

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
November 16, 2016

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, November 16, 2016 at 7:30 p.m. in the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

Roman Nestorowicz, Chairman
Judy Furgal, Vice-Chairwoman
Sherry Brasza, Secretary
Ann Pauta
Henry Brasza
Charles Anglin
Jeremy Wallace

Members of the Board absent:

Jeremy Fisher, Asst. Secretary
Albert Sophiea

Also present:

Roxanne Canestrelli, City Attorney
Steven Watripont, Zoning Inspector

1. **CALL TO ORDER**

Chairman Nestorowicz called the meeting to order at 7:32 p.m.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Secretary S. Brasza stated the Board has heard from both Board Members Fisher and Sophiea that they would not be able to attend this evening.

Motion:

Secretary S. Brasza made the motion to excuse the absence of both Board Members Fisher and Sophiea; Supported by Chairman Nestorowicz.

Voice Vote:

A voice vote was taken on the motion. The motion carried (7 – 0).

4. ADOPTION OF THE AGENDA

Chairman Nestorowicz stated before they adopt the agenda, since they are two (2) members short on the Board today, are there any petitioners who would like to reschedule for the December meeting; to step forward and they could actually reschedule them. Otherwise, they will move forward as planned.

Board Member Furgal stated that she wanted to let the Board know up front that she will not be present for the December meeting; she will be out of town.

Chairman Nestorowicz thanked Board Member Furgal for informing him.

(Inaudible)

Individual stepped up to the podium and stated: She is representing Public Hearing number 9 and she would ask that the item be tabled to December.

Chairman Nestorowicz stated okay.

Secretary S. Brasza stated that meeting is December 14th, 2016.

Chairman Nestorowicz stated could she just identify herself; name and address for the record so that way...

Caren Burdi, 27299 Bradner Drive, Warren, Michigan.

Chairman Nestorowicz stated he does want to ask because it is a Use Variance and they did hear that Board Member Furgal will not be here in December, so they will be short one person in December.

Caren Burdi stated she would like to have—if she could—the next couple of weeks to talk to her client about whether or not they would like to then go to January or not. At this point, he would like to take the December date.

Chairman Nestorowicz stated okay and thanked Ms. Burdi.

Caren Burdi stated she could contact the Council Office if they decide to go to a date after that with a letter possibly?

Chairman Nestorowicz stated yes, that was fine.

Secretary S. Brasza stated they do not have their schedule yet for 2017, but they will have a preliminary.

Caren Burdi stated she appreciated it, and thanked the Board.

Motion:

Secretary S. Brasza made the motion to accept the agenda with the tabling of Item 9; Supported by Board Member Wallace.

Voice Vote:

A voice vote was taken on the motion. The motion carried (7 – 0).

Chairman Nestorowicz stated item 9 is rescheduled to December 14.

Motion:

Secretary S. Brasza made the motion to adopt the agenda; Supported by Board Member Furgal.

Voice Vote:

A voice vote was taken on the motion. The motion carried (7 – 0).

Chairman Nestorowicz stated the agenda is approved as amended.

5. APPROVAL OF THE MINUTES OF the Regular Meeting of October 12, 2016.

Motion:

Board Member Anglin made a motion to approve the minutes of October 12, 2016 as written; Supported by Board Member H. Brasza.

Voice Vote:

A voice vote was taken on the motion. The motion carried (7 – 0).

6a. PUBLIC HEARING:

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

ZONE:

APPLICANT: Kaiser Real Estate

(Rescheduled from: 09/14/2016)

Imad Potres

27333 Van Dyke

13-16-480-021

C-1

VARIANCES REQUESTED: Permission to

- 1) Allow a south side yard of 12.2 feet along Hartsig.
- 2) Waive 11 parking spaces.
- 3) Allow a decorative structure (arch) 18 feet tall and 38 feet wide over parking ingress/egress to within 5 feet of the front (Van Dyke) property line.
- 4) To allow hard surfacing to within 13'6" from the front (Van Dyke) property line.

ORDINANCES and REQUIREMENTS:

Section 13.04: Front Yard setback. A fifteen (15) foot front yard setback shall be provided by all commercial buildings in a C-1 District, measuring from the proposed right-of-way line established by the City's Master Thoroughfare Plan.

Section 13.06: Side yard setback. The width of a side yard abutting upon a street shall be not less than fifteen (15) feet when rear yards abut rear yards.

Section 4.32, Item (22): Off Street parking. One (1) parking space for each one hundred fifty (150) square feet of floor space.

Chairman Nestorowicz stated if the petitioner is present, to approach the podium.

Imad Potres, with Futuristic Design, 520 East Twelve Mile Road, Madison Heights; appeared before the Board and stated that he is the design professional for the project and the owner, Doctor Bothra is here and he is going to speak.

Dr. Bothra stated good evening to the Board.

Chairman Nestorowicz stated good evening.

Dr. Bothra stated 40 years ago he started in Warren with a small office about 800 square feet on Van Dyke. He has been in Warren for 40 years working in the area as well as in the hospitals there. Today they have a pain center for the management of the chronic pain; there are 4 buildings there, they employ about 60 to 70 people. They built one new building, then they bought a smaller one next to it, then they bought the old bar, which is now a flourishing place. Then, they were still short of place, so they bought the gas station, the property that they are talking about. He needs the space there, they are providing, he hopes good service to the community here and they have been good citizens of Warren for the last 40 years. He realizes that there are issues about the parking; they have the four buildings adjacent to each other and it has not been an inconvenience to his patients and the way it is growing, it would be difficult for him if he does not have enough space and there is no other space that he could take there, because north of his building is the big complex there and nothing is available. South of the bar that they bought and converted into a medical facility, there is nothing else that would be available there. He requests of the Board that if they grant him to do that, they will do a very good job there; otherwise, for the lack of space, they would not be able to grow and provide the services that they want to provide. The concept was that it is a multi-disciplinary approach to the chronic pain; the people who need for chronic pain, whether it is medications, injections, physical therapy, chiropractic, podiatrist, psychiatry; everything is under one roof, so people would not have to go to any other place. Otherwise, the offices would be in another place and people would have to go there. He requests the Board to approve what they are asking for, which is probably another parking spot which is short. The pain 4 buildings are adjacent to each other, they did not have this problem because people could park in another one and everybody does not come at the same time because these are different part of the things the treatment that they do there. If people are coming for physical therapy, they are not coming for injection; if they are coming for injection, they are not coming for chiropractic, so it works out well for them, but if there is an issue and if they want him to

reduce the size of the building to a certain extent, if he had to do that, he will do that. But he would appreciate it very much if it could be approved. He thanked the Board.

Chairman Nestorowicz stated this is a public hearing, are there any members of the public who would like to speak on this item? (No responses) Not seeing any, he closed the public hearing portion of the meeting, and turned the matter to the Board. He does have one question; before they tabled this, he thought that the—correct him if he is wrong—but he thought they tabled it trying to ask to see what the overall plan for these buildings were and especially in terms of the size of this, he thought there was a lot of resistance based on the size of this building that that was why they asked for the petitioner to go back to readdress so they would be able to see and go to Planning and be able to see in terms of the size of this and because he thought that even when this came previously, that it was being talked that this was a retail building that would be rented out; now it sounds like it is not a retail building? He would like some clarification perhaps.

Dr. Bothra stated in the reading it says the number of the things they do on the medical side, like the durable medical equipment that they require for the pain patients, the bracing, back brace dense unit these things, that is part of the reading thing and it does not require any office setup.

Board Member Pauta stated all due respect to Dr. Bothra; the pharmacy that is across the street from the original building, do they not have the back braces and splints and stuff like that; do they still use that building?

Dr. Bothra stated no, they do not have.

Board Member Pauta stated they do not?

Dr. Bothra stated no, they do not have it, because that is a small pharmacy; they could give only the medications; they have of their own department that deliver medical equipment and they are fully certified by all the agencies, including the Joint Commission Accreditation and they just put an ambulatory surgery center, which has already been certified by the State of Michigan. So, the pharmacy does not have any of those products.

Board Member Pauta stated the other gentleman that came here, he was a sign man; he was not...

Secretary S. Brasza stated to Board Member Pauta that that was next.

Chairman Nestorowicz stated that is next.

Secretary S. Brasza stated that is next Anne.

Chairman Nestorowicz stated that is 6b.

Board Member Pauta to the petitioner stated did he discuss with him when he came to the meeting last time?

(Microphone technical issue)

Dr. Bothra stated she is talking about someone...

Board Member Pauta stated he was representing him.

Dr. Bothra stated he was present; he himself was present last time.

(Inaudible)

Dr. Bothra stated oh for the sign... *(Inaudible)*

James Jaikar, Chief Operating Office for the Pain Center, appeared before the Board and stated on that property that they are talking about 27333, there is an existing sign from the previous owner, which was the Sphinx gas station. They would like to convert that sign into a beautiful digital sign that actually advertises....

Chairman Nestorowicz stated he does not want them to get the two items...they do not want to talk about the sign...

Board Member Pauta stated she knows.

James Jaikar stated so they did hire their local sign company that has a very great reputation and asked him to present their plans.

Board Member Pauta stated but they explained to him that the building was just a little bit too big and like the chairman said, they were under the impression that was just going to be totally retail. That it was not going to be medical. See that is where the Board is confused.

James Jaikar stated the classification of medical may be a little strong on what they want to do. They have tremendous amount of business offices that need to be housed and because their ambulatory surgery center is growing they would like to move some of their offices into where the gas station currently is. On top of that, to make that feasible, to make it actually work, they may have to partial off certain parts of this to make it space for other things that they need to do. Currently their plan is to move their offices there; if they could get the variances that they are requiring and asking for, they could grow their business, on top of which they could also provide more ancillary services to their patients, who now have to go different places to get them; that is their plan.

Board Member Pauta stated she understood that and she understood the volume of patients that Doctor Bothra and his staff have that service, but the fact still remains the building is just a little bit too big and she would like to see that they sit down with the Planning Department

and maybe review that plan again to see where they could like fine-tune it a little bit and that would be her request.

Secretary S. Brasza stated she has in front of her a plan that was dated May 6 of 2016. It was a square footage of proposed retail 4,908, is that still where they are at?

(Inaudible)

James Jaikar stated yes, that is what they are requesting, but (inaudible)...if there is absolutely strong opposition to this, they are requesting at that time then they will again...because they have talked to the Building Department numerous times, so they will go back to those departments and tweak it. But, they are requesting this only because after doing numerous amount of research, numerous amounts of thinking and thought, they need the space.

Secretary S. Brasza stated understandable and she understands their dilemma but what they requested the last time they tabled this item, was that they go before Planning and get this together, because at that point the Board did not have an updated Plan and so what they are asking the Board to do is to waive 11 parking spaces, which is half of what is necessary on that piece of property and due to that and the pharmacy that they have off to the north end of the property, does not really have much parking either, she assumes they park in the building that is north of that; that is the Board's dilemma. Now, if they like the Board to actually visit this tonight, she is saying to them that the Board, she thinks their consensus is that the building is too big or the Board is having trouble with the parking spaces. So, due to that, she wonders if there is maybe a thought that they might want to go back and revisit the size and know that the Board's dilemma is not only parking but again, last time, this issue was not before the Board, it was the sign. And she believes hopefully, they heard what the Board's dilemma was then, that it was...the Board thought a very large LED, so they might want to consider just making the LED portion a little bit smaller.

Dr. Bothra stated regarding the pharmacy, they really do not have anybody outside coming there, this is only the patients who come to the pain center; it is basically for that pharmacy and they do not require...these are the people already there and then they go in and fill their prescription, so they do not require any particular extra parking for that.

Secretary S. Brasza stated super.

Dr. Bothra stated they do need the space; he does not have any other way to expand it and he was hoping after talking to the Building Department and that they had—even in the last meeting—strongly supported it and he was hoping that it could be done. But, if the Board thinks that it could not be done, then he will go back to them and see what could be done.

Secretary S. Brasza stated and she thinks the Board's dilemma is that Planning should see this; Planning should know that they are asking to waive 11 parking spaces because at this point that is something that they are having trouble with.

(Inaudible)

Board Member Furgal stated her dilemma is a little different actually. She is really kind of confused what it is they want to do there and he (petitioner) has all these buildings and they are kind of stacked up on top of each other and they kind of used joint parking and they want to put up arches and all kinds of things, but she has not seen any drawing that had included all of these things. She sees a piece here, and a piece there and a piece here, and she really personally—and she has been doing this a long time—she personally needs a drawing that shows a site plan for the whole site. Is that clear? She means what she has there (meaning Secretary S. Brasza) is only for this one little part and then they have other parts and she wants to see what they have on all of the spots, how many parking spaces they have all together, and she understands they are separate properties, but she still thinks there would be to their benefit and to hers if she could understand what they want. Is that clear?

Dr. Bothra stated yes, it is clear and in the last meeting, they really did not prepare... he agrees what she is saying that if they could add a plan for all four buildings and then how much parking is there in each of them so the Board knows the total parking that is required. They were not asked by the Building Department to provide anything like that. Last time he did draw a picture and showed that these are the properties....

Board Member Furgal stated she knows but she has not seen that. She has not seen that.

Dr. Bothra stated they could prepare and bring it and as he said that if the Board thinks that it is going to be very difficult to give him that extra four or five hundred square foot, if he has to reduce, he will reduce it. But, the problem that he has, the way that it is growing, they would not be able to support that growth because of this thing.

Board Member Furgal stated she has been looking at the request for the variances for the south side yard allow 12.2 feet along...and the difference is 2.8 feet and then, allow a hard surfacing to within 13.6 from the Van Dyke property line; that is a difference of 1.4 feet from what she could determine, which is insignificant and would not make a difference in parking.

(Inaudible)

Board Member Furgal stated and maybe he wanted to build up a little bit, who knows; she just knows that she does not know what he wants. That is what she knows.

Dr. Bothra stated if the Board....

Board Member Furgal stated and in the decorative structure, she has no idea if that picture, what is on that picture, she does not know where he wants to put it, she does not.... (Inaudible)...is it...well she moved in the mean time, she has a lot of things going on, so she does not know what she did with that.

Dr. Bothra stated he could go either way, if they think they should produce a plan, for all the four buildings together, and the parking and that, then they will produce it for the Board, if they think that they are not going to have approve it because they are asking a little too much and if the Board is not going to approve it, if that is the feeling here, then he will go back and try to reduce the size and live with it.

Chairman Nestorowicz stated he thinks that he has actually have heard that when the Board...because that was part of the request, the Board wants to see the overall plan for his properties to have the good understanding overall, but there was a lot of comments that the building was too large for the property; that was recurring comment that he heard at least, so he thinks that is a concern that when they go back to look up what the overall plan is, they need to take a look at the size of the building and the amount of parking spaces that they are waiving.

Secretary S. Brasza stated if she may add something to that.

Chairman Nestorowicz stated yes.

Secretary S. Brasza stated And, in that drawing if the Board knows all together what kind of parking they have, north of Hartsig because that other building, the old bar, is basically is self contained because of the roadways, but all together the parking throughout, might have a bearing on it also. So, at this point, it would be...

Dr. Bothra stated they will do what the Board has asked them to do and they could produce another plan and also if the Board thinks that it is going to be that the building size is too big and if he has to reduce to a certain extent, he will do that. But, to a limit it can be done, beyond that, it will not be because it will be unfeasible to do it and he might leave the building as it is and if they could not grow, then they could not grow, if there is no place available.

Secretary S. Brasza stated well they might want to get with Planning and give them an overall view of what they want to do and see them. She means it is advantageous for them to go.

Dr. Bothra stated he appreciated that and they will go through that and they will give it to the Building Department and...

Board Member H. Brasza to Chairman Nestorowicz stated may he ask for a table of this one more time, please.

Chairman Nestorowicz stated then they want to table it to a date uncertain, for once they actually have...go back then they could approach and get a reschedule at that time.

James Jaikar stated yes sir.

Chairman Nestorowicz stated so that way, they are not putting a....

Dr. Bothra thanked the Board.

Secretary S. Brasza stated she wonders and she is going to refer to the attorney, it was already tabled and it came back to the Board, but it was tabled for a date uncertain prior to this, so do they...

Roxanne Canestrelli, City Attorney stated that is fine; she just believe it was a misunderstanding by the Applicants of coming back too premature because actually it was tabled last time for them to do what the Board just asked them to do tonight. Were they aware of that? She does not think they were?

(Inaudible)

James Jaikar stated she is accurate, no they were not aware of that and thanked the city attorney.

Secretary S. Brasza stated right, so...

Roxanne Canestrelli, City Attorney stated so it was a misunderstanding, so just to make sure that they understand, they have Mr. Watrion there who is in the audience and he could help clarify what needs to be done and work with them before they come back, okay?

Secretary S. Brasza stated technically, 6a, this is the first time presenting, it is 6b that they tabled to a date uncertain; it was the sign.

(Inaudible)

Roxanne Canestrelli, City Attorney stated they had both of them.

Chairman Nestorowicz stated they had both.

Secretary S. Brasza stated did they have the waiving of the parking spaces...

Chairman Nestorowicz stated yes.

Roxanne Canestrelli, City Attorney stated the Board had asked both 6a and b to come back with a site plan of all the buildings and she thinks there was just a misunderstanding on the applicant's part.

Secretary S. Brasza stated okay, perfect.

Chairman Nestorowicz stated so they have a motion to table this to a date uncertain.

(Inaudible)

Chairman Nestorowicz stated the support was by Board Member Pauta.

Secretary S. Brasza stated the motion?

Chairman Nestorowicz stated by Board Member Furgal.

Motion:

Board Member Furgal made a motion to table this matter to a date uncertain;
Supported by Board Member Pauta.

Voice Vote:

A voice vote was taken on the motion. The motion carried (7 – 0).

Chairman Nestorowicz stated that item is going to be tabled to a date uncertain once they are ready to come back.

(Inaudible)

Chairman Nestorowicz stated he has a question. With 6b being the sign for this property, do they want them all to come back together.

Board Member H. Brasza stated that would his opinion, is that they are just looking to understanding what is going on in all of these property pieces so they would have a good vision of what they are trying to accomplish. He does not think they are against it, they just do not understand it and they do not want to approve something they do not understand.

Individual at the podium stated: Does the Board have to wrap up that case before they call the next one.

Secretary S. Brasza stated well 6b is kind of part of 6a and that is what they are trying to determine.

Individual at the podium stated: The owner would like to table 6b as well.

Secretary S. Brasza thanked the gentleman at the podium.

Chairman Nestorowicz stated and actually as they heard, they would like them to all come together, not separately.

6b. PUBLIC HEARING: **APPLICANT: Metro Detroit Signs**
(Rescheduled from: 09/14/2016; 10/12/16)
REPRESENTATIVE: Kevin Deters
COMMON DESCRIPTION: **27333 Van Dyke**
LEGAL DESCRIPTION: 13-16-480-021
ZONE: C-1

VARIANCES REQUESTED: Permission to

Replace the existing sign and install an L.E.D. electronic message center that is 120.96" x 70.56" (59.28 sq. ft.).

ORDINANCES and REQUIREMENTS:

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

Section 4A.11, Item (7): Changeable Copy sign. A sign whose informational content can be changed or altered by manual, electric, electro-mechanical or electronic means.

Motion:

Secretary S. Brasza made a motion to table this matter to a date uncertain; Supported by Board Member H. Brasza.

Voice Vote:

A voice vote was taken on the motion. The motion carried (7 – 0).

Chairman Nestorowicz stated table 6b to the same date when 6a is ready to come back.

7. PUBLIC HEARING: **APPLICANT: Richard Basile**
REPRESENTATIVE: Richard Basile
COMMON DESCRIPTION: **25165 Tecla**
LEGAL DESCRIPTION: 13-24-477-030
ZONE: R-1-C

VARIANCES REQUESTED: Permission to:

Retain a (10' x 12') 120 sq. ft. shed that projects beyond the existing building lines of the principal building on the lot.

ORDINANCES and REQUIREMENTS:

Section 4.20 Paragraph (a): All detached accessory buildings shall conform to and shall not project beyond the existing building lines of the principal building on the lot.

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

Richard Basile, 25165 Tecla Avenue, Warren, Michigan; appeared before the Board and stated he needed to basically for the shed to put up because he could not get it behind the

house because there is not enough distance between his fence and the back of his house and the only place to put it is off to the side and that is the only way he could get any storage on his property.

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

Board Member H. Brasza stated unless anyone else has any comments, he would like to make a motion.

Motion:

Board Member H. Brasza made the motion to approve the petitioner's request to: Retain a (10' x 12') 120 sq. ft. shed that projects beyond the existing building lines of the principal building on the lot.

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

Board Member Anglin supported the motion.

Chairman Nestorowicz stated there is a motion by Board Member H. Brasza, Support by Board Member Anglin to approve the petitioner's request for the reasons stated in the motion.

Roll Call:

A roll call was taken on the motion. The motion carried (7 – 0).

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

The petitioner's request is **GRANTED** as written.

Mr. Richard Basile thanked the Board.

- | | |
|---------------------|-----------------------------------|
| 8. PUBLIC HEARING: | APPLICANT: Michael Wiegand |
| REPRESENTATIVE: | Jeff Hamm, Rockstar Digital |
| COMMON DESCRIPTION: | 31104 Mound Road |
| LEGAL DESCRIPTION: | 13-04-351-013 |

ZONE:

M-2

VARIANCES REQUESTED: Permission to:

Allow a 5'4" high monument sign (4' x 8') with a 32 square foot electronic message center within the total sign of 4' 2" x 11' 2" = 46.53 square feet.

ORDINANCES and REQUIREMENTS:

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

Section 4A.11, Item (8): Definitions Changeable Copy sign. A sign whose informational content can be changed or altered by manual, electronic, electro-mechanical or electronic means.

Section 4A.11, Item (22): Definitions Monument sign is a maximum of 5' in height from grade.

Section 4A.35, Paragraph (b): One freestanding on-premise sign or advertising display of a size not to exceed seventy-five (75) square feet shall be allowed in an industrial districts zoned M-2.

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

Michael Wiegand, 6227 Chicago Road, Warren; appeared before the Board and stated they are replacing their old sign with a new more modern sign; they do not have that much visibility, they do not have much signage going on right now at all.

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

Secretary S. Brasza stated in the rendering of the sign, towards the sign is a...is the 3 feet, 2 inches, by 4 feet...

Jeff Hamm stated correct ... (inaudible)

Secretary S. Brasza asked if that was going to be digital or was that...

Jeff Hamm stated no, that is the stagnant sign that will always stay the same; the section to the right of that 4' x 8' will be the LED sign itself.

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

Jeff Hamm stated he just wanted to add in fact too that this whole property here, the really big footprint, the building itself has zero identification on it whatsoever; there is no name on the building or anything else like that, so that is another reason that they searched for that size. The aspect ratio for the LED itself and then there is some blockage—if the Board has the pictures there—from a crossing sign, a street sign, things of that nature, so it is basically almost the same exact size as the sign that is currently there except its beautiful. The back

has a good flower bed section in it, keeps the place very nice instead of displeasing to the eye, they just wanted to match the esthetics of the building as well.

Chairman Nestorowicz stated he just had one question. Where exactly on the property is the sign going? So, it is where the existing one is, okay.

Jeff Hamm stated yes, exactly where it is.

Chairman Nestorowicz stated exactly where this one is, okay.

Board Member Anglin stated they have had several discussions on what they were going to or try to get a consensus on the size of LED signs that they were going to say this size is big enough and they are not going to go any bigger. They really never came up with a consensus but did they not say something about an LED sign two meetings ago that was approximately this size and say the LED part was too large.

(Inaudible)

Roxanne Canestrelli, City Attorney stated he just needed to address this item tonight.

Board Member Anglin stated he was trying to get some feedback to it because they were talking about signs, LED's being... not letting them get too large.

Chairman Nestorowicz stated well they are just addressing this one.

Roxanne Canestrelli, City Attorney stated it is really a case by case right now, so they could just discuss each item case by case right now.

Chairman Nestorowicz stated if he could just...

Roxanne Canestrelli, City Attorney stated that is in the history, has it not been?

Chairman Nestorowicz stated yes. If he could just ask; because the second gentleman that spoke, could he just state his name and address for the record...

Jeff Hamm, 7268 Yorktown Lane, Shelby Township.

Chairman Nestorowicz thanked Mr. Hamm.

Secretary S. Brasza stated she is the one that is so against big signs, especially 4 x 8. It is certain respects when it falls on the property of a dental, or medical, or...what she finds different in this respect is it is commercial; this is a banquet facility just like Andiamo has been there many times and the gentleman had previously stated that there is no building signage at all, this is it. She does not find this negative because it is a monument sign, it is close to

the ground, and it is eye level with traffic. What she was always so opposed of is when they want you to lift your eye 20 feet for an LED. This she is okay with.

Board Member Anglin stated he had no further questions.

Board Member Pauta stated it is her opinion. She just thinks that the sign is too big for that corner. They could see...it is a nice property, but they are talking about a gas station on one corner, a new development right across the street, Tech Center across the other south of them and she just thinks it is too big.

Chairman Nestorowicz thanked Board Member Pauta.

Michael Wiegand stated it is not nearly as big as the gas station.

Chairman Nestorowicz stated he knows a lot of times he has made comments in terms of size of signage but one of the things he does like, he has always been in favor of monument signs over pylon signs, so that is one of the things he does like about this. The overall signage of being at 46 square feet is not that much larger than what the normal signage would be for a business; he knows that is a large changeable copy but again, it is not like it is—as Mrs. Brasza said—when a dentist comes to the Board or these other services that want LED signs and you wonder what is going to go on them. As a banquet facility, they could see the reasons of what they would be using their changeable copy sign for, so he personally thinks that this kind of monument sign, with the brick and the way it is built, he thinks it would actually look good with the gazebo business over there.

Michael Wiegand thanked Chairman Nestorowicz and stated he also wanted to point out, it is only on the front of the sign, and it is not a two sided sign.

Secretary S. Brasza stated she does not see in the package, Mr. Watripont, where she shows the previous sign size that has been granted. Is she missing it?

Board Member H. Brasza stated is she asking for the size of the previous existing sign?

Secretary S. Brasza stated yes.

Board Member H. Brasza stated yes, that was what he was going to ask too.

Steve Watripont, Building Department stated due to the fact that this is a monument freestanding sign, the size of the sign that is allowed is actually 75 square feet, so there was no previous variance for any sign, so that is why they do not have it.

Secretary S. Brasza thanked Mr. Watripont.

Board Member Anglin stated if there were no further comments from the Board, he would like to make a motion.

Chairman Nestorowicz stated okay.

Motion:

Board Member Anglin made the motion to approve the petitioner's request to: Allow a 5'4" high monument sign (4' x 8') with a 32 square foot electronic message center within the total sign of 4' 2" x 11' 2" = 46.53 square feet. With the **Condition: There would no flashing on the sign and no scrawling. (Meaning, it is a 5 minute interval in changing whatever they have on that sign).**

Jeff Hamm stated right that is not a problem.

Reasons being: Not a Detriment to the Area and Lack of Identification.

Board Member H. Brasza supported the motion.

Chairman Nestorowicz stated there is a motion by Board Member Anglin, Support by Board Member H. Brasza to approve the petitioner's request for the reasons stated in the motion.

Roll Call:

A roll call was taken on the motion. The motion carried (6 – 1).

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Wallace	Yes, for the reasons stated in the motion.
Board Member Pauta	No, she thinks it is too big for that corner.
Board Member Furgal	Yes, for the reasons stated in the motion.
Secretary S. Brasza	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request is **GRANTED** with the **Condition: That there would be no flashing on the sign and no scrawling.**

Mr. Michael Wiegand thanked the Board.

9. PUBLIC HEARING:	APPLICANT: Outfront Media -USE-
REPRESENTATIVE:	Caren Burdi, Attorney
COMMON DESCRIPTION:	28219 Mound
LEGAL DESCRIPTION:	13-17-278-016
ZONE:	C-1

VARIANCES REQUESTED: Permission to: -USE-

1) Allow the edge of the billboard to be 15 feet from the south property line along Elmer Avenue.

- 2) Allow a billboard on property that abuts residential property to the west.
- 3) Allow a billboard in a C-1 zone.

ORDINANCES and REQUIREMENTS:

Section 4A.51: Billboard setbacks. Off-premise signs and billboards shall be set back pursuant to the setback regulations of the zoning district where the sign is located.

Section 13.06: Setbacks: The width of a side yard abutting upon a street shall be not less than fifteen (15) feet when rear yards abut rear yards. However, in the case of a rear yard abutting a side yard of an adjacent residential lot, the side yard abutting upon a street shall be not less than twenty-five (25) feet.

Section 4A.48 Paragraph (a): Except as regulated by the Highway Advertising Act, billboards of a size not exceeding four hundred (400) square feet are allowed in M-3 and M-4 industrial zones, provided that the billboard is located no closer than five hundred (500) feet from any residential use.

Section 4A.53: Off-premise signs prohibited. Off-premise signs and billboards shall be prohibited in the following districts: a) Residential districts; b) Parking districts; c) Professional business districts; d) Office districts; e) Special services districts; f) Commercial business districts; g) M-1 and M-2 industrial districts.

This matter was **rescheduled to December 14, 2016.**

10. PUBLIC HEARING: **APPLICANT: Mid City Truck Parts, Inc. -USE-**
REPRESENTATIVE: Robert J. Tobin
COMMON DESCRIPTION: **26130 Groesbeck**
LEGAL DESCRIPTION: 13-24-253-006 & 13-24-253-007
ZONE: C-3 & P

VARIANCES REQUESTED: Permission to: -USE-

- 1) Continue a legal non conforming building to 5 feet from the front (west) property line in a P zone.
- 2) Continue a legal non conforming building to 5 feet from the side (south) property line in a both P zone and a C-3 zone.
- 3) **Allow open storage of 10,070 square feet of auto parts in a C-3 zone. Area A=4400 sq. ft., Area B= 1600 sq. ft. and Area C= 4070 sq. ft.**
- 4) Allow existing gravel and waive hard surfacing in open storage area.
- 5) Allow a roof sign on a legal non conforming building.

ORDINANCES and REQUIREMENTS:

Section 16.02, Paragraph (d): Limitation of use No buildings other than those for shelter of attendants shall be erected upon premises, and there shall be not more than two (2) such buildings in the area and each such building shall not be more than fifty (50) square feet in area nor shall each exceed fifteen (15) feet in height.

Section 15.06: Side yard setback Side yards in a C-3 are not required along an interior side lot line where all walls of buildings, abutting upon such interior side lot line are wholly without

windows. If windows or openings are provided, a side yard of not less than ten (10) feet shall be provided.

Section 17.02, Item (s): Open storage In all M zones, All open storage shall be located in a designated area approved by the Planning Commission as a part of site plan approval.

The designated area shall always be hard surfaced and screened from the public street and any residentially zoned areas. Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site except in M-3 and M-4 zones where the amount of outside storage area is not limited based on the size of the primary structure.

Section 4A.14, Item (f): Prohibited Signs Roof Signs.

Chairman Nestorowicz stated would the petitioner state his name and address for the petition along with the reasons for the petition.

Robert Tobin, 2201 Twelve Mile Road, Warren; appeared before the Board and stated this is a long narrow site of 37,560 square feet; the site is zoned P for the first 25 feet of the front property along Groesbeck and the variance on site is C-3. This site has been operated for over 40 years as a used-car lot and non-conforming, auto part yard. This has been confirmed by the zoning people who did a check on this to make sure when they went to site Plan Approval that it was indeed an old situation where it was an auto parts yard and a used car lot. The present owner Mr. Middleton has been operating this used car lot and auto parts yard since 2002. He desires to reconfigure the used car lot by removing a large garage and a 1,200 square foot, one and a half storage house. This has already been done; these two things have been removed, so that he could reconfigure his used car lot. The used car lot has its existing office close to the entrance of the facility on Groesbeck; he will show the Board what he is talking about...(inaudible)...this is the site between ...(Inaudible) the used car lot is here and this is the....(inaudible)

Chairman Nestorowicz asked Mr. Tobin to speak into the microphone a little bit more; it is hard to hear him.

Robert Tobin stated they could not hear him?

Secretary S. Brasza stated no, he needs to speak into the microphone.

Robert Tobin stated the used car lot would be completely asphalt paved and a storm drainage system would be provided—that is in the front here (pointing to his presentation drawing). Behind the used car lot is the existing auto parts yard. It too has been reconfigured to provide three open storage areas. The owner will install a 6 foot concrete wall, 100 feet long, along the east property line—as back here (pointing to his presentation)—and will put a 6 foot high obscuring fence on either side of his property here. So, in essence, they will not be able to see the used car...the auto parts yard behind there, because it is so far behind Groesbeck Avenue. The surface of the auto parts yard is gravel and the owner has committed financial resources that will be substantial improvement to this site. When they received the Planning Commission approval, they required them to request approval of the following variances, so he will by the variances for the Board's examination and tell them their hardship of that

variance at the same time. They want to continue a legal non-conforming building 5 feet from the front property line and 5 feet from the south side property line. Their hardship: The building was built in 1939 and no setback requirements were in effect at that time. That is items one and two and he repeats again, the building was built in 1939 and no setback requirements were in effect at that time. Variance number 3: Allow open storage of 10,070 square feet of auto parts in a C-3 zone. This non-conforming auto parts yard zoned C-3 has been in existence as far as it could be traced over 40 years to 1975. This has been verified by the zoning department who did the research when they went to Planning Commission approval. They have identified 3 years of open storage to comply with the open-storage ordinance as their hardship on that item. Variance number 4: Allow existing gravel and waive hard surfacing in the open storage area. Their hardship: Because of the nature of an auto parts yard, in essence which is really a junkyard is definitely more preferable to provide a 40 year old hard-packed gravel surface than a hard surface material such as concrete or asphalt. Variance number 5, allow a roof sign on a legal non-conforming building. The roof sign has been on the building since 2002 and is an important identification item to be included. He thanked the Board.

(Inaudible)

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

Secretary S. Brasza stated she had a couple of questions. Do they have any renderings of the sign they are speaking of?

Robert Tobin asked for the repeat of the question.

Secretary S. Brasza stated in number 5, allow a roof sign on a legal non-conforming building. Do they have size or rendering of this sign?

(Inaudible)

Mr. Middleton stated he believes they do not have that. (Inaudible)

Robert Tobin stated they do not have any pictures of the sign; no they do not (inaudible).

Secretary S. Brasza stated if they knew the size of the sign?

Robert Tobin stated it is a large sign but it has been there since they could not remember, before the gentleman bought the property in 2002, but they do not have a picture tonight of that sign but he knows it is a controversial item, he knows that too.

Secretary S. Brasza stated yes, yes.

Mr. Middleton stated he could tell them it is probably approximately 3 foot by 15 foot and it was the same sign that was there 40 years ago; all they have done is change the lettering.

Secretary S. Brasza stated and the 40 year old was a used car lot?

Mr. Middleton stated it always has been the same type of facility; been a combination of a used car lot and a recycling facility.

Secretary S. Brasza stated another question, the chain link fence that they are putting on the north and south property lines, is that...that is where they want to put the open storage? The additional open storage is that along the fence on both those north and south.

Robert Tobin stated the open storage has been existing for 40 years—it is in the yellow (pointing to his drawing)—and they have three items; 1, 2 3 areas and that is the open storage areas they want to approve tonight.

Secretary S. Brasza stated right and her question is this: What do they put in the north and south along the fence lines? What items do they put there?

Robert Tobin stated here? (inaudible) and asked what kind of cars does the applicant storage in there.

Mr. Middleton stated that would be whole vehicles.

Secretary S. Brasza stated that is what he stores, whole vehicles? And so his...is that all what he puts in the open storage is whole vehicles or are they pieces and parts?

Mr. Middleton stated almost everything is whole vehicles; there is a very small in a pile used parts, which are (inaudible)...just to give the Board a percentage, probably 95% whole vehicles, 5% parts and racks.

Secretary S. Brasza stated and they are in racks; that is nice.

(Inaudible)

Robert Tobin stated they are auto vehicles and small trucks; that is all; no large trucks.

Secretary S. Brasza stated and the Board has a drawing there and she apologizes she did not get to the property, so that is why she is asking these questions. The used car area in the front portion of his property or the property that is west, he is saying they are reconfiguring it, is that to put more cars in the front area?

Robert Tobin stated no, it is just they were scattered all over the place and it was...if they had gone by there and seen them, though they have reconfigured the same area that they were before, only they had to do it for the Planning Department—they wanted a nice neat drawing—but they also provided the employee parking and the visitors parking, which was ample and satisfied their requirements.

Secretary S. Brasza stated okay, so the drawing she sees now is the configuration they want to achieve in the west area.

Mr. Middleton stated yes.

Secretary S. Brasza stated and so again she is having a tough time with this roof sign on a...she understands the building is non-conforming, but she really kind of needs to know the size.

Mr. Middleton stated he could get the exact size and if he could say one thing really quick, is that it has been existing and it was a pretty ugly sign when they first bought the property, they replaced it with kind of a vinyl sign first of all, and now it is a very professional looking sign, so it really looks sharp.

Secretary S. Brasza stated the Chairman was able to pick up a Google picture and she sees the roof sign but they also have signage on the front of the building; do they...

Mr. Middleton stated that was existing also in the form of first of all, it was a wood sign that they replaced again with vinyl and now they have replaced it with a very small just letters that are lit up behind there. So each time they have made it—he thinks—looks much better than what it was 40 years ago.

Secretary S. Brasza stated she is looking at a black sign on the bay on the back with white letters and green Mid-City in green.

Mr. Middleton stated it is not; that was the sign that was vinyl that they had previously, it is a different sign in there.

Secretary S. Brasza stated okay, they need to know the square footage on that.

Mr. Middleton stated it is the same size, just a different professional looking sign, (Inaudible)

Secretary S. Brasza stated so that signage too, they need to know how big that area is too.

Mr. Middleton stated okay.

Secretary S. Brasza stated unless he knows, Mr. Watripont.

Roxanne Canestrelli, City Attorney stated she is going to recommend....go ahead.

Steve Watripont, Building Department stated the size on the front of the building, he believes is...he knows it is under the 40 square feet and he believes the roof sign was at 40 square feet as well, but they did not have any...they did not have a permit on it, so they do not know the exact size either, that was the one reason they did not put it down on the petition.

Chairman Nestorowicz stated he has a question. To approve it, does the Board not need to have the size, because he has a hard time approving the sign without the size.

Roxanne Canestrelli, City Attorney stated that was correct and she would advise that it would be posted with the actually size in the posting.

(Inaudible)

Board Member Pauta stated it is not just the sign that needs a permit, she means that is her opinion, but she went by there before she even knew it was going to be on the agenda and it was in a sad condition. And there is no way in the world, from now on that she is ever going to waive a hard surfaced area because they are still contaminating the soil no matter what they do, when they do it, if this gentleman decides to leave in three to five years or whatever, the next person has contaminated soil from the gas and the oil and the different fuels that are leaking out of these junk cars or whatever vehicle they are going to put in there and she is not in favor of that at all. Warren does not need contaminated soil all over the place and they have M-97 auto parts, which is a junkyard right down the street from this guy and they have been there forever too. If ever they come here, they need some fine tuning on their property, so that is why she is not in favor of this at all.

Robert Tobin stated is it possible they could table Item 5 so they get some clear identification on it? That they would like to do that tonight and... (Inaudible)

Roxanne Canestrelli, City Attorney stated that would be up to the Board if they wanted to split up the items and that would require the Board's vote.

Board Member Anglin stated he had no problem taking 5 off of there and setting it for another time to let them come back and bring the information necessary for the Board to be able to make a decision on that sign.

Robert Tobin (inaudible)

Board Member Anglin stated he does not know why it was not treated that way in the beginning that...

Robert Tobin stated can they just table the one item out of the five, that is what they would like to know tonight and (inaudible)...

Chairman Nestorowicz stated well they would have to vote as a Board if they want to table...take one item off... (Inaudible)

Secretary S. Brasza to Mr. Tobin stated and he knows with this Use Variance on item number 3, he would have to have 6 votes.

Robert Tobin stated he knows (Inaudible)

Board Member H. Brasza stated he is okay with separating; that is just his opinion...

Motion:

Secretary S. Brasza made a motion to separate item number 5 as a separate item to: Allow a roof sign on a legal non conforming building, until the Board gets further information on the size. Board Member Anglin Supported the Motion.

Robert Tobin stated he could not hear what the Board was saying.

Board Member Pauta stated no.

Chairman Nestorowicz stated he has not called that yet.

Chairman Nestorowicz stated there is a motion by Secretary S. Brasza, Support by Board Member Anglin, to table item number 5, to allow a roof sign for a legal non-conforming building, but for that to be tabled, that should be reposted with the correct sign square footage, so he wanted to make sure that when it came back, they have the square footage and it is posted.

Voice Vote:

A voice vote was taken on the motion. The motion carried (6 – 1).
Board Member Pauta opposed the motion.

Chairman Nestorowicz stated that motion does pass, so Item number 5 will be tabled and reposted with the correct signage. That leaves items 1 through 4 for tonight still.

(Inaudible)

Chairman Nestorowicz stated the Board is tabling it to a date uncertain; it has to be reposted, so it is to a date uncertain.

(Inaudible)

Chairman Nestorowicz asked if there was any other discussion on items 1 through 4.

Board Member H. Brasza stated he would like to make a motion then.

Motion:

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

- 1) Continue a legal non conforming building to 5 feet from the front (west) property line in a P zone.
- 2) Continue a legal non conforming building to 5 feet from the side (south) property line in a both P zone and a C-3 zone.
- 3) **Allow open storage of 10,070 square feet of auto parts in a C-3 zone. Area A=4400 sq. ft., Area B= 1600 sq. ft. and Area C= 4070 sq. ft.**
- 4) Allow existing gravel and waive hard surfacing in open storage area.

Reasons being: Property is Unique, it has been that way for 40 years and it is Not a Detriment to the Area.

Board Member Furgal supported the motion.

Chairman Nestorowicz stated there is a motion by Board Member H. Brasza, Support by Board Member Furgal to approve the petitioner's request for **items 1 through 4** for the reasons stated in the motion.

Roll Call:

A roll call was taken on the motion. The motion carried (6 – 1).

Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Pauta	No; she already gave her reason.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Wallace	Yes, for the reasons stated in the motion.

Secretary S. Brasza	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request is **GRANTED** for items 1 through 4. **Item number 5 was tabled to a date uncertain and to be reposted with the correct square footage.**

Chairman Nestorowicz stated the petitions for items 1 through 4 have been approved.

Mr. Tobin and Mr. Middleton thanked the Board.

11. PUBLIC HEARING:	APPLICANT: Meijer, Inc.
REPRESENTATIVE:	Juli Sala (AEW, Inc.)
COMMON DESCRIPTION:	13355 Ten Mile Road
LEGAL DESCRIPTION:	13-23-476-008
ZONE:	C-2 & (R-2 – Outlot A)

VARIANCES REQUESTED: Permission to:

- 1) Allow porous pavers as hard surface (parking lot and rear drive).
- 2) Correct the size of the "Meijer" on the canopy of the gas station, Item 6. b. from the 12/09/15 ZBA Meeting from 16.7 each to 25.1 each.
- 3) Correct the size of the price sign, Item 4. c. from the 12/09/15 ZBA Meeting from "One (1) three sided gas station price sign 8' 2" in overall height, sign face 5' 6" x 7' 1 3/4" = 39.3 sq. ft. ..." to "One (1) three sided gas station price sign 8' 2" in overall height, sign face 5'6" x 7' 1 3/4" = 39.3 sq. ft. for a total of 117.9 sq. ft...."

TOTAL From 237.5 sq. ft. to 316.1 sq. ft. of ground signs.

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (k): Within All off-street parking areas shall be provided with adequate ingress and egress, shall be hard surfaced with concrete or plant-mixed bituminous material (base may be stabilized gravel or equivalent), shall be maintained in a usable dustproof condition, shall be graded and drained to dispose of all surface water, provide protective bumper curbs as per Sections 4.32 (i) and 16.07, and shall otherwise comply with Section 2.46 and 16.05 of this Ordinance.

Section 4A.35 Paragraph (c): Total wall signage of a size not to exceed forty (40) square feet shall be allowed for each business.

Section 4A.16 Paragraph (b): When a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except when two (2) such faces are placed back to back within two (2) feet from one another, if the two (2) faces are of equal area then the area of the sign shall be taken as the area of one (1) face, or if the two (2) faces are of unequal area then the area of the longer face shall be taken as the area of the sign.

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

Juli Sala, with Anderson Eckstein & Westrick, 51301 Schoenherr Road, Shelby Township; appeared before the Board and stated they are the designing engineering professional for this project and they are present for as they mentioned for three reasons, two of which are related to signage. He would like address those first. The first things he will speak about the signage are the signs themselves are not getting bigger from what was actually approved. He is clarifying what was just read; they are just correcting a mathematical way of how it was measured in the original presentation. Meaning for example, the Meijer sign, the lettering; he has actually included in there (packet) the previous approved plan so the Board could see it in comparison; the Meijer lettering when they measured originally, they had it measured top to bottom of 'M', they had not included the dots in the J's; they are here just basically correcting the record, making sure they would not have issues once this is built and then going wait a minute, that sign is bigger. Similarly, for the three sided monument sign, that is also not getting bigger, it is the same exact sign, same monument they proposed originally, because this city—he does not know if this city has seen a three-sided sign before—they were kind of debating on how they were going to handle a three-sided sign because they could possibly see two of the sides from almost cubed from one position. Then they said they would just consider each side and then add all three sides together, typically for a two-sided sign they would not do that, it is just the area on each side, so that is the signage, that is as he said to hopefully try and just to correct the mathematical way it was presented; the signs are not getting bigger. Then the next item, which was really one of the main reasons why they came to the Board, was to allow permutable pavers for certain portions of the parking lot and the rear drive. What they are trying to do there is that they are trying to make this site, this store, more environmentally friendly; one of the ways they do that is to handle storm water runoff and the county, both the city and the county are promoting alternate ways to handle storm water runoff, so they do not get into the system as quickly as it typically would off of concrete parking lot and/or bituminous parking lot. He brought a couple of samples with him up there

(on stage before the Board); really they are asking for a waiver on a hard surface. As the Board could see, both of those items that they are proposing to put in are both made of concrete; similar to actually concrete pavement except they come in blocks and they are assembled down the field. The bigger block that they are looking at over there, that is the one they are proposing to put in behind the store that is a more heavy duty block as they could see; it allows for heavier traffic on it; this is where they are projecting more of the truck traffic to come through, so they want the heavier traffic and in the parking area—he has a plan here—the green is what he was talking about in the rear and then over here in the parking areas (*referring to the site plan displayed before the Board*) they have certain sections that they would like to use that, the second, the smaller paver block also made of concrete. What this will allow them to do is have the storm water actually infiltrate in before it gets into the pipe and then slowly either infiltrate into the ground or slowly get into a perforated pipe and then into their detention basin. What this does is that it allows them to actually store the water for a little bit longer, which helps the city alleviate the flooding issues. He could go on as much as the Board would like him to, but if they have any questions, just to let him know.

Chairman Nestorowicz thanked Mr. Sala and stated this is a public hearing; are there members of the audience who would like to speak on this item? He asked the individual at the podium to state his name and address for the record.

Paul Webster, 13245 Zagaiski, Warren, Michigan; appeared before the Board and stated he lives directly north of this property, so he gets to witness the construction on a daily basis and feel the construction in his house. He has mixed emotions as far as the property being developed the way it is, but it is what it is. He finds it hard to believe that the sign of this sign is going to increase by fifty percent (50%) just by adding two 'I', dotting two 'I, J' on an I and a J. He does not understand the signage itself; from what he reads and what he read from the last time on the 9th of December, these were...the Meijer was to be put on three-canopies. Is the Meijer word lettering backlit and if so, how do they explain fifty percent (50%) increase just by dotting two letters? Does the height of the 'M' change, does the height of any of the other letters change, so he guesses he just does not understand the mathematical...

Chairman Nestorowicz stated they could ask the petitioner to address that after...

Paul Webster stated and as far as the pavers go, he understands exactly what they are going to do; his problem with the pavers future-wise, if anybody has any pavers on their own property, they get loose quickly, they could fall out. If it is in a parking lot, it could be a tripping hazard for people; how does that get alleviated so this does not happen for them. Obviously Meijer does not want to have a tripping hazard in their parking lot, so that would be an interesting question to figure out how they could alleviate that. That is all he had.

Chairman Nestorowicz thanked Mr. Webster and stated if the petitioner would be able to address those questions in terms of how the sign gained fifty percent (50%) from...

Juli Sala stated that was not a problem. There are multiple ways of measuring a sign and the area of a sign and each municipality does it differently, whether they are looking at the actual letter itself what is in red and just counting up the area of each letter and then adding that up, that is one way of measuring the amount of signage. The second way is drawing a or drawing

multiple rectangles to try to capture those dots with a small rectangle just above the 'J', so basically using a polygon shape or multiple polygon shapes to measure the area of a sign. Then a third way, which yields the largest area for a sign, is to make a single rectangle covering the entire sign, so to that question of did the other letters change, did the 'M' change, did the 'J' or the 'I' change, no. None of the letters changed or will change; physically get any bigger. What they are doing is, they are changing the way the sign is measured, not the sign itself and by doing so, it makes the sign appear larger in mathematically speaking, but it is really the same sign that they had already been approved for. He believes the second concern was raised on brick pavers, their tendency to move a little bit. Yes, brick pavers do move, they are set in sand; those tend to move more, especially if they see them on a driveway or parking lot; those are standard brick pavers. Typical brick that are put on a building, except put on as pavement; what they are proposing there is a little different. These are interlocking concrete pavers, they are porous pavers, and they are beefier than, they are thicker, they are heavier, they are larger than the standard brick and the way they interlock helps them to not move. The other thing they are doing is they are putting these in a location where it is not near the front of the parking spaces, especially where they have handicap accessible parking spaces, they do not want, even if there is a little bit of shifting, they do not want that to be a trip hazard for somebody that needs help getting to the store and needs accessibility. And if the Board would like to see, he would be happy to have those passed around too; they get a little heavy though, so...he had some flyers if they need to see them but like he said, those do lock pretty well; they do not shift the same way that a brick paver typically would that is set on sand. These would be set on also a—it is a pea stone underneath—to allow that water to get in. Similarly for the larger pavers, they are actually when they are put in—he is not sure if there is a picture in that flyer of how they are put in—they have effectively a line that connects a group of them and they are kind of craned in a time and typically they just leave that line in there, which kind of helps them actually not move too if they needed to. But, because of the interlocking of the two pavers, they do not expect that same movement.

Chairman Nestorowicz thanked Mr. Sala and stated not seeing any other comments from the audience; he closed the audience portion of the item and turned the matter over to the Board.

Board Member H. Brasza stated he does have one question. Have they used this before in Michigan?

Juli Sala stated no, Meijer has not; they have done studies on this in Michigan that they are relying on those studies and if they want to make those available to them, they would be happy to do it.

Board Member H. Brasza stated he was just more curious if they...how about in cold weather states.

Juli Sala stated yes they have looked...the studies that they have looked at or have been looked at specifically for cold weather and even more so in Upper Peninsula Michigan, just to address the snow concerns and snow plowing...

Board Member H. Brasza stated snow plowing exactly.

Juli Sala stated exactly and they have found out there is really no difference between this and standard concrete pavement, meaning they do not have to make any special adjustments. In fact, they found they found they have to use less salt for pavers like this because...

Board Member H. Brasza stated because of the drainage.

Juli Sala stated because it is permutable, so it actually keeps... (Inaudible)

Board Member H. Brasza stated he likes the concept and if it has been proven out, he thinks it is great that they could improve their drainage systems because they wash way too much away and the rest of it he is okay with, so that is just his personal opinion. He is good with it.

Secretary S. Brasza stated the smaller pavers like he said are going in the front area and it looks like there would only be four or five areas?

Juli Sala stated correct.

Secretary S. Brasza stated and that is in an actually parking space.

Juli Sala stated correct... (Inaudible)

Secretary S. Brasza stated so it is not going to be run over on a constant basis like down the aisle?

Juli Sala stated correct.

Secretary S. Brasza stated and number two, she is looking and she could not see through this particular drawing, the width of that back area for the larger pieces. Does he have the width of that area?

Juli Sala stated 28 foot wide to the back of the curb.

Secretary S. Brasza stated so it is 28 feet of the...

Juli Sala stated yes. 28 foot wide and then the length of the entire store... (Inaudible)

Secretary S. Brasza stated super and...

Juli Sala stated 1200 feet... (Inaudible) ...

Secretary S. Brasza asked if Meijer had ever used this product.

Juli Sala stated no, not to their knowledge.

Secretary S. Brasza stated and so is this something that they will use as a pilot program?

Juli Sala stated yes.

Secretary S. Brasza stated to where maybe a year from now, two years from now they would keep track of how this is...

Juli Sala stated yes, that is exactly the intent of what they are doing here. Also, why they are choosing only select areas as opposed to using it throughout the entire site, to allow them for obviously cost effectively pilot this technology.

Secretary S. Brasza thanked Mr. Sala.

Juli Sala stated he calls it technology but it is concrete.

Board Member Pauta stated just a couple of questions. Is there a product that is used in between these pavers or are they just interlocked period?

Juli Sala stated there is a sand base that fills in the gaps too, yes...

Board Member Pauta stated that was what she was going to ask him.

Juli Sala stated because they do not want those to be constantly rubbing against each other and shifting away, because then it leads away that interlocking capability. So there is a sand mix, it is not the same sand that they put on a typical brick paver; it is slightly a more coarse sand, which allows the water to get through too.

Board Member Pauta stated okay and what prevents those little holes from freezing?

Juli Sala did not understand the question.

Board Member Pauta stated those little openings that are for drainage, correct?

Juli Sala stated correct.

Board Member Pauta stated what stops them from freezing in the cold weather, or do they not know yet?

Juli Sala stated no, nothing stops them from freezing in cold weather; typically what happens with these pavers, because water is allowed to go through, they actually get through to the base faster and it actually helps with the ground freezing. From the studies that they have looked at, the ground has taken longer to freeze when they are using pavers, these pavers.

Board Member Pauta stated okay.

(Inaudible)

Juli Sala stated it is not different than any water that is trapped in normal concrete freezing.

Board Member Pauta stated okay.

Board Member Furgal stated her observation would be that it would be good with their freeze thaw because the pavement would not be cracking like it does here. She thinks that that is a really important thing, so she is looking forward to seeing how it works.

Juli Sala stated them too.

Board Member Wallace asked how hard is it to change the brick after if something happens, like a plow runs it...rips one up?

Board Member Pauta stated she likes how it looks.

Juli Sala stated yes, it is incredibly easy.

Board Member Wallace stated he was just saying because he was talking about how sometimes they leave the cables through there.

Juli Sala stated they could cut that with a saw...

Board Member Wallace stated it is really cool.

Juli Sala stated yes. If anything... (Inaudible) personally, he would be more worried about the smaller pavers shifting a little bit more because it is smaller, and it is not as heavy duty as that is, but for both, it is very easy to replace any damaged ones.

Board Member Wallace stated yes.

Secretary S. Brasza stated how about the weed issue in between the paver blocks?

Juli Sala stated well considering when they are putting the pavement down and this is in between the middle of the pavement, it is really not adjacent to the grass, unless they are talking for the back area too. When this is put in, there is a geo-tech liner, there is a fabric liner that is put underneath it and that is really meant for multiple reasons; one is to make that (Inaudible) clogged up with the sand for it and there is kind of a separation layer that will do the same thing for similar to putting a planting bed and they put a liner underneath to make sure weeds (Inaudible)

Secretary S. Brasza stated she knows with pavers in a residential setting, a lot of times if it is—and this is actually used for drainage—if water sits, it gets a mold in between and it gets a little slippery and has that all been studied?

Juli Sala stated yes, and this system, the way this is put in is they have the block and there is actually until it gets designed, it is probably at least two to three feet of stone underneath, so

LEGAL DESCRIPTION: 13-24-277-003
ZONE: C-2 & M-2

VARIANCES REQUESTED: Permission to:

Petitioner seeks to have the following sign package:

1) Ground signs:

- a. Sign 1 – Pylon sign 9' 8.5" x 7' 6" = **72.82 sq. ft.** – one (1) foot from the property line.
- b. Sign 3 – Menu board 81.06" x 65.63" = 36.95 sq. ft. – 6' 8.375" tall with a 9.13" x 12" LED insert = 0.77 sq. ft. of LED signage.
- c. Sign 5 – Presell Menu Board 48.31" x 32.63" = 10.95 sq. ft. – 6' 0.57" tall
Total Menu boards 2 totaling 47.90 sq. ft.
- d. Signs 7A, 7B & 7C – Directional signs 10" x 31" = 2.16 sq. ft. each – 3' 6" tall and 3' from property line.
- e. Sign 10 – Directional sign 12" x 18" = 1.5 sq. ft.
Total Directional signs 4 totaling 7.98 sq. ft.

2) Wall signs:

- a. Signs 2A, 2B & 2C – Wall signs 8' 8.75" x 58.5" = 42.56 sq. ft. each **Totaling 127.68 sq. ft.**
- b. Signs 8A, 8B & 8C – Architectural Design Only Awnings 7' x 2' 8" = 18.67 sq. ft. each.
- c. Sign 8D – Architectural Design Only Awnings 10' x 2' 8" = 26.67 sq. ft.
Total Architectural Design Only Awnings 4 totaling 82.68 sq. ft.
- d. Signs 9A & 9B – Script Banner 12' 2" x 12" = 12.17 sq. ft. each **Totaling 24.34 sq. ft.**

ORDINANCES and REQUIREMENTS:

Section 4A.11 Item 22: Monument sign. A sign mounted directly to the ground with a maximum height not to exceed five (5) feet.

Section 4A.17 Paragraph (b): All freestanding or ground signs shall be set back from the right-of-way line a minimum distance equal to the height of the sign.

Section 4A.35 Paragraph (b): One freestanding on-premise sign or advertising display of a size not to exceed seventy five (75) square feet shall be allowed.

Section 4A.35 Paragraph (c): Total wall signage of a size not to exceed forty (40) square feet shall be allowed for each business in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.

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

John Gavin, with Custom Sign Center, Columbus, Ohio; appeared before the Board and stated he is present representing the owner of the new proposed Tim Horton's at the corner of Groesbeck Highway and Eleven Mile Road. They are requesting release from the 1982 variance for this parcel to establish a new graphic plan for the new proposed Tim Horton at that site. Groesbeck Highway is a six lane road; this side is on the corner of that major

thorough fare and east Eleven Mile Road. There is an awful lot going on at that corner. There is a left turn, a Michigan left turn area there, the center turn lane also allows you to go to the curb cuts down the middle of Groesbeck; the speed limit is 45 miles per hour, the speed limit is supposed to be 45 miles per hour—let him just state that—and the average time to read and comprehend the sign while driving is about three and a half (3 ½) seconds at two hundred feet (200 ft) from the object that you are supposed to read. Example: the next stop light south of Eleven Mile is Frazho—he is not sure if he is pronouncing that correctly or not—Frazho, and Frazho Road is about 2,800 feet from the curb cut to go into this proposed site; that is about .55 miles. About five curb cuts from the site are about 400 feet; at 45 miles per hour, it would take only 18 seconds to travel that distance. With that little time and three lanes and all the other decisions that need to be made, and still 100 feet away from comprehension of the signage that is proposed, track could become potentially an issue for the possible customers and for the City. He is sure that with the amount of traffic that travels there and that activity, especially during rush hour of that corner, signs that they are proposing become very, very important to getting people onto and through this parcel as a Tim Horton's drive through restaurant. The property has been set up and marketed as a restaurant with a drive through pickup service, since it was a Wendy's. Tim Horton's of course is that same use. With all that has developed at that intersection since 1982, the graphics sign being requested will be necessary to introduce to the public and to identify the brand of the new restaurant on that corner. It is a unique situation. The (Inaudible) adhering these conditions lease brand product offers propose proper exterior signs for it, so it is not self imposed. The property is unique because in that M-2 district, mostly industrial manufacturing warehousing, there is not another restaurant of any type other than—he supposes—the Johnny B Good's sports bar within a half mile. So, being on that corner with everything that happens with the traffic and being a restaurant partly in a commercial district, partly in an M-2 District, makes it unique. He does not think it will be a deterrent to the area because it is in an M-2 and most of what is around it is industrial or warehouse and manufacturing. And he stated previously, it is not a personal or economic the variance they are requesting. The property is a fast food restaurant with a drive through service; it is unique for that particular area. As a business, Tim Horton's and a brand and a corporation, they generate seventy-five percent (75%) of their business through the drive through, so it is really important for them to get people from Groesbeck or Eleven Mile unto the parcel and through it; signs play a big part in that. He will entertain questions the Board has.

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

Board Member Furgal stated on his sign it says number 10, 'No right turn', why would they have a no right turn, when it should be a No left turn.

John Gavin stated it should no left turn, actually.

Board Member Furgal stated that is what she thought.

John Gavin stated unless they had it in the wrong place, which ... (Inaudible)

Board Member Furgal stated it is in there, it looks like it is in the right place, except...right is the only way you could turn there.

John Gavin stated that was correct, there is one way; they will correct that.

Board Member Furgal stated also....

John Gavin stated he thinks it said right turn only, but...

Board Member Anglin stated it says 'no right turn' sign.

Board Member Furgal stated it is a sign that says No Right Turn; it is supposed to be Left because you could not turn left there...

John Gavin stated it should be right turn only.

Board Member Furgal stated or Right Turn Only, that is okay, that is alright then. She is just looking at the list.

(Inaudible)

Board Member Furgal stated the other thing is there is three wall signs, 2a, 2b, 2c...

John Gavin stated yes ma'am.

Board Member Furgal stated she really does not see the function in 2b, because of the angle of the property.

Secretary S. Brasza stated she agrees.

(Inaudible)

Board Member Furgal stated she could see 2a, that is fine, because it faces Groesbeck, and 2c, she could see because if you are coming along Eleven Mile, but she really just does not see the point in 2b.

John Gavin stated there is an entrance at that side of the Elevation at south elevation, is an entrance off of a park...

Board Member Furgal stated she knew that but they could still see the Groesbeck...that 2a sign would be sufficient she believes; she does not believe that is necessary to have two of them because the angle of that property, if they are going that way and the first time you might pass it up, but then you could always go around and go in the other way and then after that you would not.

John Gavin stated if it pleases the Board...

Board Member Furgal stated anyway those were her comments regarding this, so far.

Secretary S. Brasza stated she would like to hear him please the Board.

John Gavin apologized.

Secretary S. Brasza stated she would like to hear him please the Board. He was about to say...

John Gavin stated if it pleases the Board, that sign they will delete from the proposal.

Secretary S. Brasza asked was that 2a, 2b, or 2c.

John Gavin stated 2b.

Board Member Furgal stated 2b.

Secretary S. Brasza stated to be or not to be. That looks good and she could only say she was going to ask the very same thing because that is her, and with the pylon sign, number 1, she thinks that it is not going to take long for people to know they are at the corner of Groesbeck and Eleven Mile. She thanked the Board.

Chairman Nestorowicz stated she just had one comment; he is actually, he guesses a few of them were in the same like-mind because that 2b was one he was going to ask about, so. But one thing he just wanted to just reiterate, because he knows that when that was a Wendy's, the Wendy's had certain sign variances that were part of the Wendy's, so the Board approving these for the Tim Horton's, does the petitioner agree that any...

(Inaudible)

Chairman Nestorowicz stated he did state...

Secretary S. Brasza stated he stated that he is releasing...

Chairman Nestorowicz stated he is releasing...okay.

Board Member Furgal stated if he looked at it, there are a couple of variances that they need to keep, they were about paving...

Chairman Nestorowicz stated just in terms of the signs for Wendy's.

Board Member Furgal stated yes; they need to keep some and relinquish some and she thinks

that he stated that, so she thinks that...

Chairman Nestorowicz stated that was all he had.

John Gavin stated be folded into the new graphic plan, he means as far as the paving and those physical things.

Secretary S. Brasza stated if there were no further questions, she would like to make a motion.

Motion:

Secretary S. Brasza made the motion to approve the petitioner's request as she previously stated with the following changes: **To release the previous signage package and removing 2b signage.**

Reasons being: Lack of Identification and Size and Shape of the Lot.

Board Member Pauta supported the motion.

Chairman Nestorowicz stated there is a motion by Secretary S. Brasza, Support by Board Member Pauta to approve the petitioner's request as motioned by Secretary S. Brasza.

Roll Call:

A roll call was taken on the motion. The motion carried (7 – 0).

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

The petitioner's request is **GRANTED** with the following changes: **To release the previous signage package and removing 2b signage.**

John Gavin thanked the Board.

13. NEW BUSINESS

Secretary S. Brasza stated she would like to state that they received from Macomb County Clerk and Register of Deeds, a Certified Copy of Order dismissing the approved appeal case without prejudice in docket from applicant *David Draper vs. City of Warren*.

Motion:

Secretary S. Brasza made the motion to receive and file; Board Member H. Brasza supported the motion.

Chairman Nestorowicz stated they have a motion to receive and file....they do not need a motion.

(Inaudible)

Secretary S. Brasza stated just to restate that Board Member Furgal will be gone for the meeting in December.

Board Member Furgal stated yes, she will not be here.

(Inaudible)

Chairman Nestorowicz stated he would just like to add for everybody to have a wonderful Happy Thanksgiving next week.

14. ADJOURNMENT

Motion:

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

Voice Vote:

A voice vote was taken on the motion. The motion carried (7 – 0).

The meeting was adjourned at 9:01 p.m.

Sherry Brasza
Secretary of the Board