

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
December 14, 2016

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, December 14, 2016 at 7:30 p.m. in the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

Sherry Brasza, Secretary
Jeremy Fisher, Asst. Secretary
Ann Pauta
Henry Brasza
Charles Anglin
Jeremy Wallace
Albert Sophia

Members of the Board absent:

Roman Nestorowicz, Chairman
Judy Furgal, Vice-Chairwoman

Also present:

Roxanne Canestrelli, City Attorney
Steven Watripont, Zoning Inspector

1. CALL TO ORDER

Chairman Nestorowicz called the meeting to Order at 7:30 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Board Member Fisher mentioned that Board Member Furgal was excused at the last meeting.

Board Member Anglin said President Nestorowicz won't be here tonight.

Motion:

Board Member Anglin made the motion to excuse President Nestorowicz; Supported by Board Member Sophia.

Voice Vote:

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

Secretary S. Brasza stated she would like to get a vote due to the fact that their Chair Nestorowicz and their Co-Chair Furgal is absent. She as Secretary will sit in his position.

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 item was rescheduled to January 11, 2017 during the adoption of the agenda.

Chairwoman S. Brasza said to start with item number 7. She would like to mention early in this meeting that they have two Use variances tonight, item number 6 has been postponed to January, but there is also item number 12. If that representative is available, they do only have seven members here this evening, it takes six to positive votes to approve a Use variance. At any point they are welcome to come up and either table or go on with their item. If they're not here yet, she'll mention that again to them in a little bit. Moving onto item number seven, Mr. Secretary.

7. PUBLIC HEARING: **APPLICANT: Marquerite Gough**
REPRESENTATIVE: Marquerite Gough
COMMON DESCRIPTION: 20934 Van Dyke Avenue
LEGAL DESCRIPTION: 13-34-352-005
ZONE: C-2 & R-1-P

VARIANCES REQUESTED: Permission to

Operate a Service Appliance Shop including the sale of secondhand appliances, in the existing building, on the property adjacent to Residential District and less than 1,000 feet from another secondhand dealer.

ORDINANCES and REQUIREMENTS:

Section 4.17 (a & d): Non-conforming use. Any lawful non-conforming use consisting of a building or land usage existing at the time of the effective date of this Ordinance may be continued, provided that the building or use thereof shall not be structurally changed, altered or enlarged. Nothing in this Ordinance shall prohibit the alteration... provided the same does not involved any increase in height, area, bulk, or change of use.

Section 14.01 Paragraph (r) Items 1 & 2: Pawnshops and secondhand dealers shall be permitted in the following locational criteria are complied with: 1) The site for a pawnshop or secondhand dealer shall be located more than five hundred (500) feet from the following zoning districts: R-1-A, R-1-B, R-1-C, R-1-P, R-2, ... and 2) The site must be located more than one thousand (1,000) feet from a site having a pawnshop or second hand dealer... or more than one thousand (1,000) feet from to the property line of any public or private educational institution licensed by the State...

Chairwoman S. Brasza said to state their name and address for the record.

Marquerite Gough stated her name and asked if the Board wanted her home address.

Chairwoman S. Brasza said whatever she prefers, home or business, it doesn't matter.

Marquerite Gough gave her other business address; 26554 Grand River in Redford.

Chairwoman S. Brasza thanked her and asked for the reason of the application.

Marquerite Gough explained that property she is interested in opening an appliance store at one time was a clothing store. From what she understands, she needs to ask that it could be rezoned to an appliance store. When she says appliances, these are refrigerators, washers, dryers, stoves.

Chairwoman S. Brasza asked for her hardship.

Marquerite Gough explained the reason why she wanted this building in particular is because it is nice and big, they've been doing this for thirty years and they've gotten too big, so they need to expand. They have a lot of clients actually in Warren, they deal with a lot of landlords and so forth. They not only sell appliances, these are all used appliances, but they also go out to the homes and make repairs, they also sell parts in their stores.

Chairwoman S. Brasza said wonderful and thanked her. They're going to move into the public hearing item. She wondered if there was anyone who would like to speak on this to please step forward, the Board would love to hear their comments. Before that, madam in the front row, you had come up. Are on item number twelve by chance?

Anissa Lewis stated she believes so, she doesn't see an item number but has a use variance.

Chairwoman S. Brasza asked if she would like to at this time...

Roxanne Canestrelli told the Chairwoman S. Brasza to have her come to the podium.

Chairwoman S. Brasza told her to come up to the podium, please. She apologized to Ms. Gough, they're just going to take a moment on this. Item number twelve, it's a use variance. There are seven members available to vote this vote and she needs six votes for a use variance. She asked if she would like to present herself this evening or table this for a full Board.

Anissa Lewissaid she'll take her chances.

Chairwoman S. Brasza said super, then the Board will see her on item number twelve.

She apologized to Ms. Gough. Back to item number seven's public hearing, it's open if there is anyone wishing to speak on this item to please step forward.

No response.

Chairwoman S. Brasza closed the public hearing and turned it over to the Board.

Board Member Pauta would like to have the city attorney clarify the ordinance because of the fact that last April...

Inaudible.

Board Member Pauta said ok.

Chairwoman S. Brasza asked if Board Member Pauta saw that on the second page.

Board Member H. Brasza said madam Chair.

Chairwoman S. Brasza asked Board Member Pauta if she had any more questions.

No response.

Chairwoman S. Brasza mentioned in the meantime, she asked if Board Member H. Brasza had any questions.

Board Member H. Brasza asked if they store anything outside of the building, appliances that are not sold at that time or is all inside the building.

Marquerite Gough stated everything is inside. Also, she wanted to share that everything that they do is recyclable, nothing gets thrown away.

Board Member H. Brasza asked about any trash storage or anything like that on the property.

Marquerite Gough replied correct.

Board Member H. Brasza asked about trucks and things like that. Are you going to be impacting the neighborhood with larger trucks that are moving the appliances in and out of the facility? He assumes they're moving them in.

Marquerite Gough said yes. They have work vans, which are not a big commercial van, but they do use work vans to service homes in the area. They do have a service vehicle, a larger truck, that they do move the appliances back and forth but it will not be parked there. They do want to keep that in the Redford area because they have a big parking lot there for that. One more thing, their truck that will be bring appliances in and will be picking up the appliances will be the same trucks that they use for the Redford

area. That's why she didn't want to leave the bigger vehicles there.

Board Member H. Brasza asked if she's going to be storing any of those overnight or anything like that on this property.

Marquerite Gough said right, no.

Board Member H. Brasza said to make sure they don't impact the neighbor because they are close to a neighborhood.

Marquertie Gough said right.

Board Member H. Brasza said that is all he had.

Chairwoman S. Brasza thanked him and wondered if there was any further discussion.

Board Member Fisher just wanted to clarify something. When speaking, she mentioned the fact that she was seeking rezoning. It's a technical issue, the Board doesn't rezone properties, we just grant variances. He just wanted to make that clear, they'll be granting a variance to allow the use, not rezoning the property.

Marquerite Gough said that's fine, she's not really good with all the technical terms.

Board Member Fisher said right, just for the record he wanted to be clear on what was happening.

Board Member Pauta asked for the hours of operation.

Marquerite Gough said the stores they have now are open from nine to seven, Saturdays are from ten to three and always closed on Sunday; she doesn't allow business done on Sunday's. She is sure that will be the same hours that will continue at the other store because they are known for those hours.

Chairwoman S. Brasza mentioned Board Member Fisher.

Board Member Fisher said if there are no other questions from the Board Members he would like to make a motion.

Motion:

Board Member Fisher made the motion to approve the variance requested to operate a service appliance shop including the sale of secondhand appliances, in the existing building, on the property adjacent to residential district and less than 1,000 feet from another secondhand dealer. For the reasons: the property is unique and it doesn't cause a detriment to the area.

Board Member Anglin supported the motion.

Chairwoman S. Brasza said that was a motion by Board Member Fisher, support by Board Member Anglin; reasons for the property being unique and it's not a detriment to the area. Roll call, Mr. Secretary.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (7 – 0).

Board Member Fisher	Yes.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Wallace	Yes, for the reasons stated in the motion.
Chairwoman S. Brasza	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.

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

Marquerite Gough thanked the Board, she really appreciates it.

Chairwoman S. Brasza said Happy Holidays.

8. PUBLIC HEARING: **APPLICANT: General Motors**
REPRESENTATIVE: Robert A. Grant
COMMON DESCRIPTION: 30003 Van Dyke Avenue
LEGAL DESCRIPTION: 13-09-400-002
ZONE: M-3

VARIANCES REQUESTED: Permission to

Construct an 8 foot high, opaque screen, fence around an interior parking lot near the infotainment addition.

ORDINANCES and REQUIREMENTS:

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

Chairwoman S. Brasza said good evening gentlemen. Please state your name and address and the reason for the application.

Patrick Doherty with Smith Group JJR apologized because he just received a text, Mr. Grant is in a traffic jam due to the weather. He does have the opportunity to be able to represent General Motors, he knows the Board has seen him before on other issues. They're here to talk to the Board and hope to get a variance for a two-foot addition to the zoning allowance for a screen fence. This fence is on a piece of property, excuse him, on a piece of the campus that's about eleven hundred feet west of Van Dyke Road and about fifteen hundred south of the property that General Motors doesn't own along Chicago Road. The requirement for the fence is because they do have opera-

tional security issues as it relates to this portion of a building expansion. This building will be mainly, the infotainment portion of this building, which is for this thirty thousand square foot expansion is to allow the testing and fine tuning of all of the electronics and all of the computer generated components that are part of the dashboards for the new vehicles. The reason they do need the high screen fence because there are truck deliveries that do occur to other parts of this building that are by truck providers that do not provide supply or supply materials to this particular part of the campus, therefore they do need to have some kind of screen security. A six-foot-high would not provide that for semi-trucks that would have folks in the cabs as they bypass this area. That's the reason why they need an additional two feet in order for them to provide that security.

Chairwoman S. Brasza wondered if she could ask him a favor, if he had a business card and is Mr. Grant going to be coming or is he just not going to make it. If he doesn't make, maybe we can have him sign off that you represented Mr. Grant at this and just email to the Board.

Patrick Doherty informed that he sent him an email giving permission to represent General Motors.

Chairwoman S. Brasza asked for him to forward that to the Council office. She thanked him, at this point she turned it over to the audience for public participation if there is anyone wishing to speak on this item to please step forward.

No response.

Chairwoman S. Brasza turned it over to the Board.

Board Member Anglin would like to make a motion if the Board members have no comments.

No response.

Motion:

Board Member Anglin made a motion to approve the construction of an eight-foot-high, opaque screen, fence around an inner parking lot near the infotainment addition. Reasons being: the property is unique and not a detriment.

Board Member Fisher supported the motion.

Chairwoman S. Brasza stated that Board Member Anglin made the motion, supported by Board Member Fisher due to the property being unique and it's not a detriment to the area. Roll call, Mr. Secretary.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (7 – 0).

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Fisher	Yes, for the reasons stated in the record.
Board Member Sohpiea	Yes, for the reasons stated in the motion.
Board Member Wallace	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Chairwoman S. Brasza	Yes, for the reasons stated in the motion.

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

Patrick Doherty thanked the Board and said he'll make sure to get all the proper material. On behalf of General Motors, thank you. On behalf of Mr. Grant, he apologizes he's sure.

Chairwoman S. Brasza said no problem, Happy Holidays.

9. PUBLIC HEARING: **APPLICANT: Metro Detroit Signs**
REPRESENTATIVE: Kevin Deters
COMMON DESCRIPTION: 27332 Van Dyke
LEGAL DESCRIPTION: 13-15-351-046
ZONE: C-1& R-1-P

VARIANCES REQUESTED: Permission to

Replace the existing ground signs with one pole sign 24' x 13.75' = 330 sqft on existing poles at 32.5' high and to the west property line.

ORDINANCES and REQUIREMENTS:

Section 4A.35, Paragraph (b): Signs permitted. One freestanding on-premise sign or advertising display of a size not to exceed seventy-five (75) square feet shall be allowed in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.

Paul Deters stated he is with Metro Detroit Signs, 11444 Kaltz Avenue. Mr. Williams, the owner, could not attend this evening but he asked him to present on his behalf. Mr. Williams has had a number of discussions with Mr. Murphy from the Building Department about things they could do to address the existing ground signage that has been there for quite some time, as the Board knows from going by there. There are two signs that sit side by side; one of them is covered by the flag and is really not even used anymore; it's in a state of disrepair. The other one is just not laid out very well either. They've been working with Mr. Murphy to see about some alternatives to enhance that or to modify it so it would be more practical. The design that the Board has in front of them is something they have worked on together, from what he understands, and they would like to consolidate what's there from two signs into one. They're hoping for the Board's approval to do so.

Chairwoman S. Brasza asked if there is anyone from the listening audience or the audience that would like to step forward and make a comment on this issue.

No response.

Chairwoman S. Brasza turned it over to the Board.

Board Member Pauta said she only has one question. They're going to take the one pole down that currently has Williams Heating and Cooling, and then they're going to consolidate the new sign on the one that says United, is that the way they're going to do it?

Paul Deters replied with not quite. The center pole, of those three one of them is holding up part of the United sign is going to be removed and the two existing outer poles will remain. The cabinets are in perfect alignment with one another, the three poles are so the center pole will be removed.

Chairwoman S. Brasza had a quick question in regards to the building itself. Is that all Williams and has it always been all of Williams?

Paul Deters said it's all Williams now, from what he understands, previously it was not all Williams.

Chairwoman S. Brasza said that's why the sign was...

Paul Deters said yes, they actually have a variance for three ground signs going back there, one of them is no longer there and he thinks the city is trying to clean this up, get rid of some of the old variances that are no longer applicable.

Chairwoman S. Brasza said perfect, she asked if he's going to relinquish those old variances.

Paul Deters said should this one be granted, yes that is their hope to do.

Chairwoman S. Brasza said they will notate that in the motion. She thanked him because she always found driving down Van Dyke it is very difficult to realize that was Williams other than the wall sign.

Paul Deters said they don't have any wall signs that face Van Dyke but they do have one on the south side of the building over their entry way, but they don't have anything face Van Dyke.

Chairwoman S. Brasza said right, so going northbound that's the only way you know. She thanked him.

Board Member Pauta said if there is no other comments she would like to make a motion.

Motion:

Board Member Pauta made the motion to approve the variance requested to replace the existing grounds signs with one pole sign 24' x 13.75' = 330 sqft on the existing pole at 32.5' high and to the west property line. Reasons being: it's not a detriment to the area, it needs the permission of the board and lack of identification.

Chairwoman S. Brasza said before they have that motion supported if she would allow it to also state...

Board Member Pauta said to relinquish any other variances regarding signs.

Board Member Sophia supported the motion.

Chairwoman St. Brasza said that was a motion by Board Member Pauta, supported by Board Member Sophia with the variance request in addition with relinquishing the previous sign variances; that was a lack of identification. Mr. Secretary...

Roll Call:

A roll call was taken on the motion to approve and the motion carried (7 – 0).

Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Sophia	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, it's kind of a big sign but yes, for the reasons stated in the motion.
Board Member Fisher	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Wallace	Yes, for the reasons stated in the motion.
Chairwoman S. Brasza	Yes, for the reasons stated in the motion.

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

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| 10. PUBLIC HEARING: | APPLICANT: Allied Signs, Inc. |
| REPRESENTATIVE: | Patrick Stieber |
| COMMON DESCRIPTION: | 8347 E Twelve Mile Road |
| LEGAL DESCRIPTION: | 13-10-353-010 |
| ZONE: | C-2 & P |

VARIANCES REQUESTED: Permission to

Install two (2) wall signs as follows:

Sign A: 5' 5 5/8" x 15' 1/2" = 82.26 sq ft.

Sign B: 6' 3/8" x 13' 6 1/8" = 81.49 sq ft.

Total wall signage requested for this address = 163.75 sq ft.

ORDINANCES and REQUIREMENTS:

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

business located in the shopping center.

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

Patrick Stieber, 33650 Giftos Drive in Clinton Township, introduced himself.

Tom Petzold, 20630 Harper Avenue in Harper Woods, introduced himself.

Chairwoman S. Brasza asked for the reason of their application.

Patrick Stieber said they're here tonight for another sign request for this new development on Twelve Mile. As the Board can see what they're proposing are two walls signs for this business, larger than code allows. There is a hardship of lack of identification due to the set back from the road from Van Dyke and Twelve Mile Road. There is limited visibility to this leased space traveling west on Twelve Mile. The signs at this size are needed to get the visibility the store needs. What's proposed fits well within the size of this wall, the building itself and is not excessive compared to the other sizes of the signs that are out there due to the set back issues that exist here. This is a large development and these signs are needed. They feel like they really have the lack of identification. This store is also, the fact that it's two signs, there is two brands operating out of the same business; which also plays into the dilemma of the square footage of the signs that are needed.

Chairwoman S. Brasza thanked him and asked if there were any members of the public that would wish to speak on this. If so, please step forward.

Tom Petzold wanted to expand a little bit on this.

Chairwoman S. Brasza said certainly.

Tom Petzold explained he is the owner of Tech Plaza and just wanted to add on a little more to what Mr. Stieber mentioned. The shopping center has five raised façade features, two of them are big towers made out of metal panels, one which is of DSW and the other is Marshall's. Then there are three stone elements, tonight they're looking at the third stone element to be leased. The other two have already been leased, one was to Ulta and the other was to Five Below. The architectural intent of the entire development was to be able to stand back towards Applebee's and look at the shape of the building, there is a rhythm and a symmetry to the building in terms of the three stone elements are all identical in height and width, the two metal towers are identical. The plan that the architect had was to have signage that was proportionate throughout those various elements. The sign that they're proposing tonight, as Mr. Stieber mentioned, is designed with that intent to maintain that balance and that consistency throughout the overall impact of the development. He just wanted to point that out and he also wanted to add on a little more to what's going on with this store.

Carter's and Osh Kosh are the same company, they're owned by the same company. That company has those two different brands and they chose to come into the shopping center and bring both brands in. At one time when they first contacted him they were thinking about making it a smaller store, which would be a Carter's only and as a smaller store it wouldn't have gotten positioned behind this stone. When they came back and said by adding Osh Kosh into the larger store, he then could offer them the bigger space and would get the benefit of being on this raised stone feature. That was an attractive component to getting them to agree to come to Tech Plaza. So it was important to be able to get both brands to deliver them the size store that would work here.

Chairwoman S. Brasza said again this is a public hearing, it doesn't look like there is anyone who would like to speak on this so she turned it over to the Board. She has a couple of quick questions first. They're stating that Ulta and Marshall's are the other store features.

Tom Petzold said Ulta and Five Below, he might have misspoken. Five Below and Ulta are the stone ones.

Chairwoman S. Brasza asked if Ulta is in the 16,000 square foot suite.

Tom Petzold said Ulta's space is 10,500.

Chairwoman S. Brasza asked if the other is 15,000 or 19,000.

Tom Petzold explained that the demising plan on this; he wondered what the Board has.

Chairwoman S. Brasza showed Mr. Petzold what they have.

Tom Petzold said those lines don't apply.

Chairwoman S. Brasza said when she's looking then in his location for the Carter, Osh Kosh the stone, she's only looking at 5,000 square feet. Are you taking more than one suite?

Tom Petzold said they're getting only one suite that is being built right now at 5,000 square feet. The demising walls of the 5,000 square feet are set about forty feet apart, it's a forty-foot-wide store and the stone feature that the signs go on is also forty feet wide.

Chairwoman S. Brasza said her dilemma is the following: to the west of that, to the south of that store is a suite that is a little larger. What is she going to see when they come forward? Being that he's the owner and that he's here, it doesn't have anything to do with him and he knows that. She sees to the south of him at 5,165 and to the north of him 3,165. What are they going to do when they get into the little corner?

Tom Petzold said he's glad she brought that up, he wished he had the hole plan. What they're talking about, just to be very clear, is they built a canopy building in front of their shopping center, if you think about that. They put the signs on the front of the canopy building. So what they talk about, and they have this conversation with every tenant, at some point it starts to lose relevancy as to what actual space in the shopping center they're in, the whole point is where does their sign go on the canopy building and the canopy building was designed as a master plan by an architect as to where all the signs would go, how big the size at each portion of the canopy would be. They have a plan that has identified designated sign areas for the entirety of the shopping center, unfortunately he doesn't have that plan right now and the Board doesn't have it; he apologized for that. He wants to answer more specifically about what she's talking about. When you come off this white stone mass, you step down to a shorter part of the canopy, it's down a couple feet and it's made out of brick. That brick band has some reveals in it and the surface area that will support a sign letter is six feet tall. He wants to maintain, generally speaking, about twelve inches of brick above and below those letters. You take away those two feet; the letter height will tend to be about forty-eight to forty-two inches in height for the letters. Then there are width dimensions that come into play. When you go from the brick area to the south of the stone and then hit the big Marshall's, you have sixty feet of brick and it's going to fit two stores in there. Each gets thirty feet of the brick, but they maintain a four-foot buffer and they each lose about eight feet or something, so then they're down to twenty-two or twenty-four feet of length. You end up with this forty-two inch, twenty-three-foot type length and that's the rectangle that whoever goes into that space has to have a sign that fits in.

Chairwoman S. Brasza said that answered her question. They just happened to get the suite that has the nice front.

Tom Petzold explained that's what got them to Warren, that was important to them.

Chairwoman S. Brasza asked if there was anyone else.

Board Member Sophiea just wanted to get a little clarification about the two stores sharing one space. He asked if there was one entrance door for both of these brands.

Tom Petzold said yes, it's one entrance door, there is one cash rap, it's operated as a single retail store.

Board Member Sohpiea said that's unusual but he understands and thanked him.

Motion:

Board Member Sophiea made a motion to grant the petitioner's request for permission to install two wall signs as follows: Sign A: 5' 5/8" x 15' 1/2" = 82.26 sq ft. Sign B: 6' 3/8" x 13' 1/8" = 81.49 sq ft. Total wall signage requested = 163.75 sq ft. Reasons being: unique nature of the property and the it would not be a detriment to the area.

Board Member Wallace supported the motion.

Chairwoman S. Brasza said that was a motion by Board Member Sophiea, support by Board Member Wallace. She would like to just make in regards to sign A, it's 15' 12" due to...

Inaudible.

Chairwoman S. Brasza said she has twelve inches. She has 15 ft 12 inches.

Board Member Sohpiea said it looks like 15 feet and ½ inches.

Board Member Wallace said he has a half.

Board Member Wallace said he is looking on the application.

Chairwoman S. Brasza asked Mr. Watripont what it is.

Steve Watripont said it's 15 feet and a half inch. It's a typo on the agenda.

Chairwoman S. Brasza thanked him. She continued to say that was due to the property being unique and a lack of identification.

Roxanne Canestrelli said just for clarification purposes, that's perfectly fine because the mistake is not more, as long as it is less they're in good standing.

Chairwoman S. Brasza called for a roll call.

Roll Call:

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

Board Member Sophiea
Board Member Wallace
Board Member Pauta

Yes, for the reasons stated in the motion.
Yes, for the reasons stated in the motion.
No, because they have gone through this before.
Every time a store moves in they have lawn signs that are lined up all down Twelve Mile, all down Van Dyke, "Now Open". Blah, blah, blah whatever. It looks hideous as the devil; it looks very, very bad. Makes the center look cheap.

Board Member H. Brasza
Board Member Anglin
Board Member Fisher
Chairwoman S. Brasza

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

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

Patrick Stieber thanked the Board for their time.

- 11. PUBLIC HEARING:** **APPLICANT: Allied Signs, Inc.**
REPRESENTATIVE: Patrick Stieber
COMMON DESCRIPTION: 4899 E Eight Mile Road
LEGAL DESCRIPTION: 13-32-380-031
ZONE: C-1 & C-2

VARIANCES REQUESTED: Permission to

Have the following sign package:

- 1) Wall signs:
 - a) 2 – 42” NextGen Illuminated Building Arch – 42” x 48” = 14 sqft each. Totaling 28 sqft
 - b) 1 – “McDonald’s” 24” x 197” = 32.84 sq ft.
 - c) 2 – “Welcome” 8.38” x 47.88” = 2.79 sqft each. Totaling 5.58 sq ft.
Total wall signs 5 totaling 66.42 sq ft.
- 2) Ground signs:
 - a) 1 – Welcome Point Gateway 14” x 8’ 7.76” = 10.09 sqft – 11’ tall with a clearance bar having a nine (9) foot under clearance.
 - b) 1 – Pre-Sell Board 57” x 23.82” = 9.43 sqft – 81” tall with a 20” under clearance.
 - c) 1 – Drive-Thru Twin Pole Canopy 14” x 7’ 8” = 8.95 sqft – 11’ 3” tall with an architectural arch 9’ 4” long and a 9.13” x 12” LCD insert = 0.77 sqft of LCD signage
 - d) 1 – Menu Board 4’ 9” x 103.50” = 40.97 sqft – 6’ 9” tall with a 20” under clearance.
Total Ground signs 4 totaling 69.44 sqft

In addition to an existing pole sign.

ORDINANCES and REQUIREMENTS:

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.

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

Chairwoman S. Brasza asked for them to state their name and address and why they are here.

Patrick Stieber, 33650 Giftos Drive in Clinton Township, explained they are here tonight for this one, another McDonald’s within the City of Warren that’s going through a major remodel process. What’s being proposed here is very similar to some of the other designs that have been gone through for some of the other remodel projects that they’ve done within the city. Basically, this is their standard package of what they’re looking for of this design package that has been thought out to fit into the new design of these new McDonald’s buildings. As the Board can see, these buildings are different

from the current McDonald's building a lot of people are used to seeing. It's a brand new design and the signs are incorporated into the design of the building to kind of fit with the architecture of everything. What's being proposed is not very excessive in size, they do feel there is a lack of identification to meet the square footage requirements with the code. They're proposing that the McDonald's lettering on the front elevation, along with the "M" logo on the front elevation. The other sign on the front elevation is a welcome sign, which they don't really consider branding signage, but again another element to their new design and building. On the side elevation there, the Board can see that the main side entrance elevation, they're proposing another arch logo. Again, small in size at 14 square feet that are basically there to help identify the flows to go into the entrance there from the side elevation where a lot of traffic goes in. What they're proposing here square footage wise additional at 26.36 square feet, not excessive for what they're asking for fits well within the building. So they're asking to get the Board's feedback and thought on what's being proposed here tonight on that. The second side of this variance is in regards to the ground signage, which again this signage that they're talking about here is not branding type signage to get customers in from the road for visibility reasons, this is drive-thru signage; signage to get customers through the drive-thru quickly and efficiently. As McDonald's does seventy-five percent of the business through the drive-thru, they need to have a menu board, pre-sale board, an order point to get traffic flows through the drive-thru. He thinks there are some issues with ground signs as far as branding, and ground signs as far as drive-thru signage here. Again, these are not signs that they're trying to pull people in off the road on, they're more informational type signs. Again, the signs that are on them, they're talking about the clearance copy, the arch they're describing there on the twin pole canopy, that's just a cover to cover the cars when they are ordering at the order point. They don't really feel like this is signage, yet they have a hardship as they need these signs to get traffic flows through the drive-thru. So they would like to get the Board's feedback on that as well, see what they have to say on that. It's nothing different from what they proposed and installed at other McDonald's in Warren that have gone through the remodel projects.

Chairwoman S. Brasza thanked him. She stated this is a public hearing and anyone wishing to speak on this item to please come up to the podium. Please give the name and address.

The owner operator for the McDonald's introduced himself. He explained that he has owned and operated that McDonald's since 1994 and this time around they are trying to remake that building to the latest and greatest that McDonald's has to offer. Basically, it is nothing new. They have throughout the country this thing is taking its toll and everybody is embracing that. If the Board has not been by there, it is beautiful and stands out twice as good than what the old one was. To him, he is not a sign expert but he can tell the Board that every drive-thru, it need a menu board. That is what they are replacing, exactly same as old one versus new one. These are LED lighting, the old one use a lot of electricity. Before that, they had two pre-sale board which is nothing but a column. Maybe two feet by maybe about five or six feet high; it's a square box. Where they show before people turn into drive-thru lane they see what they offer until

they get to the menu board. They no longer have those because they are not going with that. He doesn't know, in his mind, they have probably have lesser all together. On the front, they have the same old sign and they are not replacing it, just the building. It's the whole thing, if you don't put the whole thing together it won't look as good as other McDonald's. That's the best way he can describe. As he said, if the Board goes to the Eight Mile they can see how beautiful it looks already, but it doesn't look like McDonald's right now.

Chairwoman S. Brasza asked if he could state his address so they can have that on record.

The owner asked if they wanted his business address.

Chairwoman S. Brasza said that is fine.

The owner said his name is Datta Corporation, they own and operate McDonald's and it's located 95 East Maple Road in Troy, MI 48083; that's their office.

Chairwoman S. Brasza thanked him and asked if there was anyone else who would like to speak on this item.

No response.

Chairwoman S. Brasza turned it over to the Board. If they don't mind, she wanted to start. They wanted some feedback so she is going to give some feedback. They all know and love McDonald's, she doesn't know any kid that didn't go to McDonald's and it has morphed, multiple times. She'll start with the ground signs. It's almost like they have never been there before. They need to show her where the drive-thru is with words and that they need to show her where she goes to order here with the canopy. It's nice to have that over the so if it's raining, but it's lit, bright and she doesn't need to know where the drive-thru is because everybody knows where the McDonald's drive-thru is. Maybe if there was a dual drive-thru, which some of them are doing now, she can understand that. That's her one concern, number two, the wall signs. They'll have the existing pole sign, which is basically the "M" and wanting the Board to put a 32.84 square foot McDonald's verbiage across the front of the building. Her thought is why wouldn't they have that along the side of building, because aren't they at Eight Mile and Van Dyke. They have the McDonald's splashed on the front facing Van Dyke, but why wouldn't that be put on the side of the building?

Patrick Stieber said the design of the building is for it to be on the front, that's where it's going to get the best visibility.

Chairwoman S. Brasza said she sees, they're on Van Dyke, not at the corner.

Inaudible.

Chairwoman S. Brasza said they're on Eight Mile. Along with McDonald's they see a lot of like Dunkin Donuts flashing their name all over the building and those are just her thoughts. She asked the Board what they have.

Board Member Anglin asked how many times it says McDonald's on the building, he's trying to sort through this.

Chairwoman S. Brasza said once, twice. One has the arches.

Patrick Stieber said there is one McDonald's sign and then they have the arches, two arches.

Board Member Anglin said he couldn't see more than one and that's why...

Patrick Stieber explained the one on the front, adjacent to the McDonald's lettering, then the same size small arch on the side above the entrance.

Board Member Anglin said ok.

Chairwoman S. Brasza said it's...

Board Member H. Brasza asked if anyone else had any comments.

No response.

Motion:

Board Member H. Brasza made a motion to approve the petitioner's request for the following sign package:

1) Wall signs:

- a) 2 – 42" NextGen Illuminated Building Arch – 42" x 48" = 14 sqft each.
Totaling 28 sqft
- b) 1 – "McDonald's" 24" x 197" = 32.84 sq ft.
- c) 2 – "Welcome" 8.38" x 47.88" = 2.79 sqft each. Totaling 5.58 sq ft.

Total wall signs 5 totaling 66.42 sq ft.

2) Ground signs:

- a) 1 – Welcome Point Gateway 14" x 8' 7.76" = 10.09 sqft – 11' tall with a clearance bar having a nine (9) foot under clearance.
- b) 1 – Pre-Sell Board 57" x 23.82" = 9.43 sqft – 81" tall with a 20" under clearance.
- c) 1 – Drive-Thru Twin Pole Canopy 14" x 7' 8" = 8.95 sqft – 11' 3" tall with an architectural arch 9' 4" long and a 9.13" x 12" LCD insert = 0.77 sqft of LCD signage
- d) 1 – Menu Board 4' 9" x 103.50" = 40.97 sqft – 6' 9" tall with a 20" under clearance.

Total Ground signs 4 totaling 69.44 sqft

Chairwoman S. Brasza asked why she is here.

Anissa Lewis explained that they have a two family dwelling that they would like to have a variance to be used as a residential. It's currently zoned as commercial and they would like it to be zoned, or variance has a residential property.

Chairwoman S. Brasza asked for her hardship for this use variance request.

Anissa Lewis assumed that the hardship would be is that it is currently zoned as a commercial property but they would like to use it as a residential property. They would like to rehab the house and make it useable and rentable for occupants.

Inaudible.

Chairwoman S. Brasza said this is the old one, this is the new one. She mentioned this is a public hearing and asked if anyone wished to speak on this.

No response.

Chairwoman S. Brasza said she just wants to clarify because they have two different paperwork's going here at the desk. She said Great Lakes Renaissance Properties LLC, you how are how involved with this?

Anissa Lewis explained that she is the project manager in a property management business. She personally project manages properties being rehabbed and also aid...

Chairwoman S. Brasza said super and asked if she has a business card with her.

Anissa Lewis said she doesn't have any with her and apologized. She went and checked her purse.

Chairwoman S. Brasza said it sounds like they have verification, if Mr. Watripont can let them...

Steve Watripont explained that she is on the owner affidavit as the representative, the application was just filled out and duplicated.

Chairwoman S. Brasza said super, she signed it. It looks like no one is coming up for public hearing so she turned it over to the Board.

Board Member Sohpiea asked how the property is currently being used.

Anissa Lewis said she is not sure right now. She knows that they purchase bulk properties at the auction from Warren. Right now they're just securing all properties that are

not being rehabbed and not being rented out. She believes right now it's not being used at all.

Board Member Sophiea asked if there was a commercial business operating from that location.

Anissa Lewis said not to her knowledge. She knows that they purchased the properties at bulk, at least a hundred or more in October 2015.

Board Member Anglin said it looks like a house, that's residential, that's a single home dwelling to the south of that and it looks like a single home dwelling to the north of that. Is he correct?

Chairwoman S. Brasza said to Mr. Watriont that he can enlighten the Board.

Steve Watriont explained that this is a legal non-conforming single family dwelling that's on the books in a C-1. What they're looking to do is have it as a two family dwelling within that C-1. It it's a legal non-conforming in a C-1 and that's where it stands right now.

Chairwoman S. Brasza had a quick question. The petitioner seems to have this dwelling in a C-2.

Steve Watriont apologized and said he misspoke.

Chairwoman S. Brasza asked if it is in a C-1 right now and they want to make it...

Steve Watriont said no, it's in a C-2. He apologized again and said he misspoke.

Chairwoman S. Brasza thanked him.

Steve Watriont stated he was dealing with a C-1 today.

Chairwoman S. Brasza wondered if that answered his question.

Board Member Anglin said it did not. He asked if the properties to the north and south of that are residential and this one somehow over the years...

Steve Watriont doesn't know about both of them but the one to the south is also a C-2. He's not sure about the one to the north.

Board Member Anglin said it looks pretty small. He wondered if there is businesses in it or are there residents living in them.

Steve Watriont said they are legal non-conforming single family dwellings.

Board Member Anglin said they're basically trying to turn this what was originally a single family dwelling in a C-2 platform and they want to duplex it.

Inaudible.

Chairwoman S. Brasza asked if this is up, down. A duplex is side by side, right?

Board Member Anglin said ok, lower/upper.

Board Member Pauta asked if the construction on these units have been completed yet.

Anissa Lewis replied no.

Board Member Pauta asked if they're going to be pulling plumbing, electrical, heating...

Anissa Lewis said all permits will be pulled.

Board Member Pauta said to her it just seems kind of small. The house is barely a 1,000 square feet.

Anissa Lewis said she personally has not visited the home to see the inside of the property. She is speaking on behalf of the property but she stands behind them and their decisions with the contractor that visited the home and the company they hired to do the survey for them so it can possibly be a two family dwelling.

Board Member Pauta said it's just awful tiny.

Board Member H. Brasza asked about parking. It looks like it has one small driveway. How is that going to be organized?

Anissa Lewis explained they have several properties that are multi and the tenants learned how to share the driveway. Typically, the lower unit has access to the driveway and the upper unit would park on the street, but that is something they work out between themselves.

Board Member H. Brasza isn't comfortable with starting turn this neighborhood into multi-family dwellings himself.

Board Member Pauta said exactly.

Board Member H. Brasza said if it had a little bit more room, maybe. That's just his opinion.

Board Member Fisher asked if this is currently laid out as a single family home.

Anissa Lewis apologized. She believes she is ill prepared. It looks as if it's a single family home from the outside, she personally has not visited the inside of the property.

Board Member Fisher asked why they can't rent it out as a single family home?

Anissa Lewis said they probably could. She asked if it was ever used as a two family dwelling prior.

Chairwoman S. Brasza said no.

Anissa Lewis said it was not, ok.

Chairwoman S. Brasza said there is a gentleman behind her. She asked if he, he looks like he wants to speak, is he part of your group with Great Lakes?

Anissa Lewis said he does work with them, he's the contractor.

Chairwoman S. Brasza said he might have some information that might enlighten the Board further. She asked for him to state his name and address for the Board.

Robert Davis introduced himself with Diversified Community Commercial Solutions and their address is 42003 Utah Drive. He explained they have already submitted drawings to the city in regards to the existing unit. The units are approximately 1,100 square feet, give or take. Already on top of each other, already have access points to the upper unit, to the lower unit, it's already been used as a two family flat. They're not changing anything other than rehabbing what was already existing.

Board Member Fisher stated the ones used as a Two-family flat while the current owner...

Robert Davis stated yes.

Board Member Fisher stated so they were using it without a rental license, presumably?

Robert Davis stated he has no idea in regards to the history of it, but in regards to the current layout of the property, there is a functioning kitchen that was upstairs, bathroom, and laboratory, everything to that nature, designated it as two different units.

Board Member Fisher stated basically what he is saying is that he is coming there having already rented the property without proper rental licenses and now he is looking to get legal and renovate the property and rent it out...

Robert Davis stated absolutely not. They are not looking to rent the property...

Board Member Fisher stated they are looking to rent the units, correct?

Robert Davis stated rehab.

Anissa Lewis stated they are going to do the rehab; he is physically seeing the property...

Robert Davis stated he is part of the contracting company that would do the rehab.

Anissa Lewis stated she has not. They purchased bulk properties from Warren in 2015, so anything or any construction that was done to the property prior to October of 2015, they have no knowledge of; they are just working with what is existing.

Board Member Fisher stated to clarify then, he asked a minute ago if the current owner rented it out and they said yes. So the answer is no to that?

Anissa Lewis stated no, it is not rented out, it is vacant right now.

Board Member Fisher said it was never rented out by the current owner.

Anissas Lewis said not by them, no.

Board Member Fisher said the next issue is that he's looking at the sheet that they turned in and when asking for a variance they have to meet every single one of the criteria for a variance. One of them is that the property is unique and they placed on the application that the property does not have a unique physical characteristic. What they're saying is that they don't qualify for the variance that they're asking for. They're asking for a variance but then telling the Board they can't give them the variance because they don't qualify.

Anissa Lewis said that is a lack of knowledge of the question; she completed the application, asked Mr. Murphy for assistance and different people who are very knowledgeable in this field for assistance in completing the application. She apologized, she did the best that she could that she knew how to do at the time.

Board Member Fisher said he is very reluctant as well to make this area a two family residence. He doesn't like the idea of the driveway, that's just a fight waiting to happen when putting people in that situation. He thinks it definitely would be a detriment to the area, on top of that fact that there is no unique quality that would allow the Board to grant a variance.

Board Member Anglin asked if there was one or two electric meters to that building.

Robert Davis said everything has been dismantled from the units.

Board Member Anglin asked if the power supply coming into the building is not there any longer.

Robert Davis said no it's not there so they weren't able to detect that visibly. There should be some kind of historical usage to verify.

Board Member Anglin explained the reason he is mentioned that is the fact that if it was split before as a two-unit system, then it was done legally.

Anissa Lewis asked legally or illegally.

Board Member Anglin said illegally, because it didn't fit...

Inaudible.

Anissa Lewis said the previous owner took it upon themselves.

Board Member Anglin stated that he's not saying anything bad about their operation on it. His biggest concern is the parking. They're going to end up with two families living in a structure or a property that clearly doesn't have sufficient parking to meet the needs of off street parking. Even herself said that the upper level would probably park on the street.

Anissa Lewis said it's possible, that's something...

Board Member Anglin understands. Personally, if they're going to duplex something or have multiple units of something there needs to be sufficient parking to cover that. He doesn't see that in these plans, so she can see where he is going to be going with this.

Anissa Lewis can see where he is coming from but as a property manager, her experience in property management which has expanded over ten years, that's something that has always worked out. You have to place tenants in properties that fit for them. If it fits for someone that does not have a car, then that's what they'll do. They actually make it fit for the people that they place in the homes.

Chairwoman S. Brasza wondered if these are two and three bedrooms so there's more than likely going to have more than one resident in a unit. She personally does not want to see that happening in a city where they don't have parking for the appropriate facility. It just doesn't seem to fit in this...

Anissa Lewis asked if they would be able to use it as a single family residence.

Chairwoman S. Brasza suggested they could table this and she could request that it be reposted as a single family and the Board would have to repost, because she would have to come back.

Anissa Lewis said she would come back prepared and would appreciate that.

Chairwoman S. Brasza said at that point, asked for Mr. Watriont to step up for a moment to get a question answered. She doesn't know that would actually need a... they would still have to have the use variance because they're going to...

Roxanne Canestrelli explained if they're going to rehab it then they would because they're going to lose their non-conforming status.

Chairwoman S. Brasza agreed and stated they would have to come back.

Roxanne Canestrelli said they would have to come back for a...

Chairwoman S. Brasza said it sure would fly as a single, doesn't sound like it's going to fly as a double.

Roxanne Canestrelli stated as is, it's fine but if they want to rehab it and make it up to code and everything, then they're going to have to come back because that classifies as restructuring the structure.

Anissa Lewis asked, just so she is clear, she was under the impression the property was zoned as a commercial property.

Chairwoman S. Brasza stated non-conforming. Now they want to play with it and that's why they are here. Mr. Watriont can go through the different scenarios that are open and available to her for this property. She asked if at this time if she would like to table or withdrawal; doesn't want to lose what money they have made down as a deposit.

Anissa Lewis stated she would love to table.

Chairwoman S. Brasza stated to Mr. Watriont in his expertise if they need to table.

Steve Watriont said to probably reschedule. The one ordinance that the Board did bring up that wasn't on there because it wasn't asked for was the parking; they would need one parking space for each family unit on there, they wouldn't need another variance for the parking if they were using the off street as well.

Chairwoman S. Brasza said very unfortunately the January meeting is jamming so they would have to look at February.

Steve Watriont said if they have to repost it won't matter, just for her information but the rest would have to be reposted

Chairwoman S. Brasza said at this point they can put her in on February 8th.

Anissa Lewis said that's good and thanked the Board.

Chairwoman S. Brasza said they will talk to Mr. Watriont and get things going. She stated she needed a motion to move this.

Motion:

Board Member Fisher made a motion to reschedule to February 8, 2017. Board Member H. Brasza supported the motion.

Voice Vote:

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

13. NEW BUSINESS

Chairwoman S. Brasza said she would like to go back to item number five, they did not take a moment to approve the minutes of the regular meeting of November 16th. There is a change in the meeting minutes and that is the attendance; Mr. Fisher was not in attendance at that Board meeting, so add him down at the members of the board absent.

Motion:

Board Member Anglin made a motion to approve the minutes of October 12, 2016 with change stated. Supported by Board Member Pauta.

Voice Vote:

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

Board Member H. Brasza said speaking for the Board he would like to wish everyone in the community Happy Holidays and enjoy the nice holiday season, come to the tree lighting and all that good stuff as we enjoy our community.

Chairwoman S. Brasza said happy holidays to everyone.

14. ADJOURNMENT

Motion:

Board Member Anglin 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 8:40p.m.

Sherry Brasza
Secretary of the Board