. (3 x 8.7 = 26.1 sq. ft.) One on the north elevation, one on the east elevation and one on the south elevation.
6. Three (3) “Drive Thru”, 1 foot 6 inches x 3 feet = 4.64 sq. ft. (3 x 4.64 = 13.92 sq. ft.) one on the north elevation, one on the east elevation and one on the south elevation.
7. One (1) wall mounted projecting Drive Thru sign, 43.75 inches x 79.3125 inches = 24.96 sq. ft. as per the plans.
8. One (1) wall art sign on west elevation 108” x 84” = 63 sq. ft.

Wall signs: 46.86 + 53.4 + 26.1 + 13.92 + 24.96 + 63 = 228.24 sq. ft.

**ORDINANCES and REQUIREMENTS:**

**Section 4A.37 (b):** One freestanding on-premise sign or advertising display of a size not to exceed one hundred fifty (150) square feet and not to exceed twenty-five (25) feet in height shall be allowed for a shopping center.

**Section 16.01 Uses in “P” zone:** Signs are not permitted in “P” zones.

**Section 4A.35 (b): Setback:** All freestanding or ground signs shall be set back from the right-of-way line in a minimum distance equal to the height of the sign.

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

Nick Shango 5847 13 Mile, appeared before the board and stated he was building a Dunkin Donuts and it would be open in about three weeks. The difficulty was that he wanted to be visible as a Dunkin Donuts which has a new look and he has three av-

venues of traffic. At the turnaround light it was difficult to see what it was unless he puts a sign facing the north side of the building. He has a pier at the north east corner of the building, which was the taller side of the building and about 20 feet. If he puts a sign on one side and not on the other he thought it would be kind of a hardship because it was hard to say which side was more important to be able to see the sign. He wants to put one on the north side, one on the east side and one on the main entrance which was on the south side. He thought he took off the arch sign. The hardship was that Dunkin Donuts wants him to put coffee and more which was their new thing. He needs to put coffee and more and he needs to put drive thru because it was a drive thru location and he was asking for Dunkin Donuts because that was their logo. This would be channel letter signage so it takes up a little more room than a cloud sign and it looks a lot better.

Chairman Watrion said this was a public hearing and asked if there was anyone in the audience that would like to comment on the item. Hearing and seeing none he closed the public hearing and turned the matter over to the board.

Secretary Nestorowicz said he was very familiar with the intersection and he was happy to see the Dunkin Donuts going in. something on Mound Road as he headed home from here. The amount of signage that he was asking for was way too extreme. Normally businesses are allowed 40 sq. ft. and he was asking for 228 sq. ft. that was five times what was allowed. He was asking for signage on all three elevations and the very first request was for a pylon sign. That pylon sign everyone driving up and down Mound Road would see and he had no need for any additional signage because people would see that it was Dunkin Donuts. All those buildings were identifiable based on what they look like. He personally did not think more than one wall sign for the building and the pylon sign all that triplicate on the north, south and east elevation was way too much signage for that building.

Board Member Descamps said he agreed with his colleague and he mentioned that he might be willing to give up the 63 sq. ft. of arch signage on the side. That brings the total down to 165 sq. ft. which was almost 4 times the amount of signage allowed. Was there anything else that he could possibly do to scale it down?

Nick Shango said item number 1 he put on the table because it was an ugly looking black thing that looks like it was burned out, it was better than leaving it there. He was just trying to be efficient. For him it was not that he was trying to come off greedy and he was sorry but if he puts a sign on the south side people would not know what it was on the north side. He completely disagrees with the board as he has four Dunkin Donuts stores in Warren, one in Sterling Heights and two in Southfield. He wants to catch the traffic from south bound Mound and he needs at least one. If you put one and not on the other façade it was going to look weird. It was channel letter which was very expensive and it would look very nice. He has spent a lot of money on signage and he was willing to give up item #1 and item #8. How did that sound? That would shrink it down. It sounded like a lot but really it was not, again he was being asked to put Coffee and More and he if he did not put Drive Thru that would be detrimental to him. He was just concerned if people come in off of 13

Mile, it was quite a drive to get to his building. Most of his traffic was coming off of Mound but he did get a little bit off of 13 Mile. He would really appreciate it.

Chairman Watripont asked where the three pylon ground signs that he had right now.

Nick Shango said they have stone on them.

Chairman Watripont said there was one in the corner at 13 Mile and Mound.

Nick Shango said there was one right next to his building. There was one at the corner at Mound and 13 Mile and there was one next to the Curves, farther back on the west side.

Chairman Watripont said one right near the entrance for south bound and there was one on 13 Mile.

Nick Shango said yes there were two on 13 Mile. One on the corner and one further down on the west side.

Chairman Watripont said he just wanted to make sure and clarify for everyone else. He was in agreement and he knows Mr. Shango has been before the board before and he always asks for a lot, hoping to get enough. He thinks there was way too much here. He would rather he tell the board what he could live with instead of the board trying to barter with him.

Board Member Descamps asked if there was already a sign up.

Nick Shango said yes, but he did not put it up. That was not the one he wanted either.

Board Member Descamps asked if it had a permit.

Nick Shango said he put the permit in for the temporary sign he was doing. That was not what he was putting up there anyway.

Board Member Descamps asked how it got there.

Nick Shango said pops went ahead and jumped the gun.

Board Member Descamps said he could not control dad.

Board Member Becher asked for clarification if he was talking about the Dunkin Donuts sign that was out on 13 Mile Road that was down at the other end of the shopping center.

Nick Shango said yes.

Board Member Becher asked if that was the one he could give up. She understood the sign.

Nick Shango said no. He had a sign up that should not be up because he did not apply for it. It just went up and his dad filled it in.

Board Member Becher said she had to tell him that she pulled in there and she pulled the plans out and it was like he wanted so much. Which sign was he willing to give up? Where was #1 at?

Nick Shango said he was going to give up #1 and that was 58 sq. ft. call it 60 sq. ft. and he was going to give up #8.

Board Member Becher asked where the signs were located. She was just trying to get things straight in her head.

Chairman Watrion said it was an additional sign, not to what was there already.

Nick Shango said it was not there already. It was a ground sign that was on 13 Mile. It was an existing pole sign that he wanted to take down and put up a new sign. He does not mind, he does not need that one.

Board Member Becher said she did not have to count #1.

Nick Shango said he was more concerned with the wall signs than he was on the ground so people could identify the building. The new look was wood.

Board Member Becher said someone could not, not identify that building. While under construction she realized what it was.

Nick Shango said it was the first image in this market with the new image. He just wants to play it safe.

Board Member Becher apologized for interrupting.

Board Member Pauta said that before the board even considers allowing him to do anything else he has a lot of housekeeping to do over there. The flower man has a van out there with a trailer with identification all over it. He has signs all over his structure that should not be there. There are a lot of weeds that need to be cleaned up besides the fact that he already knows about the illegal sign. There was a lot of asphalt that needs to be repaired. There was a lot of debris in the pictures that the inspector took. There was an orange barrel that fell into a hole that needs to be addressed. There was a lot of housekeeping here that needed to be done. He understood that right?

Nick Shango said absolutely, he was going to have the whole parking lot fixed in about two weeks. That included pot holes and new concrete. He already did the front section, he did the approach and he took out the rear approach and the alley and put in landscaping. He was currently working at the pool hall area. By the first of next

month the whole parking lot would be fixed. Patched and sealed and striped. The debris he was sorry he did not get that far but he would clean that up, he knew he had weeds in the back.

Board Member Pauta said she was familiar with his other properties because he has been here before. Never on the other properties did he ever put this much signage and he gets a lot of traffic. This was a lot of signage for that area. Please tell the flower man to get rid of all the garbage it looks like a circus.

Board Member Brasza said getting back to what he was knocking off the list, he left off by stating #1 and she thought he mentioned #3.

Nick Shango said #1 and #8. #8 was some pictures or some graphics that they had which were not crucial to him.

Board Member Brasza said #3 and #4 seem kind of duplicated to her.

Nick Shango said #3 was the cup, the cup that has the steam.

Board Member Brasza said it was duplication. There were signs on the north, east south elevation, again on the north, east, south elevations. There was a 3 x 5 and a 6 feet 6 inches x 2 feet 8 inches for each elevations and a 3 feet x 5 feet 4 inches. So there are two things on each side. What are the two?

Nick Shango said actually four things. Since he was going vertical and you look at the drawing he wanted to make it proportional to the elevations. So he stacked it. Usually they put the cup and Dunkin Donuts and Coffee and More and then Drive Thru underneath that. They were all the elements that he needed to have as the Dunkin Donuts standard. What he was doing was taking the cup and stacking.

Board Member Brasza directed attention to the plan and said there was a cup here.

Nick Shango said that was #8 that was the wall part and he has removed that from his request. It was just a graphic.

Board Member Brasza said the cup was one area and the verbiage was another area.

Nick Shango said each one was a channel letter race way, so there was a cup and Dunkin Donuts then Coffee and More and the Drive Thru. They were all items he needed to have as far as signage.

Board Member Brasza said because the building was just not recognizable at all as a Dunkin Donuts.

Nick Shango said he did not want to say that but if someone were driving south and there was no sign on that north side.

Board Member Brasza said she had to tell him something. There was a swim wear in the middle of the strip that was so non-descript but people could tell and people can see it. It was the only sign, swim wear. Now he wanted to get in her face with all the signage. That business does a great business and sells swim wear.

Nick Shango said it was different for him; he had a lot of money just in this little project.

Board Member Brasza said she knew and it looked wonderful by the way. So what else was he going to take off?

Nick Shango said he was going to take off 120 sq. ft. right off the bat. #8 and #1. Was that ok?

Board Member Brasza said so far.

Board Member Descamps said that was 110 sq. ft.

Chairman Watripont said that he thought he was hearing from most of the board was that the three elevations was way too much. He thought #2 the menu board was something he needed. He thinks #7; he was trying to figure out what that was.

Nick Shango said he did not need that take that off, it was from the drive thru side. That was like a little arm that sticks out from the canopy of the drive thru. He did not need that one.

Chairman Watripont said there were the four items 3, 4, 5 and 6.

Nick Shango said please he has to have those.

Chairman Watripont said he understood that he needed those signs but he did not need three of those signs. He believed he was hearing from most members that they thought one would be adequate. So he was asking him what he could do rather than having this denied tonight, what he could do to move forward with this tonight.

Nick Shango said that would really crush him if he was only given one.

Chairman Watripont said he would have the three pylon signs which would give him more than enough.

Nick Shango said he would rather be taken off the pylon signs because that does not do him justice. Cars are coming too fast down Mound.

Chairman Watripont said everyone would know it was there.

Nick Shango said if cars are coming south bound and there was no signage on that pier that he has built upon the corner how does anyone know what it was.

Chairman Watripont said he already had that.

Nick Shango said where he does not have anything there. On the north and the east.

Chairman Watripont said the pylon signs still existed.

Nick Shango said yes but the building itself, how would people know what the building was unless people come around through the south side. People would not know what it was.

Chairman Watripont said his suggestion was that on the store front having the sign and not putting it elsewhere and going from there. That was his suggestion.

Nick Shango said he had the reason why he asked for the north and the east was because that was where most of the traffic was coming from they are coming southbound, looping in and coming back out. He would rather have a sign on that side but if it was put on that side and have nothing on the front how do you identify besides the orange bin. This was a new image that he was putting up in the market. There were only 50 stores in the market and he owns seven of them.

Chairman Watripont said anytime he drives by a Dunkin Donuts he knows it is a Dunkin Donuts without seeing a sign.

Nick Shango said ok, if he says so. His question to him was if someone is coming southbound and there was no sign on the north and no sign on the east. How would people know what it was? People would know it was a drive thru but what was it, a Tim Horton's?

Chairman Watripont said if someone is heading southbound they would have the pylon sign that would say that and people will know he was there very quickly.

Board Member Brasza asked if he had a choice of one of the three elevations which he would choose, south, east or north.

Nick Shango asked that he be allowed to have at least two of them. He was making the building nice and spending a lot of money on the project.

Board Member Brasza said ok, remove one. She would start there.

Nick Shango said he would take off the north side so there was something.

Board Member Brasza said if people are looking they will see the east. They did not need to see the north.

Nick Shango said ok he could agree with that, at least so the people can see something and if people are headed northbound they could see him on the south side. That would be one on each side and that would be greatly appreciated.

Board Member Brasza said she was just getting warmed up here. So the board was removing the north elevation on #3, removing the north elevation on #4, and removing the north elevation on #5 and the north elevation on #6. That was a good start. She would let it go for now.

Chairman Watriont asked if that was a motion.

Board Member Brasza said no the board was still negotiating she believed.

Chairman Watriont said they were still discussing it.

Board Member Descamps said he thought he could live with that. All the building and businesses he has done in Warren he has done an excellent job and the board does not mean to abuse him but that was an awful large amount of signage.

Nick Shango said he totally understood.

Board Member Descamps said making those concessions he thought he was going to have a great business there and he thought it would be enough signage.

Nick Shango said he really appreciated it and he was not trying to be greedy. He was literally asking for what he really needed. Dunkin Donuts makes three sizes and on the following page he shows the smaller size which does not do him any good. He asked for the middle size, there was a bigger size but it looked ridiculous because it was bigger than the façade. He did not even want to show the board that. What it really was going to look like, it sounds like a lot bit it really was not. It fits within the size of that pier. He was going to paint it and wainscot it. He was starting on the building next door, stone, brick and going all the way down and all the way across.

Board Member Descamps said he appreciated that, he appreciates his consideration.

**Motion:**

Board Member Brasza made the motion to approve the petitioner's request to install a menu sign as follows:

1. One (1) menu board as follows: over all height is 7 feet 2 inches to grade with two (2) sign areas 62 inches x 37 – 1/8 inches = 19.93 sq. ft. each (2 x 15.93 = 31.86 sq. ft.) illuminated and two (2) sign wing non-illuminated signs 15 inches = 11 – 7/16 inches = 1.15 sq. ft. each (2 x 1.15 = 2.3 sq. ft.)
2. Two (2) wall signs 3 feet x 5 feet 4 inches = 15.62 sq. ft. each (2 x 15.62 = 31.24 sq. ft.), one (1) on east elevation and one (1) on the south elevation.
3. Two (2) wall signs "Dunkin Donuts" 6 feet 6 inches x 2 feet 8 inches = 17.8 sq. ft. each (2 x 17.8 = 35.6 sq. ft.) one on the east elevation and one on the south elevation.
4. Two (2) wall signs "Coffee & More", 6 feet 6 inches x 1 foot 3 inches = 8.7 sq. ft. (3 x 8.7 = 26.1 sq. ft.) one on the east elevation and one on the south elevation.



Chairman Watriont said the request for storage was not on the list of variances at this point and time.

Lynne Martin said it was contained within the building so it was allowable. Chairman Watriont said that would be the reason it was not listed.

Steve Sollish said he thought they were trying to indicate was that was one of the reasons that they needed to eliminate a couple of the spaces that are marked on the site right now to allow for that storage area.

Joseph Guido added that the parking that was there was based on a previous use which was a manufacturing facility. Mr. Sollish's facility was virtually all storage or materials with eight to ten employees maximum and there are 27 spaces in the front of the building that would be maintained as is. Mr. Sollish has more than twice the parking he would need for his employee count existing just in the front of the building.

Chairman Watriont said this was a public hearing and asked if there was anyone in the audience that would like to comment on the item. Hearing and seeing none he closed the public hearing and turned the matter over to the board.

**Motion:**

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

1. Waive 7,128 sq. ft. of hard surfaced off street parking.
2. Place a raised truck scale in the required side yard as per the plan.

Board Member Descamps asked the petitioner if there was any barbed wire on the property.

Steve Sollish said he thought there was some barbed wire on the property.

Joseph Guido said there was a variance granted in the past for the barbed wire.

Board Member Descamps said in 1986 that variance was granted and the board does not like barbed wire anymore. Is there a reason he needed it?

Steve Sollish said he like to keep people out.

Board Member Descamps said it has been shown that barbed wire does not really do that good of a job keeping people out. It really makes the City look trashy.

Steve Sollish said it was behind his building and there was no one out there.

Secretary Nestorowicz said he would tell the petitioner that he actually would be in favor of voting for this but not with barbed wire remaining on the property. If the barbed wire remains he would be voting against it.

Steve Sollish said he would take the barbed wire down.

Board Member Descamps said to continue with the petition since the petitioner was going to take the barbed wire down.

Reasons being needs approval of the board and not a detriment to the area. Secretary Nestorowicz supported the motion with discussion.

Secretary Nestorowicz said that the approval would be conditioned on the relinquishing of the barbed wire approval.

Steve Sollish said yes.

Chairman Watripont asked how quickly the barbed wire could be removed.

Steve Sollish said he was addressing all of the fencing in the back of the lot so when he finds a contractor. Quickly he supposed but as soon as he found a contractor before he moved in.

Chairman Watripont asked if that would be within 90 days.

Steve Sollish said he would expect that to be the case. It seems like a short period of time with so much he has going on. He was replacing all the fencing that was in disrepair. His intention was to update all of the fencing it was just a big project so he gives his word that the barbed wire will come down.

Chairman Watripont asked if the petitioner added to the motion that it be removed with 180 days would that be agreeable.

Steve Sollish said that was agreeable with him.

Chairman Watripont restated the motion by Mr. Descamps and support by Mr. Nestorowicz to approve the variance as requested with the relinquishing of the barbed wire within 180 days.

**Roll Call:**

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

Board Member Descamps	Yes for the reasons stated in the motion.
Secretary Nestorowicz	Yes for the reasons stated in the motion.
Board Member Brasza	Yes for the reasons stated in the motion.
Board Member Vigus	Yes for the reasons stated in the motion.
Board Member Furgal	Yes for the reasons stated in the motion.
Board Member Pauta	Yes for the reasons stated in the motion.
Board Member Hawatmeh	Yes for the reasons stated in the motion.
Board Member Becher	Yes for the reasons stated in the motion.



James Sequay appeared before the board and apologized for not making the last meeting. He was present here today to state his piece about this. He has some pictures of the property and the petitioner was asking for six u-hauls and he asked what size the trucks and trailers would be.

Frias Elias said 10 and 14 foot.

James Sequay asked where they would be put at.

Board Member Hawatmeh asked Mr. Sequay to speak into the microphone; he was having trouble hearing him.

James Sequay said this was directly behind his house. He was not here to argue with the petitioner.

Frias Elias said no his not was not directly behind this, he was up by the gravel.

Chairman Watriont asked Mr. Sequay to address his concerns to the board.

James Sequay said he was standing behind his house taking pictures of the lot. This was before and after pictures. The obstruct pieces that he put in the fence, he could not blow the picture up, to the left by the cones, that was his garage. There is a gate there. The last owner, renter put a gate there because he used to own the house the he now lives in. If he was going to put 16 more trailers, wasn't he supposed to have a greenbelt 45 feet from the south of his building? He was supposed to have greenbelt in there and in the new pictures he provided there was just a pile of dirt. Nothing has been done, he did paint the building and the building looks good. He was not trying to hurt the guy from doing stuff but he did not want to have U-Haul trucks behind the fence line right behind his house when he walks out the back door. If anything he should put up a wall, put up a 6 foot wall and that would block it. The previous owner did the permit on the fence and now he bought house and this guy was trying to use his fence with this variance, part of it anyway. He does not see where he would be able to fit; he could put them all up front. In the new pictures the board can see that he has U-Hauls right behind his house. If he adds six more where were they going to put them? Right in the pile of dirt and grass that he was not supposed to be at; it was supposed to be greenbelt.

Chairman Watriont said the greenbelt has already been waived on July 23, 2014.

James Sequay said he understands that but he was petitioning for six more trucks and trailers there. He does not see where there is room, where was it going to be placed? There are six spaces, was he going to put them in the back behind his house? That was supposed to be greenbelt from his understanding. I was currently a pile of millings.

Chairman Watriont asked if he lived right behind the Sunoco station.

James Sequay said he lives and 1935. If you were standing in his back yard you are looking at the pile of millings. South side of the building towards the rear corner. The house that was in the picture right now was 1928 Otis. That was exactly east, that was the east fence. His was the south east fence. He just does not understand where the petitioner was going to be able to put 14, 15 foot trailers and trucks at. He understands his billing yard but he did not want to have it behind his house. Like he said he was not here when the greenbelt was addressed but he was here fighting against the extra trucks and trailers. The trailers he does not mind so much because he would not see them but the trucks and all that stuff. If the board was going to grant it then have the petitioner put up a wall. The board has done things like that in the past. He also has barbed wire on the one fence line on Otis Street. When he rents a truck he leaves the gate unlocked. That person comes in after dropping the rental off they are supposed to lock the gate but how does he know they are going to do that. Could have people coming in the yard. He was not trying to hurt the man and he agrees that he was trying to do business but he does not want anything parked behind his house that was the bottom line.

Chairman Watripont asked if there was anyone else that would like to comment on this item. Hearing and seeing none he closed the public hearing.

Secretary Nestorowicz said a letter was received by the office and it stated they were writing in regards to a public hearing on the property and stated that they owned the property across the street at 1935 Otis and was against the granting of the request for U-Haul trucks and trailers on this property. This was a residential street and no truck and trailers should be allowed on the property. Signed Sherry Smith.

Chairman Watripont said from the plans to try and address some of the questions that were asked by the resident. The trucks from the plan look like they were going to be parked back to back in the first three spots going back from the building.

Kerm Billette said yes that was right.

Chairman Watripont said after that it would trailers stacked back to back going back to the edge of the parking surface. Then there was the grass and everything after that.

Kerm Billette said yes.

Chairman Watripont asked if he had barbed wire up right now.

Frias Elias said no.

Chairman Watripont asked there was no barbed wire anywhere.

Kerm Billette said he did not notice any.

Chairman Watripont stated he turns the matter over to the board.

Kerm Billette said if the board requires that any barbed wire be removed he would remove it if it was out there.

Chairman Watrion said there was no previous variance for it anywhere and it was against ordinance. If he says he does not have any he will trust that he does not have it and if he does have it, it is against ordinance and it would be a violation of the ordinance so it should be removed if it exists.

Board Member Pauta stated she has reviewed this with the Planning Department and she did not see any barbed wire anywhere. The petitioner has spent several thousands of dollars on the property and it was immaculate. She can't see a problem with allowing or permitting to do what he wants to do on his property. He has conformed to every request from planning which is important. She had a question about Mr. Sequay and whether he was affiliated with the gas station next door.

Frias Elias said he was a neighbor. He was next door; there was a house between him and the gas station.

Board Member Pauta said but he was not affiliated with the gas station.

Frias Elias said no.

Kerm Billette said he was at the property that says garage and there was a gate back there.

Board Member Pauta said she had no problem with this at all because on these types of things she reviews everything with the Planning Department and she did not see a problem.

Board Member Descamps asked the petitioner in looking at the plans and keeping in mind the neighbors, he was trying to make sure the petitioner had a good business and the neighbors are taken care of. It looks in the drawings where the pile of dirt was going to become a grassy area and maintained. Shrubbery would be put in.

Frias Elias said the pile would be removed within a week and that he had two years to plant the grass in there but he has to keep moving the gravel all around from in there to make it the grass work. It will be removed.

Board Member Descamps said it was a work in progress and he was doing the work he was showing in the plans.

Board Member Brasza asked the petitioner if the access fence that he had would that be closed, was there a reason for the opening back in the south east corner.

Frias Elias asked the fence on Mr. Sequay's property.

Board Member Brasza said his landlord put that fence in before. He used to own the house and the business and he used it to get back and forth. The does not have the key and he does not think the new home owner has the key but it was secured. It has been there and it was locked, nobody has access to it.

Board Member Becher asked for clarification, on July 23 of this year the petitioner was grant permission to have 14 trailers. So at this time he wanted to change it 6 trucks and 6 trailers, correct? So he was going to give up the original 14 and change it to these 12 pieces of equipment, correct?

Kerm Billette said yes.

Board Member Becher asked if anyone else had any other comments.

Chairman Watripont said so the petitioner was willing to relinquish the 14 trailers that were previously granted for what was before the board now.

Kerm Billette said yes.

**Motion:**

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

1. Store six (6) U-Haul trucks and six (6) trailers on R-1-C zoned lots as per the plan.
2. Continue a building to no less than 1.35 feet of the west (front) property line as per the plan.

With the condition that the petitioner relinquish the previous permission for the 14 trailers.

Reasons being size and shape of the lot and not a detriment to the area.

Board Member Pauta supported the motion.

Chairman Watripont said for clarification it was 14 trailers and not trucks and the other item as per the plan for information purposes the trucks would be closest to the business building and the trailers closer to the resident's property.

**Roll Call:**

A roll call was taken on the motion and the motion carried (7-2).

Board Member Becher	Yes for the reasons stated in the motion.
Board Member Pauta	Yes for the reasons stated in the motion.
Board Member Furgal	No this was a poor site plan.
Board Member Hawatmeh	Yes for the reasons stated in the motion.
Board Member Descamps	Yes for the reasons stated in the motion.
Board Member Brasza	Yes for the reasons stated in the motion.
Board Member Vigus	Yes for the reasons stated in the motion.



the 12,000 he has now. The Auto Palace has been in existence since for 11 years in the current location and that was motivation for staying there because they have been successful. South Warren has been good to them there. The hardships section 15.01 e 2 he was requesting to locate a used car facility adjacent to residential zoning. The ordinance states that location site must be located more than 200 feet from the nearest property line from a property zoned R-1-C. The property behind to the east and to the north was R-1-C. There was a precedence for this at 21704 the existing Auto Palace. He submitted three letters from neighbors stating what a good neighbor the Auto Palace has been particularly in comparison to other businesses that has been in that location previously. The property was zoned manufacturing which means that uses were allowed to go in there that allow loud noises, heavy machinery and frequent in and out traffic. This particular business was based on internet sales, showings of cars are by appointment and there was very little in and out traffic. It was very quiet, there was no machinery on site and there are no fumes that are being generated. It was one of the least impactful businesses that could be imagined for along that section of Dequindre. It would be less than a retail store. #2 Section 15.01e 11f was request a waiver to allow the parking of cars along Garrick Street frontage. The ordinance reads that the front set back along the street frontage shall not be used for the parking of cars or the storage or display of used cars. The street frontage he was speaking of was on Garrick Street because there would be no cars parked on the Dequindre Street right-of-way. He has resolved that issue with the Road Commission and been denied the guest parking in the right-of-way, so that all the guest parking as shown on the site plan in the rear of the property. The intent of the ordinance was to prevent visual chaos and safety. The cars are being stored and protected. The spirit of the ordinance was met by a combination of the landscaping which exists and an existing 8 foot concrete screen wall which would hide all the cars including all the guest and employee parking. The screen wall was allowed by variance on June 11, 1986. No cars at all would be visible in the back lot. #3 Section 15.01e 13c he requests to retain a 20 foot wide two way driveway with a rolling gate. The ordinance reads that the driveway should be a minimum of 26 feet in width as measured on the property line. The existing access to the rear parking was originally a 20 foot wide platted alley. The alley was platted and engineered for two way access so that meets the provisions of the ordinance. It was not a vacated and abandoned street and has an existing rolling gate. The open was defined by the location of the building to the west and the existing 8 foot concrete screen wall to the east. #4 Section 15.01e 13d request to waive 15 feet of landscape setback. The ordinance reads the setbacks along street frontage shall be landscaped. He provided photographs of the existing 8 foot concrete wall with maple trees and 10 feet of grass between the wall and the sidewalk and right-of-way. He feels it was very pleasing to look at. It meets the ordinance in that it controls the clutter better and provides security for the cars. He was talking about luxury automobiles, 14 of them would be stored back there to hide them and also protects them he felt was important. #5 Section 4.32h (i) request to reduce the maneuvering lane at the employee visitor parking by 2 feet from 22 feet to 20 feet. The ordinance reads that maneuvering lanes shall be 22 feet wide. That was the ordinance for employee or visitor parking. 20 feet between the rows of the stored cars was permitted by the used car lot ordinance so regardless even if there was only one car it was one space that was directly opposite the dumpster enclosure which was actually affected by the re-

striction to 20 feet. All other ones had at least 22 feet in the guest and visitor parking. The cars that were along the back the eastern fence and the parallel cars behind the building were stored cars. The traffic was extremely low and this was not a hazard particularly since he was talking about one car. #6 section 16.01 uses permitted in a P zone. He was requesting a use variance to allow outdoor storage of automobiles in a P zoning district. The ordinance reads that outdoor storage was not permitted in a P Zone. He thinks the board needs to be practical here and look at the request for what it was. He was not simply asking for storage in a P Zone. He was requesting to park cars on property zoned parking. He thinks that was a very important distinction. The site was already paved; it is screened by an 8 foot concrete wall and protected by a rolling gate. It was the perfect set up for a safe, secure storage of automobiles in a manner respectful of the surrounding neighborhood. He realizes it was getting late and he would try to be brief because this was important because the Planning Commission has referred this matter to the ZBA and will take it up once he receives ZBA approval so this was very crucial to the project.

In summary he feels the applicant demonstrates all the measures of a practical difficulty in complying with the article requirement. There are a number of practical difficulties. #1 first test was if it was an unreasonable impact or burden. Strict compliance of the ordinance requirements would actually eliminate the primary function of this business which was the storage of and display of automobiles. It is zoned parking and a variance was required to park cars on existing paved screen parking area. 40% of the property could not be used for the business. Strict compliance with the green space requirement would increase exposure of the business of the surrounding properties, decrease security by replacing the 8 foot fence with landscaping. The security would also suffer by the rolling gate. #2 it was not self-imposed, this condition was not caused by the applicant or the previous owner. The building and property are all 100% developed and have legal non-conformities validated by variances from other periods and by the needs of other businesses. The property was assembled by combining M-2 zoning, an abandoned vacated alley and the P zone property that was assembled by other people. These happen to be adjacent to the R-1-C zoning district. The non-conformities are all triggered by the new used car lot ordinance. Under the previous ordinance this use could have existed in this location without variance. For the size and the location of the building and the presence of the masonry screen walls and the extent of the concrete paving were all approved for other earlier businesses. #3 the test was if the property was unique. 21816 Dequindre was uniquely suited to the expansion of this luxury pre-owned automotive business for several reasons. The applicant owns a business only 160 feet away, they are joined by an alley so that they can function as one. The expansion of the business into the current location was advantageous because it was the closest suitable property in proximity to an existing business. Combined the two businesses bring the entire project in conformance with the ordinance. Over 50%, 60% in fact can occur inside the building because the building provides a clean indoor space suitable for conducting the business. #4 the project was not a detriment. He has letter from the neighbor stating that among other things that this was the best business that has ever existed there in the 40 years of them living there. The new building was an eyesore; he provided a rendering of what the building would look like when it was completed. In contrast to the picture that was being passed he thought the board would agree that it

was a great deal of improvement that was going to come about. So, the neighborhood and the City of Warren would benefit from this project. #5 this was not for personal gain. Yes it was to improve a business but none of these variances were being asked for to save money or take the easy way out. There was a great deal of investment that was going to happen with this property to make what he feels would be the best most exemplary used car lot in the City of Warren. #6 was this necessary, yes. If these variances are not granted the applicant would be denied the right to utilize the property to its fullest. All previous owners regardless of their businesses have had that right in the past and he feels that this business would be to the advantage of the City. He respectfully requests that the board grants these variances.

Chairman Watriont said this was a public hearing and asked if there was anyone in the audience that would like to comment on the item.

Larry Hollman 8401 Kennedy Circle, Warren, stated he owns two building on Dequindre between 8 and 9 Mile and Nick has been there for 11 years. He has done a beautiful job in the south end. All the neighbors like him. He has done a great job with the building and landscaping, he has reviewed all 6 variances and he was in favor or all of them. The south end needs more business people like him.

Cal Kazak, 6778 Serenity, Troy Michigan appeared before the board and stated he owns Kazak Properties, LLC. This invests primarily in residential properties. He buys the homes, fixes them up and lease them out in the south end of Warren. He owns 3 properties and Warren and 7 properties in Hazel Park as part of the portfolio. He does have a concern with the Dequindre corridor there between 8 and 9 Mile and he just wanted to express his support for Nick and the Auto Palace and what has been done there because he feels it does bring up the value of the neighborhoods in that south end. Given what was in there before, potential tenants have to drive by that furniture store and it really looked lousy. From what Nick has done with Auto Palace and what he was proposing to add, he would really like to have him bring that building up to what he has done with other buildings. Just wanted to support him on this.

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

Secretary Nestorowicz stated that three letters were received in favor of this request. The first letter was from John and Juanita Carrier from 1938 Garrick and Judith Mozo from 1945 Garrick and another letter from June King from Fire King Company located at 21740 Dequindre and a third letter from Carol Dettloff, all three letters talk in favor of the project.

Chairman Watriont said he was very familiar with the existing property. It was very clean but he does believe that the petitioner has ignored previous restrictions set upon the parking within that lot. That was one of his concerns with what he has done with the previous but it has been well kept.

Board Member Brasza asked for clarification from the petitioner on #2. It says retain hard surface with 10 feet of the Garrick Street property line and parking storage of

used cars in the front set back. Of what portion in the site plan was being used on Garrick Street? Was it in the building area itself or the white bricked area?

William Finnicum said he was only talking about where the parking was in the back. It was a back parking lot and even though the site plan was small he pointed out Garrick and stated there was a 20 foot opening and showed the guest parking. The ordinance states there has to be a 25 foot setback and he only had a 10 foot setback. That was the 15 feet of variance he needed for the green space. It was the same 15 feet he needed to allow parking. It was behind the wall and near the three maple trees.

Board Member Pauta stated she viewed the Planning Commission's page knowing what they were looking for and knowing what the ZBA was required to look at and approve. She also has viewed the work in progress on this property. This gentleman has put hundreds of thousands of dollars in underground work that has been required the engineering division and request from planning. The other thing she wanted to clarify that this was not the standard used car lot. These are upscale cars and they are in condition that look like they just came out of the show room. She was talking about Maserati's, Lexus and BMW. This was not the run of the mill used car lot. The other thing she understood was that their customers were by appointment only so there would not be a large crowd of people in there. The neighbors she was sure would appreciate. She was in favor of this. She has been to the property and looked at the original property. The petitioner has put a lot of work and money into the property. Take into consideration all the neighbors. It was almost as if he were asking permission to put a shrub up or a tree. He does have the neighbors at heart. For anyone to spend that kind of money at 8 1/2 and Dequindre should be commended and the City should be rolling out the red carpet. The time, energy and thought that has been spent on this project, she was approving it.

Board Member Becher said the board has discussed the property quite often recently because there was business that tried to go in there before this. She really like the looks of what he was planning but she had a question. In October of 2009 the board granted the owner permission for outside storage of furniture and she was asking if the board could ask the petitioner to give that up when the board approves his request. She asked the chairman if he saw the item from October of 2009

Chairman Watriont said the board could request that.

Board Member Becher said she also thought he made a valid point about parking in his parking lot. If the storage area was changed to parking and get rid of the variance from 2009.

Chairman Watriont said he did not think he wanted to sell furniture out there anyway.

William Finnicum said that would not be a problem, it was only for automobiles.

Chairman Watripont said he had a concern he was not sure he could answer here. The fact that there were two properties. Do she plan to combine these properties?

William Finnicum said yes they would be combined.

Chairman Watripont said because there were two separate lots for housekeeping and his concern.

Roxanne Canestrelli explained to the Zoning Board that if the board grants the variances, typically the combined was done first and then the variances. Hypothetically if the board grants the variances and then you go and do the combine and he has to come back here to fix the variances because they would be on the different addresses where the combination creates one address and one parcel ID number. He needs to address the variances during the combination. Did he talk to planning?

William Finnicum said he did not know if he followed all that but he did know the petitioner intends to make it all one parcel.

Roxanne Canestrelli said she did not know if he talked to planning about the combine.

William Finnicum said yes it was a requisite from planning. It was one of their conditions that said if the ZBA approves the variances and if the planning board sees their way clear to give them the special land use permit, then the first condition was combining all the properties into one. That was the intent.

Roxanne Canestrelli stated the combine itself was typically be reviewed by planning and planning would be sending it out to all the departments and getting the departments input on the combination and their recommendations on the combine and then planning's approval or disapproval would be based on all the departments recommendations and what they have to do for each department to approve the combine.

William Finnicum said this project was reviewed by all the departments. It has always been presented as one project. It was a parking area that was serving a building. It was not a building with a separate parking area in the back.

Chairman Watripont said his concern was mostly housekeeping, he did not have concerns with the way things have been done.

William Finnicum said the dilemma was in the due diligence period and it keeps getting extended, extended and extended and he needs to find the light at the end of the tunnel. So if he could get his variance and get on to the planning commission he would deal with all these things as part of the permitting process. At that point the deal could close and he would deal with this under the permitting process. All the engineering, combining of properties and legal work and that sort of thing. That being done ahead of time in a due diligence period he thought was a burden.

Board Member Pauta said he was absolutely right. What he just told board was exactly what the Planning Commission told him. Her question was what address did they advise him to use? The 21816 Dequindre or the 1925 Garrick? Did they address that?

William Finnicum said they did not tell him what address to use.

Board Member Pauta said it should be the 21816 Dequindre. She know at the meeting they really didn't address it.

William Finnicum said it was just a condition. He then read the letter from the Planning Commission and read it aloud. "If the Planning Commission determines that the site plan and special land use should be approved then it should be recommended for approval with the standard conditions of the planning commission and more specifically the two parcels identified as 13-31-152-010 and 13-31-152-021 shall be combined into one parent parcel. An application must be submitted to the Planning Department requesting approval with combination. He has submitted a letter requesting permission with that and this has seven conditions such as that plus comments from Fire and Engineering. He has stated that none of them are an issue, all of them he was able to meet without reservation.

Board Member Brasza asked if the board put through with condition of approval from Planning anything that goes through zoning tonight that does not get approved by Planning was null and void. So with the board stating with approval of Planning, joining the two lots still allows them to keep this.

Chairman Watriont said that was where he was concerned because he asks for it and it stays with the land. Now if they combine the property where was the variance at and did the board have to separate all six items to go with the proper land.

Board Member Brasza said the board was approving the common description with two parcel numbers so when they join the parcels it would be one of the two.

Board Member Furgal asked chairman Watriont if he looked at some of the past variances. The one from 1985 was for 21816 Dequindre, the one for 1987 was 21816 Dequindre, the same for 2005, and again in 2009 and it wasn't until 2014 there were two properties.

Board Member Brasza said combining the two lots was just housekeeping to clean it up.

Chairman Watriont said he was willing to move forward and go with that. Planning will know the ZBA's decision here and he does not think it would change drastically going forward.

William Finnicum stated if it helps, he believes that the properties kind of separate themselves with the issues.

Chairman Watripont said he understood where they are.

**Motion:**

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

1. Locate a used car lot adjacent to residential at the east.
  2. Retain hard surfacing to within ten (10) feet of the Garrick street property line for parking/storage of used cars in the front setback.
  3. Retain the twenty (20) foot wide two way driveway with rolling gate, current access is vacated and abandoned platted alley.
  4. Waive the fifteen (15) foot landscaped setback along Garrick. Pavement exists to within ten (10) feet of the Garrick street property line.
  5. Allow a twenty (20) foot maneuvering lane at the employee/visitor parking area.
  6. Use variance to have outdoor storage of used cars in the P Zone area.
- With the condition that 21816 Dequindre and 1925 Garrick be combined as one.

Reasons being size and shape of the lot and not a detriment to the area.

Board Member Brasza supported the motion with the amendment that the approval of the site plan by the planning commission and to relinquish the 10/28/2009 granted request of 932 sq. ft. for outdoor storage for furniture in a P zone as per the plan for the 21816 Dequindre address.

Chairman Watripont said the issue right now was whether or not the Zoning Board could put a condition on the approval of the site plan, that was left for planning and our City Attorney was advising the board not to include that as part of the motion.

Board Member Brasza said if it does not pass Planning then the Zoning issue was dead.

Chairman Watripont said there was a motion by Board Member Pauta and support by Board Member Brasza to allow the variances as requested with the removal of the outside storage for furniture and the condition that the lots be combined.

**Roll Call:**

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

Board Member Pauta	Yes for the reasons stated in the motion.
Board Member Brasza	Yes for the reasons stated in the motion.
Board Member Furgal	Yes for the reasons stated in the motion.
Board Member Vigus	Yes for the reasons stated in the motion.
Board Member Descamps	Yes for the reasons stated in the motion.
Board Member Hawatmeh	Yes for the reasons stated in the motion.
Board Member Becher	Yes for the reasons stated in the motion.
Secretary Nestorowicz	Yes for the reasons stated in the motion.

Chairman Watripont

Yes for the reasons stated in the motion and good luck with the project going forward.

15. PUBLIC HEARING

**APPLICANT: Metal Mart/Olimpio Giacomantonio**

**-USE-**

REPRESENTATIVE: Robert J. Tobin  
COMMON DESCRIPTION: 31174 Dequindre  
LEGAL DESCRIPTION: 13-06-352-002  
ZONE: M-1 & R-1-P

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

Construct a building addition 13' 8" into an R-1-P zone as per the plan.

**ORDINANCES and REQUIREMENTS:**

**Section 8.01 Uses permitted in R-1-P: Paragraph a & b:** All uses permitted in R-1-C and parking of private passenger motor vehicles.

Robert Tobin appeared before the board and stated he was doing something very unusual that he has never done before. Back on May 5, 2012 this site was approved by the board of appeals and also by the planning department which was approved on August 24, 2012. He has been through the process and completed the working drawing and we're now ready to pick up the building permit to build the building. Something happened this summer that was very unusual, he wanted to show the board where he was. He used a photo board and pointed out the building he was talking about and the 13.5 feet that had been approved, one of the requirements that went along with the board's approval was the building be brick along the north property line. It was a warehouse building with an addition to the warehouse and he had to provide the brick along there. That was where the problem came. He proceeded to receive all the necessary approvals from the Planning Commission and proceeded to design all the architectural engineering drawings and submitted them to the building department and other approval agencies for a permit. Last summer the owner was consulting with his brick contractors and they informed him that they could not guarantee the brick veneer on the 20 foot high by 120 foot long north side of the building. The brick was unstable and would crack, that was when everything stopped. The owner was not going to go ahead and get a building permit and have to put up a brick wall that was unstable. Therefore, there was no guarantee of the brick installation which meant there was no job. The brick veneer was then carefully analyzed. The brick veneer was held up to the backup wall with metal brick ties which are connected to the crane column. There was brick connected to a block wall which was connected to a building column and a building column connected to a crane column. The whole thing was tied together. The building was a steel fabrication shop with a 50 foot wide crane. The crane moves every day vibrating the crane column and the building column and the brick, so when the crane moves it vibrates the whole outside wall. The 25 foot by 120 feet of brick veneer, which was 3,000 sq. ft. would also be moving and crack in many places and would not be able to be repaired. The brick would not only crack in the joints but also in the middle of the brick. A brick that cracks in half cannot be repaired. The opinion of many masonry professionals was to replace the brick facing with a split face decorative block that would match the same brown color of the brick that was used on the two story office build-

ing on Dequindre Road. He was asking they grant this variance from the former board of appeals requirement and also extend the 13.8 feet into the R-1-P zone that was previously granted.

Mr. Tobin presented a sample of the decorative block that would be used. He stated this was a block instead of the brick with a rough face. The blocks would be made to match the beige brick in the front of the office building. He thinks this was a better solution to the problem. The hardship was the 13.8 extension into the R-1-P does not affect the parking, does not affect the existing neighborhood, and does not impact the air quality of the traffic flow into the area. The second hardship was the brick requirement was structurally incompatible with the whole building system. He retained an engineer consultant that analyzed the structure and how the cranes movement would affect regular brick. He provided a letter to the board stating that the split block was a better recommendation and that was why they were asking to make this change.

Chairman Watrion said this was a public hearing and asked if there was anyone in the audience that would like to comment on the item.

Kevin Colfer 2102 Otter Street appeared before the board and stated his south property line abutted the property in questions. He attended the last planning meeting and it was brought up by the members to have a brick face since that particular part of the building faces the neighborhood and was 30 feet from his back door. The biggest concern that he and other neighbors have always had was drainage. When the first variance was granted for the building next door for the 15 foot variance into the residential property, the owner was required to put up a retaining wall in the back. It was a nice wall that was beautifully done. However, the wall caused property to flood every time it has rained. This has continued and has not gotten better. His concern since the last storm of the century on August 11, 2014 came through; he saw the current owner was still putting his sump pump manually running the tube over the wall just so the water can drain into the catch basins. In looking at the property he was approved, he got the variance and put up the wall but he also put up a sidewalk and when he laid the concrete, he laid the concrete over top of the drainage tubes that are under the foundation of the wall. He does not want this to happen when he puts the wall up behind his house. Literally, that wall was 25 feet from his back door. Now he was asking again for a 15 foot variance and both were hardships because he stated in the original that he needed the variance so that he could keep storage of his metal and materials inside the building. Mr. Colfer was 49 years old and has lived in the house since he was born. Mr. Giacomantonio has never cleaned up that yard, ever. He took pictures tonight on his cell phone to prove it. The owner was supposed to put the metal and materials inside the building every night. He does not do that ever. The next 15 foot variance now would literally be a 20 foot wall, 25 feet to 30 feet back from his back door wall. He has tried to be a good neighbor but he does not even know what is on the plans because as a neighbor Mr. Giacomantonio has never once shared any of his plans with the neighbors. The neighbors find out what the plans are when they attend these meetings. If he was a better neighbor he probably wouldn't be here complaining but he was not. He never cleans up the lot unless he is threatened by him calling the police and them telling

him that it has to be cleaned up. The only time he cuts his lawn or keeps anything up to date was by the threat that he would be fined. Personally he likes Ollie and has known him for a long time but he was not a very nice man and was not forthcoming in sharing the information with his neighbors. In fact he does not want to share information because he wants to do things under the radar. The last variance he was granted of 15 feet was an emergency variance that took him 2 ½ years just to break ground. Mr. Tobin was present and said he could not understand why he was so upset. Mr. Tobin does not live where I live and have to deal with all this stuff for all these years. If the extra 13.8 feet is granted into the residential lot, he gets to look at a 20 foot wall less than 20 feet from his home. It was also brought up to him at the last meeting by the chair that maybe he should not have purchased property so close to a commercial property. What people do not realize is that his father owned half of that property on Otter Street and he has been there longer than Mr. Giacomantonio and he wanted to stay here in Warren. He was now worried about other things that Mr. Giacomantonio has not taken into account nor has he tried to fix. By keeping that stuff in his yard, when he does move it around cause rats the size of small animals to make their way to his shed and his garage. He killed four about six months ago. He complained and no one listened. He does not have a problem with Mr. Giacomantonio building and doing things so he can make money, that was fantastic but he would like him to be a better neighbor and to be forthcoming with plans instead of him finding out about them through a small flyer in the mail. When he brings up all the very important issues the variances are still granted. He took pictures over an extended period of time showing that he never cleans up his back lot. He was hoping the board would force him to put up a retaining wall because there was nothing. This way he could keep the vermin in Mr. Giacomantonio lot and not in his garage. He just wants the board to understand that even though there have been a lot of other issues; the flooding was the #1 concern. Mr. Giacomantonio did the work himself on the back wall and he covered up the holes and it was still approved. The catch basin was supposed to catch the run off. During the great storm he did not have any flooding problems but he does not want to inherit that kind of problem if Mr. Giacomantonio was going to be negligent and cover up the drainage holes like he did on the back of Mr. Simpkin's property. He lived on one the few remaining dirt roads and he loved it. Mr. St. Pierre said that Otter Street was a jewel and it should be kept rustic. He loves living there, he wants to be a good neighbor, and he wants to see Mr. Giacomantonio make a lot of money but that 15 foot variance was it really that necessary when he was not even going to use it for parking? He uses half of the current one for parking and the other half to park this very large boom truck which was an eyesore. What about the tons of all the metal that was stacked higher than the current wall was. There was another thing the board may not know. He constantly sees children from the neighborhood go back in there and play. He has told them to get out of there but the owner had nothing between the two properties to keep anyone from going back there. There have been fights back there, people from the bar across the street come back there and have gang fights back there. If this variance was to be granted there needs to be some accountability to keep his lot clean and to keep it as a parking area only. Not a storage area for all his metals and materials because that was what the variance was for. Unless he was wrong. The other problems were the waste disposal. His current waste disposal unit was facing away from the back windows of the homes. At 4:00 a.m. garbage trucks beeping and lights

flashing once a week waking us up. He was asking that both trash bins be put on the south wall facing Mr. Simpkins property. Please reconsider the 15 foot variance because it known that he has not used the building for what it was intended. Please note that last time the drawing was out of scale also and it made the 15 foot variance look as though it did not go 15 feet into residential area. Now 13.8 inches was the request, but it was going to be an eyesore. Since he was the only neighbor present complaining it won't matter much.

Chairman Watriont asked if there was anyone else. Hearing and seeing none he closed the public hearing and turned the matter over to the board.

Secretary Nestorowicz asked Mr. Tobin the item that came up in 2012 he remembers because he made the motion, has anything been done to combine the two lots yet? That was one of the requirements back then.

Robert Tobin said before he answered any of the questions he would like to clarify something. The gentleman was talking about a house on the corner of Otter and this was a large vacant grassy area. In addition, he was planning to put up walls. This was approved by the planning department, engineering department and the Macomb County Road Commission. There would be a wall on each side and the neighbor would not have a problem at all with drainage, none.

Secretary Nestorowicz restated his question stating that back in 2012 one of the conditions of approval were that the lots needed to be combined. Has anything been done with that yet?

Robert Tobin said it was a very unusually situation and he was here today in order for him to waive this brick he had to go back and have the whole thing re-approved again and that was what was so unusual. He has to ask for this addition and he has to ask to remove the brick otherwise he would be here just to get the brick waived but he was not allowed to do that because of the zoning department. He was here tonight to get the additional 13.8 feet plus removing the brick wall.

Chairman Watriont asked if the lots have been combined yet.

Robert Tobin said no.

Board Member Becher said when she started reading this application it says the property owner would relinquish the previous variance dated May 9, 2012 and submit an engineering letter regarding the brick on the north wall that was a condition of that variance. The thing of it was if they relinquish that variance they do not have permission to put the building up and they do not have permission for anything. There was more than one stipulation in the motion because Caren Burdi made the motion and she supported and Mr. Nestorowicz brought up the visibility of the building, because she has the minutes right here. She was questioning if the board was even doing this right because he was asking for the variance for the front of the building and they have to come back and ask for the building. If he gives up a previous variance he no longer has permission to put up the building.

Chairman Watripont asked Lynne Martin to help address the matter.

Lynne Martin said because of the nature of the condition about the brick she asked the City Attorney's office if there was any way they could just come back and ask to have that condition taken off and there was not. The only way she could come up with was to relinquish the original one and come back, move it from 15 feet into the R-1-P zone to 13.8 so it was a little different variance request. They were also supposed to have a letter from an engineer stating that that brick on the north wall was not going to be conducive to having a crane.

Board Member Becher said yes but the only thing they asked for was permission to construct a building addition 13.8 into the R-1-P zone as per the plan. Then she got the plan and he was still going to have to combine the lot.

Lynne Martin said that was correct and the board should have gotten an impact statement or letter from Mr. Wuerth. She faxed or e-mailed it over or she sent it over in the mail to the Council Office. ZBA should have gotten a copy of that in their packet.

Board Member Becher said no she did not.

Lynne Martin said no one got that letter.

Chairman Watripont said that it was given at the table.

Lynne Martin continued and said that Mr. Wuerth was saying that the brick required on the west, brick should be required on the west elevation which faces Dequindre and the north offset elevation should be brick like the south. To require the petitioner to put brick on all sides of the building as if it were on a corner, he was not on a corner. When the zoning board requested that it be brick on that north elevation because it was not on a corner he was not required to have it. Obviously, he would not relinquish the first approval if this one was to be turned down. All he wants to do is remove the condition of the first one with this other type of wall up instead of the brick which would break when the crane was moved all the time the brick was going to break. The ordinance does not have any mechanism to come back and reconsider a condition of a variance.

Board Member Becher said she did not think it was written up properly because, ok thank you.

Secretary Nestorowicz said he had a question. The petitioner had given them an engineering letter and talked about this, was the front of the building that was facing Dequindre going to be brick or was he talking about putting that block on all sides of the building?

Robert Tobin said no he had ordinary block on the rest of the building. This was a steel fabrication building and he had brick required on the Dequindre side but the

rest of building can be block. The back and north side can be block but it was required to be brick when it was originally approved but it cannot be brick because it would break and could not be repaired. That was why he was here tonight.

Secretary Nestorowicz said he had one more question, there was no outside storage approved for this property but the neighbor mentioned there are items that were being kept outside in the back. The plan only has parking in the back, no storage of any kind.

Robert Tobin said he would explain again it was a big green meadow and there was nothing there. The stuff he was talking about was located over here (he indicated on the plan) and there was no steel storage and nothing was stored there now.

Secretary Nestorowicz said he meant on his existing property, the one located to the south. Does he have anything on his existing property?

Robert Tobin said the existing steel he has seen was down here behind his existing building.

Secretary Nestorowicz asked but where on the plan was there approved outside storage.

Board Member Becher said there was not.

Secretary Nestorowicz said that was what he was saying, there was no outdoor storage allowed on this property.

Robert Tobin said no there is no outdoor storage allowed. None.

Secretary Nestorowicz said but there are items stored back there.

Robert Tobin said that was on a lot that was not the focus of the discussion tonight. If someone wants to call attention to that, that was fine.

Secretary Nestorowicz said so Mr. Tobin was saying the stuff stored outside was part of G & G.

Robert Tobin indicated on the plan again that the steel storage was all back in here, he has seen it, there were cranes and beams and all kinds of structural steel back here. There was nothing in here; it was just a green vacant lot. Once it was paved and built there would not be any rats obviously and he was putting up 6 foot walls. He does not know what else can be done to screen the property from this gentleman.

Board Member Pauta said this petitioner makes steel beams. He makes steel supports for customers, correct?

Robert Tobin said yes.

Board Member Pauta asked if there were times in the evening that he would pull a job out and leave it in the back so in the morning he could put on a truck and take it to a job.

Robert Tobin said yes.

Board Member Pauta said that was #1 and #2 she was a state licensed builder and she knows that brick wall was not going to hold up in the area. She knows that for a fact, she has been building too long. She thinks that was the greatest idea with the block. She wished more people that were doing developing would use it. Drainage would all be addressed when the addition was put in correct?

Robert Tobin said the engineering department has already approved this and given 100% approval.

Board Member Pauta said if there was someone draining a septic into the empty property than the neighbors need to call public service and file a complaint.

Secretary Nestorowicz asked if the properties were going to be combined into one building or if they would be staying as two separate addresses and two separate buildings.

Robert Tobin said as he understood it the gentleman that occupies the building needs the addition. He would be using both additions although there was no connection between the two properties. Separate operations but owned by the same people. It was a metal fabrication shop with a crane moving back and forth all the time.

Board Member Becher stated the addition he was requesting was located on a separate sidwell number. The board was trying to find out if he was going to have the two pieces of property, the real estate that sits under the building that exists and the proposed building that he wants to build if he was going to combine the two pieces of real estate into one.

Robert Tobin said it has already been done and Mr. Ron Wuerth has accepted the lot combination and approved.

Chairman Watriont stated for the record that 20 minutes ago he told the board they were not combined yet.

Robert Tobin said no, no he just said, did he say that? He was sorry he misunderstood. Everything was done and he has to explain that to the board. He has the building permit and tomorrow morning he could walk in and pick it up. Everything has been done. The lot has been combined; the engineering has given approval, the Macomb County Road Commission approval and Planning Approval. The owner did not want to go ahead because he knew if he put up that brick wall he knew he would have to maintain it constantly for the next 25 years. That was why he was here tonight.

**Motion:**

Board Member Pauta made the motion to approve the petitioner's request to: Construct a building addition 13' 8" into an R-1-P zone as per the plan. The previous variances are to be rescinded.

Reasons being size and shape of the lot, not a detriment to the area and needs approval of the board.

Board Member Furgal supported the motion.

Chairman Watripont said he was still not certain that the lots had been combined and stated that being that the lots was part of previous condition he wanted that held forthwith.

Robert Tobin stated he promised that the lots had been combined.

**Roll Call:**

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

Board Member Pauta	Yes for the reasons stated in the motion.
Board Member Furgal	Yes for the reasons stated in the motion.
Board Member Becher	No because at this time she was unsure of the lots being combined as he stated they are and she thinks it was a detriment to the area.
Board Member Brasza	Yes for the reasons stated in the motion.
Board Member Hawatmeh	Yes for the reasons stated in the motion.
Board Member Descamps	Yes for the reasons stated in the motion with the stipulation that Mr. Tobin speak to the property owner to possibly move the dumpster's o they are not nuisance to the neighbors and to try and actually be a better neighbor.
Board Member Vigus	Yes for the reason stated in the emotion and she echoes what Mr. Descamps just said.
Secretary Nestorowicz	No he thinks it would be a detriment to the area. He still was not very comfortable with how this was coming together.
Chairman Watripont	No he thinks it is a detriment and he thinks there was a lot of clean up and communication that needs to go on here.

16. NEW BUSINESS

17. ADJOURNMENT

**Motion:**

Board Member Becher made the motion to adjourn and Board Member Vigus supported the motion. A voice vote was taken on the motion and the motion carried (9-0).

The meeting adjourned at 10:54 p.m.

APPROVED