

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
December 10, 2014

A Regular Meeting of the Warren Zoning Board of Appeals was called for Wednesday, December 10, 2014 at 7:30 p.m. in the Warren Community Center Conference Room A, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

Steve Watripont, Chairman
Jean Becher
Sherry Brasza
Judy Furgal
Nick Hawatmeh
Ann Pauta
Jennifer Vigus

Members of the Board absent:

Jules Descamps
Roman Nestorowicz, Secretary

Also present:

Roxanne Canestrelli, City Attorney
Everett Murphy, Zoning Inspector

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Motion:

Board Member Furgal made a motion to excuse Board Member Descamps and Secretary Nestorowicz. Board Member Hawatmeh supported the motion.

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

4. ADOPTION OF THE AGENDA

Motion:

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

Board Member Furgal suggested item #13 be moved up to item 5a on the agenda.

Board Member Vigus requested item five be removed as the minutes were not included in the packets.

only one side of the sign, provided that the front and back of the sign are separated by no more than three (3) feet.

Section 16.02 Limitation of the use of P Zone: (a) parking for private passenger vehicles only.

Caren Burdi appeared before the Board and stated she was present on behalf of the petitioner. She appreciated the board moving this item up on the agenda and apologized because she had an emergency with her family she needed to attend to. This case was a proposal for a temporary outdoor sales. It was identical to the outdoor sales that has been proposed and passed last year. As most people know 13 Mile and Mound is undergoing some changes. There has been improvements to the parking lot with new paving and new lighting under the walk ways and a new building has been constructed there. Things are developing at this corner and as you know that can take some time. Until further development is done on the site, the site was available for sales of the usual items that are sold which are the plants, pumpkins, fireworks and Christmas trees. She asked that this request be approved and the practical difficulty would be the strict adherence to the ordinance. There are 972 parking spaces on the site. If people drive by there the site was not full of parking. Additional signage was needed due to lack of identification. The site was now located further off Mound Road which was the heavier traveled of the two and the signage is the 2 feet by 4 foot signs that hang near the greenhouses, not out by the streets. The variance requested, if approved would not be detrimental to the area.

Chairman Watriont stated this was a public hearing if there was anyone in the audience that wished to speak on this item, please approach the podium.

Oscar Zamora appeared before the board and stated he was reading over the agenda and it stated March 6, 2015 to December 28, 2015. That was ten months of the year that it was going to operate and he does not think that constitutes temporary.

Chairman Watriont asked if there were any other comments from the public. Seeing and hearing none he closed the public hearing and turned the matter over to the board.

Board Member Becher said she had some questions regarding the address the 5823 13 Mile. When she was out checking her sites for the meeting she noticed a business was not being run out of the 5823 address.

Caren Burdi said what happened at the corner where that business is, people could see that part of the building was taken down for Dunkin Donuts. The owner of the shopping center actually moved her client out while it was under construction and the parking lot was being repaired and her client was now ready to move back.

Board Member Becher asked if her client was running a business in there.

Caren Burdi stated yes, he has a flower business.

Board Member Becher asked if he client is going to have a florist shop in there now.

Caren Burdi stated her client had a florist shop there and what he does is during the winter time he has phones set up for people to place orders and they can pick them up at this address.

Board Member Becher said when this was approved last year one of the things requested was that the port-a-potty not be out there and when the Christmas trees were put up they put up the port-a-potty. She stated the board grants Christmas tree sales to others like churches and other retail facilities and they use the restrooms provided in the church or the retail business. However, this business has the port-a-potty there and she could not condone that.

Caren Burdi stated the Christmas tree gentleman runs that on a daily basis and obviously has put that up without permission. She would have him remove it.

Board Member Becher said she thought it should be removed, and she does not have any other comments.

Board Member Pauta stated she discussed this with the owner of the property and he was not happy with it. She was not happy with the trailer out there with a banner hanging on it and signs being placed everywhere like it was circus tent. Even though he was supposed to back off the corner, he had a whole corner full of trash.

Caren Burdi said everything on that corner was not his. During the summer the owner updated the signs and she did not know if it was noticed but the owner put the brick and little pieces all around the sign. All the trash on that corner was from the signs going in. There were metal and mesh bins full of stone, a cement mixer, etc. all that was directly related to the sign people and not her client. Up Mound where the Dunkin Donuts was now located, that sign, he had all sorts of things going on there. This was a horrible summer for her client because not only was there construction on Mound but there was construction on 13 Mile. They actually closed the 13 Mile drive way for a good month. The driveway on Mound due to the Dunkin Donuts construction was also closed for months. This was a total disaster for her client as far as being noticed and people having access to the lot. She drove by and saw that there were hay or straw bales with pumpkins on top but that was the only thing he put out. He did not put out a sign with it or any of the other stuff with it. The sign he did have, the temporary sign, he had that one approved. It was a 30 day temporary permit that he went and got the permit for. That was a legal sign and he had no illegal signs. He did put up the baskets with the pumpkins. The other thing was the talking about the pavement there, Board Member Becher was correct, when they first purchased the site it demanded quite a bit of patching. She stated that her client paved all there where the Dunkin Donuts is. It is on the owner's list for next summer that the paving be done there. Her client tonight does not have any control over the owner but that was one project that he has placed high on the list, the repaving. She expects that this would be completed next summer.

Board Member Pauta said the temporary signs were up all summer.

Caren Burdi said he had permission for the 4 x 2 signs. The 4 x 2 signs that were around the greenhouses, he had permission for them.

Board Member Pauta said they looked horrible. Right on the corner of 13 Mile and Mound and all the way back to where his greenhouses are right now.

Caren Burdi said there was a white van parked near his greenhouses that he placed a sign on. When he received the complaint about it, he removed the sign immediately. Other than that sign, all the signs he had, he had permission for them, and he was authorized.

Chairman Watripont asked if there were any other questions or comments or motions.

Board Member Furgal made a motion to approve as requested.
Reasons being size and shape of the lot and needs permission of the board.

Chairman Watripont said he wanted to say one thing since there was no support yet. He stated that he noticed it was a lot cleaner in that spot, even though it was difficult and the traffic was less, it was a lot cleaner this year when he went by there as when he has gone by there in the past.

Caren Burdi stated there are more improvements. She stated that right now, the plan is for the same 3000 sq. ft. area, he is adding another greenhouse to eliminate some of those tables. The tables were starting to get a bit run down and he would replace them as much as he can and what is going to be seen instead is going to be the covered greenhouse. That was the goal for this year. She would say that it was temporary use and it would not be at this site for too much longer as the site gets developed but it was the way that he supports his family and he hopes to continue his business until the corner was developed. There are a lot of things happening on that corner.

Chairman Watripont said he had a motion to support was there a second?

Caren Burdi asked to have the item tabled so that she could see if there were any other concerns that could be addressed. She would like the item tabled until January.

Board Member Hawatmeh said he had a question. Why would the petitioner request the tabling?

Caren Burdi said she requested the tabling because she needs 6 votes and there were 7 members present.

Board Member Hawatmeh said he remembers this item from when it was on the agenda in the past and it was only supposed to be a temporary thing, what are the plans?

Caren Burdi said the owner of the site has been developing and improving the corner. It takes time to make those changes and find the right use for that corner. She was not at liberty to discuss it but there were plans in play that the corner would be developed and that it would not stay vacant like that. When that corner was developed this use would probably be forced to move as it would be too crowded.

Chairman Watriont stated the motion to approve fails to garner support. The petitioner now requests to reschedule the item until January 14th.

Motion:

Board Member Brasza made the motion to reschedule the item until the January 14th meeting. Board Member Pauta supported the motion.

Caren Burdi requested the February 11th meeting date instead.

Board Member Brasza and Pauta agreed to amend the motion to reschedule to February 11, 2015.

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

6. PUBLIC HEARING

APPLICANT: Roy Mills-USE-

(Rescheduled from 4/23/14, 5/28/14, 7/9/14, 9/10/14, 9/24/14, and 11/5/14)

REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 7552 Republic
LEGAL DESCRIPTION: 13-28-483-005
ZONE: R-1-C

VARIANCES REQUESTED: Permission to-USE-

Have a two family dwelling, upper and lower units, in a single family residential zone.
Note: This is not on the list for a legal non-conforming two family dwelling.

ORDINANCES and REQUIREMENTS:

Section 5.01 thru 7.01: Uses in residential districts: Multi-family dwellings are not allowed in single family districts.

Roy Mills appeared before the board and stated he is concerned that there was not a full board and two of the previous members that supported his proposal are missing today and he is very concerned.

Chairman Watriont asked if he would like to reschedule.

Roy Mills stated that well the last meeting he attended in November there was unhappy applicants as well as to him, and he has been back three times. He would like to reschedule unless there was something in the procedure that says they could vote by proxy if they were in support of the proposal or something like that.

Chairman Watriont said there was nothing in the Board's procedures that would allow them to vote like that.

Roy Mills requested the item be rescheduled.

Chairman Watriont asks if there was a motion to reschedule this.

Board Member Becher said she would like to ask a question.

Chairman Watriont stated that it has not been open to the public, but if she is asking a Board Member, then she can do that.

Board Member Becher stated the board requested information from him back in September and still have not received it.

Chairman Watriont asked what information they requested that they have not received.

Board Member Becher stated she requested the dimension of the property and rooms, and she believes that Board Member Pauta requested that and it still has not come through and the dimensions should be on the drawing.

Roy Mills said that it was presented in the September 24th meeting with the handouts that was passed out; all of the requested information from the April meeting was presented in the July meeting, and all of the July meeting was presented in the September 24th meeting.

Board Member Becher stated she does not have anything in all of the documents provided that contains the dimensions of the property only a drawing, and she was curious about the dimensions of the property.

Roy Mills insisted that he had provided all of the information in July.

Chairman Watriont stated this was not a public hearing at this time and asked if there was a motion to reschedule.

Motion:

Board Member Becher made the motion to reschedule the item until the February 11, 2015 meeting. Board Member Hawatmeh supported the motion.

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

Chairman Watriont stated that it has been rescheduled to February 11, 2015, and requested to have Mr. Mills bring extra copies the next time or to have provide it to the Council's office to move forward.

Chairman Watriont stated there were only seven members present tonight and if there was anyone that had a use variance request that would like to reschedule, they could come forward at this time. A use variance needed six affirmative votes. Seeing and hearing no one he would move forward with the meeting as scheduled.

7. PUBLIC HEARING

APPLICANT: Dorotheos Kalis -USE-
(Rescheduled from 8/27/14, 9/24/14, and 11/5/14)

REPRESENTATIVE: James Stolakis
COMMON DESCRIPTION: 5701 Chicago Road
LEGAL DESCRIPTION: 13-05-278-009
ZONE: "O" Office

VARIANCES REQUESTED: Permission to-USE-

Use existing two story building for multiple family dwellings.

ORDINANCES and REQUIREMENTS:

Section 13A.01 Paragraph A Item 1: Use regulations in O Districts.

In all O Districts, no building or land, except as otherwise provided in this Ordinance, shall be erected or altered except for one (1) or more of the following uses:

All uses permitted in PB or R-1-P Districts, except residential dwellings.

Assistant Secretary Vigus read the following letter into the record from Charles H. Earl Jr. that states that he received notice of a public hearing for the above referenced item because his office at Chicago Road and Mound is within a short distance of the property of 5701 Chicago Road. He has either lived or had his office in this Village neighborhood all his life. He has watched this office building being built and has watched the property deteriorate particularly over the last five years. The lease sign in front of the building seems to have been a permanent sign for the last ten years. Mixed office and residential use in this building is a perfect solution to a deteriorating situation. To the North of the sight in question, is the Red Run drain; to the South, is a residential duplex, to the West is simply a property—a single family home and a small condominium complex; and to the East is a nicely restored single-family residence where they grew tall trees and a privacy fence. This building is walking/bike riding distance from village places and community center. He believes it will attract responsible tenants and will be an asset to the mix of uses in the village. Signed, Charles H. Earl Jr.

Chairman Watriont requested a member of the audience at the podium to state his name and reason for the petition.

James Stolakis, stated that he was here to represent Dorotheos Kalis, requesting to purchase the building located at 5701 Chicago Road. He is requesting a variance to the two-story building to convert it to mix-use for offices and residential and he is proposing a maximum of up to four units. The building is presently zoned for offices and is almost vacant and it has been like that for a long time. Both building exterior and siding have wear, tear and neglect with some serious improvements needing to be made. With the conversion of the building to residential/office, his client will propose to make the necessary improvements, some of which are shown sited on file. His client in addition to purchasing the building is proposing to spend at least a \$150,000.00 to improve for better use. Some of the improvements to the exterior, which are being proposed, are as follows: A new roof to the building; additional windows as necessary on both ends of the building; painting of all of the exterior surfaces compatible with the surrounding area. Parking lot repairs as necessary and striping; concrete blocks which would be repaired or replaced and new vegetation plant-

ing is necessary aside from what was shown on the site plan. Allowing the conversion of this building to residential/office will make it more compatible in the area with the surrounding area, and he is sure he will up keep the building and become much better than it presently is. With that he requested the approval of the variance.

Chairman Watriont Stated this is a public hearing and anyone in the audience that would like to discuss this item may do so at this time and can approach the podium.

Everett Murphy, Zoning Inspector, City of Warren stated that he did not know exactly how this was going to be presented tonight, so he wanted to hear what was being requested and said. He stated these applications and site plan supports a mixed-use. As far as he was concerned the petitioner did not even ask for that at the time. When the applicant wanted to present and discuss it, the mixed-use was never brought up. It all came when he submitted the application. Looking at the way it was written, he requested permission to use the existing two story building for multiple family dwellings and that was his request, and that supports all residential or all office and not a mixed-use, which he did not ask for that. When he tried to submit, he mentioned this to the applicant and although he was not sure if the applicant understood why he said that to him. In any case the Applicant elected to go forward and submit these documents. He stated that if they have a copy of the site plan or site data chart, the first thing the applicant lists is the existing as a multiple use, which is correct and the proposals are three for multiple form but did not ask for mixed-use. As to the parking requirements, the applicant is listing it incorrectly. It is two spaces per unit, that is for multiple family and the applicant said that it equals eight, and that it was for dwelling use and not offices and that is it. The applicant said the total parking spaces is eight. So it is not allowing for any office use, any employee parking, any customer parking, it is just not listed. Looking at the rest of the site, again, it was never mentioned anything about whether the parking would be for resident or for the business use. There is absolutely nothing on there. If the applicant wanted to do that, according to **Section: 4.21**, which discusses combination businesses and home structures, it says one of the spaces for business use, such dwelling needs to provide a minimum for every 672 sq. ft. which he believes the applicant has that, and not less than 5,500 sq. ft. of usable lot area in addition to all the required parking for the business itself and none of that is addressed on the site. According to his interpretation, once the applicant asks for all residential or all office but not mix and that would be okay to request that. If the applicant is asking for a mixed-use, he thinks the petitioner needs to withdraw this request because the applicant forgot to bring it up. The applicant can try to resubmit and in reality it probably should be considered a re-zoning, rather than a use request. He thinks that the applicant needs to ask if he wants to go through with the original request.

Chairman Watriont stated this is a public hearing at this point and anyone else wants to discuss this, it is open to the public.

Oscar Zamora, City of Warren and stated that this was actually the item he came for, he just happened to be in the neighborhood. He said that basically he wanted to point out of being in opposite being that they never mentioned anything about mixing the residential and office and he does not believe he can do that. He said that there

was a meeting about two months ago, they came before the Warren Village Historical Commission and the petitioner had a certificate saying that the windows and re-roofing could be done at the building provided that the windows and roof were done conforming to the Village Commission specification. At that time, they really did not make any indication if they were for or against this variance; for that matter here before to you tonight, he wants someone other than the property owner to actually apply for a variance to this property that they do not own. He states that Mr. Kalis as far as he knows, does not own the property, and he cannot just come before the board and seek a variance to use Dunkin Donuts as a multi-family dwelling because he has no standing to do so. At the Village Commission meeting, Mr. Kalis was asked to have if the commercial tenant presently in the building wanted to stay, and his reply was along the lines that they would let him stay, and build one less apartment; and as the gentleman before me said, that would not conform to a multi-family variance he is seeking. He does not even believe this is a variance issue. A variance is more when it came to a business asking to move the dumpster closer to the boundary wall for a month so they could move Christmas trees onto the lot. The petitioner here is asking for something in perpetuity so in the very least this needs to be requested to rezone by the actual owner; whereby this process will start over with notification to neighbors who live within 300 ft. of the building alerting them of the request to rezone.

Dave Hurst appeared before the board and stated that he lives on 37635 Seventh Street, which is right around the corner from the property. This particular property Seventh Street is about 100 yards long and somewhat hazardous when someone is circling. It is bounded on the south by Harlo apartments; it is bound to the north by Chicago Road. Within a quarter mile of his house, there are no less than four apartment complexes, all of which charge very low rates. In the last ten years or so, those neighborhoods between the apartment complexes and the residences have put downward pressure on their property values. They have also encouraged people that we are not very fond of, walking into our neighborhoods, and they have no control over this and once you grant this person the ability to put rental properties within a 100 ft. of our house, they will have no say-so as to whom he will put in there. He cannot discriminate and he cannot say he was not going to take low rent people or poverty stricken people or whatever. The neighborhood is under a lot of pressure right now and he was asking the board to help protect his property values. He thinks there is already an excessive amount of rental property in the neighborhood and he does not think this is the right thing for Warren or for the tax base and it is certainly not the right thing for the residents that live in the area. As a neighborhood they have already been contacting the building inspectors to come out and try and get the people in the neighborhood that are not taking care of the property to clean up their property. This particular property is kind of an eyesore. Mr. Earl on the corner hit it right on the head, even though he was advocating for this guy, he told the board the property has not looked well in the past. What makes anyone think that if they turn it into a residential rental property that they would take any better care of the property? His wife has lived in the neighborhood for a very long time and unfortunately she was with her son at a concert tonight. There is one other issue that he would like to bring it up to the Board, but he cannot remember what it is and is hoping that someone else in the neighborhood would.

Carrie Abbott appeared before the board and stated she is the homeowner of a house directly to the east of the building. She stated that when they purchased their house ten years ago, it was for a future for them and a future for their family and they would not have even looked at this property and purchased it, had it been a rental property. They have put a privacy fence as stated with the drawing of the site plan because, yes, he has not been taking care of that property and everything was blowing into her yard. After several attempts of trying to speak with the tenants who are currently there, to no success, they sought another option at the other end to put up a privacy fence so that they can block themselves from them. However, she does have two small children and a beautiful big back yard and she would feel very uncomfortable being outside in the back yard with her kids knowing that anybody is coming in and out, and as previously stated, there are several rental properties in and around their area. They are a small knit historical group, who take pride in having a small community and if it goes into something else, they cannot guarantee that the children that are outside with a rental property next door with up to four apartments, can have control over and or do--- the ownership of the people that are going to be there and that is a big concern for her.

Mr. Abbott wanted to add that in actuality, between the economy and the flood recently and with the hit of a rental building next to them, their home values keep spiraling down and that would just add to it. No one wants to live next to a building that doesn't look safe. He likes the fact that with offices they close at five or six o'clock no one was there and now he does not know what they would have living next to them. He was asking the board to please deny this variance. There are already people walking around and there was a lot of trash that gets disbursed in the neighborhood. He tries to keep everything nice and clean, the way it used to be. If the current owner of the building was taking care of the building now, he might be able to lease it. The place as it is right now was a good place for an office. So he does not understand what he was applying for in making it apartments. If he does not take care of things now, to keep the property up now, it is a nice area with a nice open space and he needs to take care of it.

Daniel Brass appeared before the board and stated that he lives on 5618 Chicago Road, and owns 5604 Chicago Road. One of his biggest concerns that he has is around what everyone else has says too, which was, apartment buildings usually have common areas so people can go outside to barbecue or do whatever. He stated that there is not any space at the property for anyone to go outside or to have guests over; another is there is no storage, where people can store things: bicycles, stuff that they own and this and that. The property with the two parking lots alone, there is no room for renovation to the building to have a basement, and they cannot even have storage in an attic area. There is no common area and if people that did live there, if they have a family, where would they put them. They turn to a playground by the fireplace with stuff scattered all over the place. Like some of other people said, there are things in the neighborhood where the other rentals across the street have stuff stored all over the place and he has had to call the City about it. Those are the concerns he has and if the board approves a variance he hopes the owner takes care of the property.

Porche Santos appeared before the board and stated she is the wife of Mr. Brass, and her concern is the apartments, if someone drives around Chicago and 14 Mile Road and Mound, there were two others, go drive through that. She stated that one would see how it looks, and that is how it turns out. It is an old path. She stated that they worked very hard and have been there for a very long time—eighteen years—and have worked very hard to keep their nice home right across the street, and they take a lot of pride in their home and they are very concerned about this and would like everyone to think long and hard and she is not sure where they live, but she is sure that one would not want to live in a home that basically faces an apartment complex right across the street. She has lived near the Harlo apartments and she certainly does not want another apartment complex across the street from where she lives.

Chairman Watriont stated hearing and seeing no one else he turned the matter over to the board, but before he does, in reading through the petition. The request specifically does state that it is permission to use existing two-story building for multi-family dwellings, so that is the only matter the board can address at this point, and if Mr. Stolakis wants to address that.

James Stolakis stated that the petition and Mr. Murphy are right, they did discuss it, but then it has come to their attention that the petition, if read carefully, well maybe it was under another part but if you notice where it says please explain the nature of the hardship...

Chairman Watriont stated that is his hardship and not what they are requesting.

James Stolakis stated that he thought that was the request and they made a mistake not to bring it up on the purpose of the request; therefore, it is their mistake so they will withdraw a multi-use and propose residential, so they will go with just residential and they will concentrate on that to continue with the meeting.

Chairman Watriont stated that is what the request is. Then he called on Ms. Pauta.

Board Member Pauta stated she discussed this with Everett and Lynn Martin because the hardship says, the building and parking area has been mostly vacant for many years and cannot be used as zoned. Variance will allow two mixed use of office and residential that would be compatible with surrounding area. She stated that there is a similar mixed-use variance on what they are asking for on 13 Mile and Chicago Road, just east of Mound, who have been there for probably six years and most of their property is vacant. Residential and commercial office; they have a dentist office, a florist, and it is vacant now. So, she had questioned this in July.

Chairman Watriont stated that it is zoned as office right now—and he will let the attorney correct him if wrong—this is zoned as office right now, what he is asking for is a use variance, the request specifically says, it is permission to use existing two-story building for multi-family dwellings. So that is the use variance. The hardship that he brings up with the mixed use is not set before us, so that is not even in the

request. He can come back if he wants on that, but what he wants to move forward with is the multi-family use, in an "O" zone district.

Board Member Hawatmeh directed a question to the City Attorney. Is he able to come back, if we deny this, is he able to come back and ask for it again?

Roxanne Canestrelli, City Attorney, answered yes.

Board Member Hawatmeh stated that he wanted to confirm. He followed the whole thing very closely and it is beautiful building but no one wants a mix of commercial and residential.

Chairman Watriont asks if any other members had any questions.

Board Member Becher stated that from what she is hearing, the petitioner's request is that he will give up the use of offices completely, and from what she has seen on their paperwork, they would then have four apartments in that building?

James Stolakis stated correct.

Board Member Becher stated that she saw the drawing of dimensions and everything and they are rather large, very nice apartments. She stated she lives within a block and a half of that building, on Chicago Road and that the building is empty and it is not being taken care of, and due supposedly the owner of the building now is an elderly man and it is just too much for him. She also asked if they are looking for higher rent as well, correct?

James Stolakis stated yes for sure. He stated that it is not going to be a low-rent type of use. The money that his client is willing to spend between the purchasing and to bring it up to par, the apartments units plus the exterior improvements, would be a substantial number of dollars and it is not going to be for a low-rent type of rental. So it is going to require people that can afford that size of living and that quality of living.

Board Member Becher stated that at this point, the building is there and something needs to be done because there is not anything happening now, except decay, and it does have some chance. So we have to get out thoughts in order and be able to deal with this.

James Stolakis states that the building right now as it stands, though does need improvements, it fits the neighborhood there; it has been there and it looks like an apartment building and it is not that it looks like some eye sore...

Board Member Becher confirms that the building is not an eye sore and it has great potential.

James Stolakis agreed and said that it is going to be an improvement to the area and it is not going to be an eye sore.

Board Member Becher said, it is too large to be a single home.

James Stolakis affirmed and stated correct.

Board Member Becher stated they can respond by getting their ducks in a row and if something can be done about it, then she thinks they should.

Board Member Furgal stated that she cannot disagree with Board Member Becher; however, if he does a use variance of this particular property, it is essential to be zoned and most of the time, they zone properties.

Chairman Watripont stated that he agreed and he was going to ask that question to Everett Murphy.

Murphy Everett, City of Warren Zoning Inspector stated that he first agrees and the reality of this matter or issue is for the planning commission and should not be before this board because the owner has a right to ask for it. The way he particularly took this, is that this is still zoned "O", so if he wants to have four offices in there, that is fine. If he wants to have four residential uses in there, then that is fine. He stated that it is just not a mixed use. Yes, and that is not what he asked for and again, if it was ready for residential, he would still have to actually ask to go back to an office use.

Chairman Watripont states that it would be all or none.

Murphy Everett confirms, that all or none. He further stated, that he has no say in what the petitioner requests from zoning. He is not for or against it in any way, but he is just pointing out that it was not documented right.

Chairman Watripont asked Mr. Stolakis, that he has some questions regarding residential now. There is no basement, correct? There is no basement for storage?

James Stolakis confirms the Chairman's question and says there is no basement

Chairman Watripont asked where these tenants would store their items. Such as if the tenant wanted to have a barbecue or something as such? A lot of people have storages even in apartment buildings that are more than a bedroom?

James Stolakis stated that it is correct. He said, there is limited space in the common area. There is not...

Chairman Watripont asked Mr. Stolakis if he would store his stuff in a common area.

James Stolakis stated, no. He was not stating that is where they would store their stuff in a common area. He stated that would be divided. That there is not a tremendous amount of space, no. They own an existing building and trying to make

use of it, but he could say that the units can be shrunk a little bit because they are large units, to make space for storage and there is no question about that.

Chairman Watriont states that in his opinion, he believes that he should try to get this rezoned if that is truly what he wants; a rental property. That he should go through rezoning, and he does not think that they are necessarily the board for him at this point and time.

Board Member Hawatmeh stated that he would like to hear what the City Attorney stated.

Chairman Watriont calls on the City Attorney to make the comments on the record.

City Attorney, Roxanne Canestrelli stated that she did not state anything.

Board Member, Sherry Brasza, stated that she believes what this is going to come down to is that they are giving them an option to have it zoned in preference; which, is stated on their application, a mixed-use. This at this point seems to be a better way to go.

James Stolakis asked that if it does go through rezoning, the owner has to apply for that, is that correct?

Board Member, Sherry Brasza, stated that is correct. It is not an extensive process, not as long as it has been; when they have been through since August with the board. So, this is timing.

James Stolakis, confirms the comment of Board Member Brasza and says okay. Then, he stated that the gentleman here is the owner of the property.

John Sarah, stated that he is 75 years old, and he has not been able to pay the taxes on the property, and no one is renting an office anymore. He stated that the applicant is going for all residential. He stated that the applicant had residential right across the street, for multiple units. He stated that he is selling it to this man, for less than half of what he paid for it. He is sacrificing it not to make a derelict building, but he cannot afford to keep it up. He stated that this man is prepared to spend a lot of money and the option is, if he can take the owner, he tried to sell it through a commercial real estate, they did not receive calls. He stated that this man has reliable solution for this building and it is going to do nothing but enhance the property as opposed to letting it be a derelict building. He cannot afford to keep it. He asked if they wanted him to have it boarded up and wait for the City to take it for taxes. He wanted this man to move forward.

Chairman Watriont stated that the board has to abide by the rules and regulations and what the petitioner is asking for, is not what he was presenting there.

John Sara, owner of the property, stated, he understands, but the board asked the applicant, if he would go all or nothing, and they asked him if he would be able to

resend this request for a mixed use and just vote for all residential. He stated that at 1200 sq. ft. that is larger than a lot of homes in the area. He said, the applicant should have high end uses there.

Chairman Watripont, stated that he understands.

John Sara, the owner of the property, stated, that if they look over to the apartments across the street, the lady was a tenant, and they do not have barbecue stationed at those apartments. They are not homes.

Board Member Hawatmeh stated that he never received a copy of the site plan that they had there, and he was not even on the board at the time, and requested to see it for a moment. He also asked the applicant, if that is the size of all four of them that he is proposing 1200 sq. ft.?

James Stolakis, stated yes.

Board Member Hawatmeh asked how many bedrooms are they. Three bedrooms?

James Stolakis, stated that they are two bedrooms.

Board Member Hawatmeh said that he was all set.

Chairman Watripont asked if there were any further questions.

Board Member Becher asked what they can do, such as, could they possibly approve this for apartments tonight themselves, or does he have to go through planning that?

Chairman Watripont, stated that he believes that they can approve it to move forward with as apartments, he does not know if planning has to see it after that.

Board Member Becher asked if the City Attorney could answer that question.

City Attorney, Roxanne Canestrelli, stated, yes, if the board decides to vote for it only to be used as residential or multiple family and not the office use. The alternative is that, if the board feels that it should not be rezoned and that the board feels that they are not going to vote on it, then it would go through Planning.

Board Member Becher stated, that the only thing they were concerned about at this point, is if the Board allows the multiple family, would be the zoning and that they would have to go before the board to have this rezoned from office to multiple residence, right?

Chairman Watripont, stated no in response to Board Member Becher's comment. If the board grants the use variance then it would with the right of the land.

Board Member Becher stated that she thinks she was ready to make a motion.

Chairman Watripont stated there was more discussion and called on Board Member Pauta.

Board Member Pauta, stated there was a restricted access for both owners, but it does not specify that there is going to be two separate furnaces, and it does not specify if there is going to be two separate hot water heaters, one of the doors does not show, one on top of a big stop box, so were these mechanicals going to serve both apartments or are they going to have two separate furnaces and two separate hot water heaters?

James Stolakis, confirmed they would be separately for each tenant. He further states that they have not gotten to the details of workings of the systems in there yet, because again, it was a little premature for that but they are proposing to have them separated. Each unit has its own hot water tank and furnaces, this way they can control their own use.

Board Member Pauta, stated that in the comment earlier she heard that they would spend \$150,000.00?

James Stolakis, responded and said that he had stated it was at least.

Board Member Pauta, said a lot more than a \$150,000.00. She stated she is a builder and she knows that this costs.

Chairman Watripont addresses Mr. Everett, and asked, with the plan that was submitted to them since it does not have dimensions and separate uses etc., would they need something on file with that?

Murphy Everett, Zoning Inspector asked if he was discussing about mechanical.

Chairman Watripont, said, mechanical and etc.

Murphy Everett, Zoning Inspector, stated that what got to him was a floor plan, and that it is not a detailed mechanical plan, and said that it would be probably appropriate to come before him with a floor plan and mechanically by state codes, he is going to be required to have separate heat, separate etc.

Chairman Watripont stated that he would have to go through planning to get that through the

Murphy Everett, Zoning Inspector, stated he has to submit a plan for review, and have it approved prior to doing any construction work. All this has to be addressed and then at that time it would be appropriate time for him to show us how he plans to move ahead with that and we would probably approve it or deny it.

Chairman Watripont stated okay, and he understands that if it goes forward.

Board Member Becher, states that she would like to make a motion.

Oscar Zamora asked if they closed the public hearing yet.

Board Member Becher stated yes, they have.

Oscar Zamora stated that he would like to correct the inaccuracy of the motion and as far as he knows there is still one thing in here that vote would not be...

Chairman Watripont, stated that the public hearing has closed and asked the gentleman to sit down.

Board Member Becher, stated that she is sure that it will be worked out between this owner and the next owner.

Motion:

Board Member Becher made the motion to grant the petitioner's request to use this building for a multiple family dwelling and that when they do the conversion that they meet all standards and regulations of the building codes.

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

Board Member Furgal said she could not support the petitioner's request.

Chairman Watripont, stated there is a motion and no support.

Motion:

Board Member Furgal made a motion to deny because she believes that it was essentially rezoned and that the petitioner has not properly demonstrated what his plan is and that the hardship was self-imposed. She does not believe it was necessary and it does not meet the requirements in order to grant a land use variance.

Reason being: Self-imposed hardship and does not meet requirements in order to grant a land use variance.

Board Member Hawatmeh supported the motion to deny.

Chairman Watripont stated he had a motion to deny with support.

Roll Call:

A roll call was taken on the motion to deny and the motion carried (6-1).

Board Member Furgal Yes to deny for the reasons stated in the motion.

Board Member Hawatmeh Yes to deny for the reasons stated in the motion.

Board Member Becher No to deny.

Board Member Pauta Yes to deny for the reasons stated in the motion.

Board Member Brasza	Yes to deny for the reasons stated in the motion, and states that it does not mean it cannot go if it is zoned.
Board Member Vigus	Yes to deny for the reasons stated in the motion.
Chairman Watripont	Yes for the reasons stated in the motion.

The motion has been denied six to one.

Chairman Watripont requested a five minute recess.

Chairman Watripont stated that before they move forward, he would make a motion for a five minute recess. Board Member Hawatmeh supported the motion.

A voice vote was taken on the motion. All "Ayes" were recorded. The meeting recessed at 8:40 p.m.

Chairman Watripont called the meeting to order at 8:45 p.m.

8. PUBLIC HEARING

APPLICANT: Tom/Tamras Tamou
(Rescheduled from 9/24/14 and 11/5/14)

REPRESENTATIVE: Tom Tamou
COMMON DESCRIPTION: 13590 Fourteen Mile
LEGAL DESCRIPTION: 13-02-228-017
ZONE: C-2

VARIANCES REQUESTED: Permission to

1. Allow a drive thru restaurant less than 200' from an intersection.
2. Waive the required four (4) foot fence around the property.
3. Waive 10 required parking spaces per the plan.

ORDINANCES and REQUIREMENTS:

Section 14.01 Paragraph (k): Drive in restaurants shall be permitted upon approval of the Planning Commission, after a public hearing and it is found that the proposed drive in restaurant meets all the requirements of the Zoning Ordinance and the following standards: **Item 1:** Be so located and designed to eliminate undue congestion in the public streets: (a) be two hundred (200) feet from the intersection; and (b) be limited to two (2) curb cuts **and if the property is less than one hundred fifty (150) feet wide, be limited to one (1) curb cut.** **Item 4:** Drive-in restaurant properties shall be completely enclosed with a chain link fence with a height of four (4) feet....

Section 4.32 Paragraph (h) Item 17: Restaurants require one (1) parking space for each one hundred (100) square feet of floor area, plus one (1) parking space for each four (4) employees.

Section 4.32 Paragraph (h) Item 22: Retail establishments require one (1) parking space for each one hundred fifty (150) square feet of floor space.

Chairman Watriont requested of the petitioner to state his name and address for the record.

Tom Tamou appeared before the board.

Chairman Watriont asked the petitioner for the reason of his petition.

Tom Tamou stated that it was for the retail center located at Fourteen Mile and Schoenherr, it is a restaurant.

Chairman Watriont stated, right, and asked what the hardship is?

Tom Tamou stated he thinks that corner of the road really needs it. He stated what was there before, has been torn down.

Scott Hennen, appeared before the board and stated he is an architect that had prepared the drawing in the packet. His address is 31000 Northwestern Highway, Farmington Hills, MI. He stated that he and Tom Tamou had been working for several months on this project. They have had meetings with Ron Wuerth and with Lynn Martin and the engineering staff, and the County Road Commission to get this project approved. The direction that he had received from the Planning Department which was Ron Wuerth, was that for one thing, the fence around the property was thought to be a disadvantage because in his words, it collects trash when the wind blows and he thinks that may be soon taken out of the ordinance. The other thing was as Tom Tamou had mentioned, was that there was a derelict gas station there that had outlived itself and Tom Tamou had purchased the property and tore it down to improve it. He stated that Tom Tamou would like to put this center there and bring people to that area. One of the variance, is that he was seeking to put a restaurant within 200 ft. of the intersection. The hardship that he has is that the entire property is 200 feet long. He stated that therefore, if Tom Tamou was going to have a restaurant he would have to buy another property and move it off of this property. So that is the hardship he has and also with the parking he would let Tom Tamou speak on that. Since Tom Tamou has been dealing with several other centers throughout the Michigan area here and based on his experience with how these things work, parking is really necessary for this to work under these circumstances, and he will explain the rest.

Tom Tamou stated as far as under the City of Warren's policy for a drive-thru restaurant; this really is not a dining restaurant, it is a drive-thru coffee and bake shop, basically that is what it is. They do not require as much parking because most of the customers come to pick up their coffee, their orders and they are always on the go. So this is the type of business so it really does not require as many parking spaces as the code would require for that location.

Chairman Watriont stated this was a public hearing and if there was anyone in the public that wishes to speak on this item could come forward. Hearing and seeing none he closed the public hearing and turned the matter over to the board.

Chairman Watripont stated he was very familiar with the area; basically he lives right across the street from it and that gas station was an eye sore and he was glad when it went down. He had heard lots of rumors about things that were going in there but he knows that there was a donut bake shop going in on 13 Mile not too long ago, so he assumes that it is somewhat similar to that type of a franchise that was going in there. He knows that at the last meeting, the board thought he was a use variance, but Everett Murphy corrected that after the meeting; otherwise, they were going to go forward at that time. He turned the matter over to the rest of the board now.

Board Member Pauta, asked the petitioner if this was going to be a Tim Horton's?

Tom Tamou said he did not want to say at this time.

Board Member Pauta asked if it was something similar.

Tom Tamou confirmed that it is something very similar.

Board Member Pauta said so that would mean that he would have some sort of menu somewhere, otherwise the traffic can soon get be backed up so bad.

Tom Tamou requested that Board Member Pauta repeat her question.

Board Member Pauta, again asked if he would have some type of menu somewhere, in the drive-thru?

Tom Tamou stated there is a menu board and predominantly a drawing to feature the menu board and a speaker for the future tenant. When they met with Lynn Martin, she stated to them that when the tenant comes, she would require them to come and go before the Planning Commission he believes to get that approved.

Chairman Watripont stated that would be part of the actual tenant when it moves forward but he was only requesting today was to allow a drive-thru restaurant and to waive parking spots and the fence; those three items are what is presented before the board.

Board Member Brasza asked if there was any other discussion from the board.

Motion:

Board Member Brasza made a motion to grant the petitioner's request to allow a drive thru restaurant less than 200' from an intersection; to waive the required four (4) foot fence around the property and to waive 10 required parking spaces per the plan.

Reason being: The size and shape of the lot, is not a detriment to the area.

Board Member Becher supported the motion.

Chairman Watripont stated there is a motion by Board Member Brasza, support by Board Member Becher.

Roll Call:

A roll call was taken on the motion to grant the motion carried (7-0).

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

The motion has been granted.

9. PUBLIC HEARING

APPLICANT: Asim Cehajic

(Rescheduled from 6/11/14, 7/23/14 and 9/10/14)

REPRESENTATIVE:

Asim Cehajic/Kerm Billette PCP

COMMON DESCRIPTION:

21329 Groesbeck Hwy

LEGAL DESCRIPTION:

13-35-330-016

ZONE:

M-2

VARIANCES REQUESTED: Permission to

1. Construct a pole barn (34 ft. x 34 ft. = 1,156 sq. ft.) to less than five (5) feet of the north property line and seven (7) feet of the west property line.
2. Outdoor storage for truck parking on gravel as per the plan.

ORDINANCES and REQUIREMENTS:

Section 17.02 Paragraph (b): Side yards and rear yards. M-2, 20 feet each.

Section 17.02, Item (s) Paragraph (2): Industrial Standards, Open storage other than junk... The designated area shall be hard surfaced and screened from the public street and any residentially zoned areas... Further, the designated area shall not exceed 50% of the building size and in M-2 zones the designated area shall not be located any closer than seventy-five (75) to the front property line....

Kerm Billette, 38638 Warwickshire Dr., Sterling Heights appeared before the board and stated that he represents the petitioner, Mr. Cehajic. The property previously was requested on board of appeals for approval with a building and a parking for what he believes was six trucks. The address has been changed to Groesbeck rather than on the side street. Since the last meeting, he has submitted the revised plans to the zoning office, Mr. Murphy and paid the fees to revise the plans, but the one thing he forgot, was that the petitioner has to submit the order to the board of appeals, withdrawing all these items because of the site plans being changed. He respectively regret to inform you this item is so he could submit the letter the correct way to Mr. Murphy and the site plan has was already filed, it would be available to you for consideration.

Chairman Watripont stated this is not open for the public discussion.

Board Member Brasza suggested a motion to reschedule, a day in certain?

Chairman Watripont stated a motion to reschedule.

Board Member Brasza suggested to Mr. Billette, whether he wished for January or February of 2015.

Kerm Billette stated that it could be in January of 2015.

Board Member Brasza, stated that it would be on the 14th.

Kerm Billette stated that the site plan according to how it was submitted, was not Mr. Murphy's fault, but it was his fault.

Motion:

Board Member Brasza made a motion to reschedule to January 14, 2015

Everett Murphy, Zoning Inspector, City of Warren, stated that he originally believed that the petitioner was going to send a letter and that no one was going to actually come in tonight, but he believes that the petitioner can actually request to withdraw tonight.

Chairman Watripont, stated that he could request to withdraw on record now.

Everett Murphy stated then there is no sense to reschedule.

Kerm Billette stated it was an error in procedure.

Chairman Watripont asked if he had another petition in there.

Everett Murphy stated that it was already at the City Council, and that it only has to be scheduled on the Agenda.

Chairman Watripont stated so that would be scheduled. He also stated that what the petitioner has now, he is going to withdraw.

Kerm Billette confirmed the Chairman's statement and said yes.

Chairman Watripont stated his other petition is in the works and it will be notified when it is scheduled, so it has nothing to do with this specific one, and he does not know what date that would be on, or if it is going to be held in January or February. So, he will be notified on that as well.

Motion:

Board Member Brasza made a motion to withdraw.

Chairman Watriont stated motion to withdraw made by Board Member Brasza through the petitioner, any support?

Board Member Vigus supported the motion.

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

The motion carries and it has been withdrawn.

10. PUBLIC HEARING

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

(Rescheduled from 7/23/14 and 10/8/14)

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

VARIANCES REQUESTED: Permission to

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

ORDINANCES and REQUIREMENTS:

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

Chairman Watriont asked the petitioner to state his name and address for the record.

Kerm Billette, 38638 Warwickshire Dr., Sterling Heights, 48312 appeared before the board, and stated that he is representing the petitioner on the 27330 Gloede. Tractor-trailer storage on gravel and that be a condition of the site plan.

Additional comments were made by Mr. Billette but were inaudible.

Chairman Watriont stated that this is a public hearing and anyone in the audience wishing to participate can approach the podium. Hearing and seeing none, he turned the matter over to the board.

Board Member Brasza, directs a question to the petitioner, of the 27,105 sq. ft. Is that an area that she is looking at the site, the overhead, was that a grassy area on the north side?

Kerm Billette confirmed and stated that that was the area where all shrubbery and grass had been removed on the north side.

Board Member Brasza stated then that is what is the 27,000 sq. ft. She stated that the cemented area right now is staying, but just going to park on the gravel?

Kerm Billette stated yes, and that they had a landscaping company come in and take all of the vegetation out of the way and also had most of the asphalt mills put in properly to help haul level. The problem is here between the property as far as a separation of the businesses.

Board Member Brasza stated that the truck and trailer business repair, the semi-trucks and trailers that equal to 27,000 sq. ft., are they going to be turned over or are they going to be there at storage or a long period of time?

Kerm Billette, stated that the will turned over once they are repaired.

Board Member Brasza stated that with gravel, then they are going to have weeds and things that are growing into it. Would they maintain that, and is it in the plan?

Kerm Billette confirmed by stating yes.

Motion:

Board Member Brasza stated if there is no further discussion, then she would make a motion to grant the petitioner's request to allow 27,105 sq. ft. of gravel for outdoor storage area as per the plan and to allow 27,105 sq. ft. of outdoor storage for semi-trucks and trailers as per the plan.

Reason being: Due to the size and shape of the lot, she needs the approval of the board.

Board Member Vigus supported the motion.

Roll Call:

A roll call was taken on the motion to grant the motion carried (7-0).

Board Member Brasza	Yes for the reasons stated in the motion.
Board Member Vigus	Yes for the reasons stated in the motion.
Board Member Becher	Yes for the reasons stated in the motion.
Board Member Hawatmeh	Yes for the reasons stated in the motion.
Board Member Pauta	Yes for the reasons stated in the motion.
Board Member Furgal	Yes for the reasons stated in the motion, and stated thank you for cleaning it out.
Chairman Watripont	Yes for the reasons stated in the motion, and stated thank you for cleaning it out.

The motion had been granted.

11. PUBLIC HEARING
REPRESENTATIVE:

APPLICANT: Matthew Evans
Same as above.

COMMON DESCRIPTION: 31715 Acton
LEGAL DESCRIPTION: 13-06-426-024
ZONE: R-1-B

VARIANCES REQUESTED: Permission to

1. Allow a 12' x 16' shed.
2. Allow a shed in the side yard to no less than 6' from the west property line.

ORDINANCES and REQUIREMENTS:

Section 4.20 Paragraph (a) Item 5: All accessory structures, excluding garages, will not exceed a total of 120 square feet.

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 Watriont requested that the applicant state his name and address for the record.

Matthew Evans, 31715 Acton Drive, appeared before the board and stated that he is acting as the representative for the submitted variances.

Chairman Watriont asked the applicant for the reason for his petition.

Matthew Evans stated that the hardship is property maintenance. If someone sees the lines of their home, the back fence, there is very little room for a shed through the shelves at the property in that area, so that is the reason he is unable to place the shed behind the front side of the wall.

Chairman Watriont, stated that this is a public hearing and anyone who wishes to speak on this subject to approach the podium. Hearing and seeing none, he turns this matter over to the board.

Board Member Brasza stated to the petitioner that she sympathizes with him because she has the same problem with her backyard. They literally fall sightline directly to the corner. She is not sure what the space to the corner is called? She asked if she would assume, if he was going to do a platform, the rat wall for the 12' x 16'?

Matthew Evans stated that it was correct.

Board Member Becher asked if the neighbors are aware that he is going to put that by the side there in the side yard?

Matthew Evans stated yes they are and that he just have to go through the process.

Board Member Becher stated okay, then he would have to move his swing set?

Matthew Evans stated, yes, exactly.

Chairman Watripont asked the petitioner for the reason of his petition.

William B. Siewert stated that the reason for his petition is that the name of the building is quite long, so it requires them to put it on the building and make it visible so that it makes it interesting for that education building there so it could be recognized.

Chairman Watripont stated that this is a public hearing and anyone in the audience wishes to speak now, may approach the podium. Hearing and seeing none, he turned the matter over to the board.

Board Member Becher, stated she went looking for this address prior and almost drove right passed the building because of the driveway. Stating she does not see any problem with having a sign, he needs the identification because he has a long driveway with all of that landscaping in front of the building. She then asked if anyone else has any questions.

Motion:

Board Member Becher made a motion to grant the petitioner's request to erect two (2) wall signs of, 385" x 15" = 40.1 sq. ft. each, one on the south wall and one on the north-east wall and to allow a total of 80.2 sq. ft. of wall signage.

Reason being: Lack of identification and it is not a detriment to the area.

Board Member Pauta supported the motion.

Roll Call:

A roll call was taken on the motion to grant the motion carried (7-0).

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

The motion has been granted.

- | | |
|---------------------|--|
| 13. PUBLIC HEARING | APPLICANT: C & C Fruit & Flowers, LLC.-USE- |
| REPRESENTATIVE: | Caren M. Burdi |
| COMMON DESCRIPTION: | 5823 E Thirteen Mile |
| LEGAL DESCRIPTION: | 13-05-476-006 |
| ZONE: | C-2 & P |

VARIANCES REQUESTED: Permission to: -USE-

1. Conduct temporary seasonal outdoor retail sales in a C-2 Zone from March 5, 2015 to December 28, 2015 (20, 000 sq. ft.) as per the plan.
2. Waive 50 required off-street parking spaces for the proposed temporary seasonal outdoor retail sales area.
3. Display flowers in the P Zone to no less than 10' of the 13 Mile property line, as per the plan.
4. Allow a total of 10 signs, 4' x 2' (8 sq. ft. each) (total of 80 sq. ft. temporary signage) in addition to the 32 sq. ft. sign allowed by ordinance.
5. Have a 60' x 90' receiving area from May 15 to June 15, 2015 as per the plan.

ORDINANCES and REQUIREMENTS:

Section 4.48 Temporary outdoor retail sales in commercial/industrial districts

Paragraph (a): One (1) temporary outdoor retail sale may be conducted per parcel for a period not to exceed thirty (30) days.

Section 4.52 Standards for temporary outdoor retail sales approval Paragraph

(d): No sales activity or display of merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use.

Section 4.32 Paragraph (h) Item (22): One (1) parking space required for each one hundred and fifty (150) sq. ft. of building and outdoor sales combined.

Section 4.51 Variances in conjunction with an outdoor retail sales permit:

Upon a finding of unnecessary hardship and pursuant to the standards set forth in Article XX of this ordinance, the zoning board of appeals for the City of Warren may grant a temporary variance in conjunction with a temporary outdoor retail sales permit. Any temporary variance granted in conjunction with an outdoor retail sales permit shall automatically expire upon the expiration of the temporary outdoor retail sales permit.

Section 4.53 Paragraph (k): Signage for the temporary use shall be noted on the approved plan. The sign shall be limited to a double-faced or back to back sign no greater than thirty-two (32) square feet and shall be set back not less than the established setback or parking line whichever is less. For double-faced or back to back signs, the allowable sign surface area shall be calculated by using the area of only one side of the sign, provided that the front and back of the sign are separated by no more than three (3) feet.

Section 16.02 Limitation of the use of P Zone: (a) parking for private passenger vehicles only.

This item was moved to item 5a on the agenda.

14. PUBLIC HEARING

APPLICANT: David Potocki

(Item was called on as number 13 on the agenda)

REPRESENTATIVE:

Robert J. Tobin

COMMON DESCRIPTION:

27610 College Park Drive

LEGAL DESCRIPTION:

13-13-429-004

ZONE:

M-2

VARIANCES REQUESTED: Permission to

Have 5,264 sq. ft. of outdoor storage as per the plan for auto repair vehicle.

ORDINANCES and REQUIREMENTS:

Section 17.02, Item (s): All open storage shall be located in a designated area approved by the Planning Commission as a part of site plan approval. The area shall be enclosed on three (3) sides by chain link fencing with metal/plastic slats used for screening as deemed necessary by the Planning Commission. The designated area shall always be hard surfaced and screened from the public street and any residentially zoned areas. The designated areas shall not be located in any area required for parking space and is necessary to meet the minimum requirements of Section 4.32 of this ordinance. Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site...

Robert Tobin, 2201 Twelve Mile Road, Warren, MI, representative for the petitioner, appeared before the board, and presented an item and stated, that he is putting the item there because they are looking at a blank piece of paper.... *(Voice inaudible)*

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

Robert Tobin stated, the area being discussed tonight was highlighted in yellow. The site is located at the very end of an industrial street in the zone M-2. All the properties on this street are in zone M-2. No residential properties are on the street. The building is operated as auto repair and a detailing shop. The building is an attractive brick building with a grass line in front and there are trees in front, so at the end of it, if noticed, it is at the very end of a dead-end street that is all the way around. He stated that it does back up to a large storage yard in the back. The entire site is concrete paved and absolute gravel, so there is no problem there. They provided some key car spaces along the south parking line, which meet the requirement of the parking ordinance. He stated that they are required outdoor storage for vehicles to be repaired. They have selected an area behind the building, which is the only one access to the building and it is not visible from the street. The area selected does allow for parking spaces, on which the owner states is ideal for his operations. The M-2 zoning allows 50% of the building area for outdoor storage, which is 4,224 sq. ft. They had exceeded the required amount per square feet by 1,040 sq. ft. and therefore, they request the board's permission to waive 1,040 sq. ft. for outdoor storage. Their hardship is the size and shape of the lot dictated, due to location of the outdoor storage in the back and it is not a detriment to the area.

Chairman Watriont asked Mr. Tobin, if he is requesting to waive?

Robert Tobin, stated yes, as he understands that in the way it was written up, it shows they are requesting for a total of, which he does not have in front of him there...

Board Member Vigus stated, 5,264 sq. ft.

Chairman Watriont, stated, of outdoor storage?

Robert Tobin, confirmed, and stated yes of outdoor storage. He said they are allowed 4,224 sq. ft. which is 50% of the building, which it exceeds by 1,040 sq. ft.

Chairman Watripont, stated, that it is not to waive it, but to...

Robert Tobin stated, to grant access. He stated yes, that is the way it should have been written up.

Chairman Watripont, stated he wanted to make sure for verification. He turned the matter over to public hearing, anyone wishing to speak on this matter, may approach the podium. Seeing and hearing none, he turned this matter over to the board.

Board Member Brasza, stated to Mr. Tobin that sometimes the board's concerns that the green space at the backside storage, the outdoor itself has to be clean at all times. That is really a treat. She stated that if there was no further discussion...

Board Member Becher stated that when she went to look at this, the other day, at the back of the property, where they have all of the cars parked—she has a few things that now came to mind—there was someone taking one of a cab covers for a pick-up truck and throwing it over onto the Grand Trunk property from the back of his client's property. So, they really cannot be throwing the garbage back there. She stated that it was approximately 10-15 ft. north of the dumpster, so his client cannot be doing that. She stated the next thing was that, she wanted to know how long was he planning on having cars parked out there, and they cannot have junk cars there; and are the cars going to be turned over, within a reasonable amount of time? If they take cars, are they going to be repaired or not repaired within say 30 days or 60 days, did he answer that question?

Robert Tobin stated that he believes the best way for him to answer that question is to directly have the gentleman up to the podium who is operating the facility, this way he can answer all of the questions.

Earl Ferris resides on 30937 Sutherland, Warren, MI appeared before the board and stated that first thing, that the cap is not theirs. It was abandoned there, and he does not know who it belongs to; he was trying to have someone scrap it. He said it is aluminum and it is large, but it does not belong to him.

Board Member Becher questioned had it just appeared?

Earl Ferris said that it is not his, but he did notice that it was left on the lot.

Board Member Becher stated, yes she did, and when she opened up her plan, she noticed that he had a couple of cars that were double parked, and wants to know if he is planning on doing that often?

Earl Ferris stated, that he is trying not to, and obviously with people, they get them inside, and sometimes they bring them out, and the problem is, someone may not know where the parking spot is.

Board Member Becher, stated no there was not, it was pretty full. She stated that there was also a car parked in the driveway down by the street. So, she figured that they are using every one.

Earl Ferris stated, that he usually parks down the drive, because his office is right in the front.

Board Member Becher stated, that her next question is the cars, when they are bringing them in for repair, how long would they be on the property?

Earl Ferris stated, usually most of the cars are there for 48 hours.

Board Member Becher then said, that is fast.

Earl Ferris stated, that they come in, they are serviced for the detailing in the front and back. The service they does in detailing is for Van Dyke Dodge, Rinke, and Crest. These are not cars that sit. He means that they are there, but they do not sit and become a habit.

Board Member Becher asked, that they are not going to be replacing an engine or anything?

Earl Ferris stated, that they do some of that work too, but it is a split.

Board Member Becher said, that if a car gets smashed on the road, does that come in to them?

Earl Ferris stated, no, they are not a collision shop, and they try to stay away from that. Hardly, they would only go out there, to take a tow truck down there, for a service.

Board Member Becher stated, then how long would a car stay on his property?

Earl Ferris stated, generally 5 to 8 days. Every procedure differs in service.

Board Member Becher stated that sometimes, with outdoor storage, there is concern about, things that come in and never move again.

Earl Ferris stated that is correct and he tries not to do that.

Board Member Becher, stated that answers my questions.

Chairman Watriont, stated if they put a limit on the outdoor storage, to move it closer by 30 or 60 days, and it cannot be in the outdoor storage area not to exceed the 30-60 days.

Earl Ferris, stated yes, definitely.

shaped outdoor storage area along the east property line 25' deep x 228' wide, then becomes 40' deep x 168' wide, then becomes 55' deep x 192' wide = total 22,980 sq. ft.; **TOTALING= 49,140 sq. ft. of outdoor storage area as per the plan.**

2. Waive 347 linear feet of curb and gutter on the northern property line as per the plan.
3. Waive 778 linear feet of curb and gutter on the eastern property line as per the plan.

ORDINANCES and REQUIREMENTS:

Section 17.02, Item (s) Paragraph (2): Industrial Standards, Open storage other than junk... The designated area shall be hard surfaced and screened from the public street and any residentially zoned areas... **Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure.**

Section 4.32, Paragraph (i): All spaces that abut a common property line where a continuous curb is not required shall provide one protective bumper curb per parking space. Said bumper curb shall be placed no closer than five feet from the property line.

Assistant Secretary Vigus stated she received a letter that she would like to read into the record.

Chairman Watriont stated to assistant secretary Vigus, to hold on to reading the letter until after the presentation.

Chairman Watriont asked the person at the podium to state their name and address for the record.

Jeff Klatt appeared before the board and stated that he is from Krieger Klatt Architects, Inc. His address is 1412 E 11 Mile Road, and he introduced Mr. Tom Mildon, who is the owner of Star Truck Rentals. He stated that before they discuss the hardships, Mr. Mildon who will be at this company would like to speak.

Tom Mildon appeared before the board and stated he is the president of Star Truck Rentals, 3940 Eastern, Grand Rapids, MI. He stated he will try to be quick, and would like to tell the board a little bit about Star Truck Rentals. He stated that they are a 125 year old company, based in Grand Rapids, family owned, and it has been in his family for almost 100 years. They operate out of eighteen locations and they serve this area among other many businesses that serve the area, which you are familiar with them. They bought a business out a few years ago, Michigan Fleet; which is out of Roseville, on Groesbeck. He mentions that because they were all sensitive to the appearance of the buildings that belonged in the area and the upkeep in some of them and he would hate to find out that someone would have driven by that facility and left under the impression that, that was the way he operated. He presented a photo to the board of their Saginaw facility. He stated when they bought the Michigan Fleet on Groesbeck, they recognized at the outset that they would be moving sooner or later, and it has been two and a half years and it has been a long time, trying to get that done. He thanked the board for listening and he just wanted

the board to see that and know a little bit about his company, and he is going to leave the rest for Jeff.

Jeff Klatt, stated he was going to walk through their site briefly for the 13875 Ten Mile Road. He stated that Ten Mile Road, leads to just about there (indicating on the item he is showing before the board). He stated their site was the irregular shaped lot and that was their proposed location of land. He stated as the board could see there, the empty lot was not a valuable use; that was off behind the building as seen on Ten Mile there. They are also surrounded by open storage or outdoor storage use, and the dash lines indicate the outdoor storage use. He stated there are semi-trucks parked off the road at the back of the surrounding area. (Mr. Klatt presented a larger site-plan to the board). He stated in the large site plan, the board would see that in the gray shaded area is allocated on their side of the location. He said, the way their parking onsite as well as the property there. The parking area is really shaded from the entrance on Ten Mile, mainly because the way it is so minimal, and also because they have a landscape out in the front with a lot of green space, to plant some trees in front of the building. It really helps to hide other parking in the building from Ten Mile Road. He stated with the variances, one they are asking for granting 49,140 sq. ft. for additional outdoor storage for truck parking, so it would be off by 6000 sq. ft. and they can address all six points, but maybe their hardship is that, in their block, they spend on operating above and beyond by Star Truck Rentals. Variance #2, to waive 778 feet of curb and gutter on the eastern property line, and the hardship here is due to the irregular shape of the lot. A good trucks is sitting for a while , because of the irregular regular shape of a lot, the curb is going to become damaged by the trucks over time and it may need possible repairs and it go on all the while they are doing business. Curbs are not required for drainage because all the lots are designed to handle the drainage. Their third variance is to waive the 347 linear feet of curb and gutter on the northern property line, and their hardship there is in fact that for future expansion, possible use of a mix lot there, and they have to put the curb in and that would costs them and the curb could be damaged as the other area or need to be removed because of any future use.

Chairman Watripont, stated that this is a public hearing and anyone wishing to speak, may approach the podium.

Larry Holman, 8401 Kennedy Circle, Warren, MI, appeared before the board and stated that he owns the property immediately to the west of that site and he looked at their plans and he thinks it is a great site for what they are looking for. They have several sites in the State and they do a beautiful job in building this pristine. He also stated that this is a professional company with good reputation, and he believes they will be a great neighbor and he is very much in favor.

Chairman Watripont, stated if anyone else wished to speak.

Edward Holowinski, 2610 Lahser Road, Bloomfield Hills, MI appeared before the board and stated that his wife and him own three properties on Hovey Street, which are just north of that industrial property. They own the properties on 13834 Hovey Lane, 13847 Hovey Lane, and 13859 Hovey Lane, Warren, MI. He stated that Hov-

ey street is a dead-end street, he would roughly estimate under 1000 sq. ft. long dead-end street, full of trees and it a very quiet place and with the industrial proposal, the numbers of these have increased and the variance he believes would increase the noise level and also the industrial smell and he believes it would make Hovey Street less attractive residential area. He said the properties values will unnecessarily go down, therefore, he is against this proposal.

Glenn Holman, 8353 Kennedy Circle, Warren, MI, appeared before the board and stated, he owns a property immediately north of the proposed variance this evening. He has been living at his property for ten years. He states that it is certainly unattractive in its current form for ten years—it runs along the a railroad line—with the proposal that the board has in front of them tonight, is beautifying the area and it is going to make it much more attractive. He stated that he would guess, that the property values are going to increase. He said that right now that property is 100% vacant with weeds; it is not accomplishing anything for the city or property owners. He stated that he cannot see anything but advantages to this variance.

Chairman Watriont stated hearing and seeing no other participation, he closed the public hearing and turns this matter over to the board.

Board Member Vigus stated that she would like to add that the letter she was going to read into the record was from Mr. and Mrs. Holman, and since they spoke tonight, she will refrain from reading the letter into the record.

Chairman Watriont thanked Board Member Vigus and stated that he turns this matter over to the board.

Board Member Brasza stated to the petitioner or the representative, whichever it is, she stated she had a couple of questions in regards to the pavement itself, is that hard surface?

Jeff Klatt stated the paving area, that is, it is asphalt.

Board Member Brasza stated she wanted a little bit more explanation on the curb and gutter, issue, she said about the drainages?

Jeff Klatt stated that their site does not need these. He stated he has worked with the City of Warren, engineering team and as of right now, the side drain is not going to drain out of the property on the Ten Mile drains, so the curb is not going to be required to keep water out. This site is going to be the site of a lot of vehicle activity, and the trucks will be hitting the curb causing damage to the side drain. It is not draining out, onto the street, making it unnecessary.

Board Member Brasza stated she wanted a little indication of the operating schedule. Is it a 24/7?

Tom Mildon stated that presently the Roseville branch operates two shifts. It would not be unusual for them to go 24 hours but not weekends, so it could be a two-shift operation for some time, but they would like to go for three shifts.

Board Member Brasza asked, if their trucks are actually parked or would they go in and out constantly.

Tom Mildon stated they would go in and out. He stated they have a short-term rental center. He said, most trucks sit until someone calls up and wants to use it and hopefully pays for it and hopefully it will start going in and out. Their maintenance customers would come in and go back out within 24-48 hours depending on the repair, and as they discussed, some of them are overnight, so they're out for the day and make their deliveries, and come back.

Board Member Brasza asked if they store the trailer or the truck and the trailer.

Tom Mildon, stated both. Sometimes, it is just the tractor and sometimes it is the tractor and the trailer, and parking is sufficient to accommodate that.

Board Member Brasza stated that being more south, on this location now, should she assume the back of the lawn is more to the north?

Tom Mildon stated, yes.

Board Member Brasza, stated that at this point, do they keep most of the overnight in the back, in the north area?

Tom Mildon, (explaining the site plan to the board) stated, that this is north and this is the currently developed area. They have much of the tractor trailer park as they want back there, also right behind the building, are where tractors will park all back there and literally plug the engines in when they are hot. He also stated that there will be some trucks around here and there. If this is going to be approved he indicated where the trucks would be located on the drawing.

Board Member Brasza stated that it is not often where they would have trucks just running?

Tom Mildon stated no. Where they would just sit and run?

Board Member Brasza stated, right?

Tom Mildon stated no.

Board Member Brasza stated in regards to the back work area, is there a thought of how many years before developing that area?

Tom Mildon stated about 3-5 years, being hopeful he guessed.

Chairman Watripont stated that he needs to relate his concerns, more of the back area, and that is closer to the residential area in the back?

Tom Mildon stated that actually it is all against it.

Jeff Klatt stated that the residential area, is way on the other side. He said there is some residential back in there (pointing to the site plan).

Jeff Klatt, stated it was commercial in that area and that there is no residential.

Chairman Watripont stated then, all around you?

Tom Mildon stated that Mr. Holman who spoke, owns a very sizable industrial piece and a building there.

Chairman Watripont stated that is what he has been looking at. He said on the north side adjacent to the north lot, to the east, the three properties there, those are residential homes from what he was told. It is east.

Jeff Klatt stated, no those are not residential properties.

Chairman Watripont stated that was what the gentleman stated earlier. He stated however, they were not doing anything at that back part of the lot at this time and now anyways; so they would have to come back before the board if they were to do anything back there, which would be closer to the gentleman's property. So at this time, there is no actively vote on that.

Tom Mildon stated that it was correct, but he is not convinced that is where the gentleman's property is at.

Chairman Watripont stated that is the street that the gentleman named earlier.

Tom Mildon stated really?

Chairman Watripont stated yes.

(Voice inaudible)

Chairman Watripont stated that side is adjacent to or closer to the gentleman that spoke earlier and said.

(Voice inaudible)

Chairman Watripont stated that he wanted some clarification from what the gentleman spoke and from what they showed, he wants to make sure that there is no activity towards that area at this time, so they would have to come back before the board again, and then there would be additional opportunity for someone to oppose it at that time. He asked if there were any other comments?

Motion:

Board Member Becher stated that she would like to make a motion to grant petitioner's request to: allow four (4) outdoor storage areas for truck parking as follows: Area 1: Outdoor storage along the west property line 36' deep x 35' wide = total 1,260 sq. ft.; Area 2: Irregular-shaped outdoor storage area along the west property line 40' deep x 35' wide, then becomes 55' deep x 108' wide, then becomes 40' deep x 60' wide = total 11,700 sq. ft.; Area 3: outdoor storage area located 85' to the north of the proposed building 55' deep x 240' wide = total 13,200 sq. ft.; Area 4: Irregular-shaped outdoor storage area along the east property line 25' deep x 228' wide, then becomes 40' deep x 168' wide, then becomes 55' deep x 192' wide = total 22,980 sq. ft.; **TOTALING= 49,140 sq. ft. of outdoor storage area as per the plan.** Waive 347 linear feet of curb and gutter on the northern property line as per the plan. Waive 778 linear feet of curb and gutter on the eastern property line as per the plan..

Reason being: The size and shape of the lot, is not a detriment to the area; and stated welcome to Warren.

Board Member Pauta supported the motion.

Chairman Watripont stated that there is a motion to grant by Board Member Becher and supported by Board Member Pauta.

Roll Call:

A roll call was taken on the motion to grant the motion carried (7-0).

Board Member Becher	Yes for the reasons stated in the motion.
Board Member Pauta	Yes for the reasons stated in the motion.
Board Member Hawatmeh	Yes for the reasons stated in the motion.
Board Member Brasza	Yes for the reasons stated in the motion.
Board Member Vigus	Yes for the reasons stated in the motion.
Board Member Furgal	Yes for the reasons stated in the motion.
Chairman Watripont	Yes for the reasons stated in the motion, and stated they are now welcome to Warren.

The motion was granted.

16. NEW BUSINESS

Board Member Vigus, stated there is no new business on the agenda at this time.

Board Member Becher stated that they used to get copies of letters that were sent to the council office, are there any or are they no longer getting them?

Chairman Watripont stated that he does not believe he had any today. He requested to have copies for everyone. Furthermore, he asked if there was nothing further under business. He wished everyone a Merry Christmas and a Happy New Year.

17. ADJOURNMENT

Motion:

Board Member Becher made the motion to adjourn and Board Member Brasza supported the motion. A voice vote was taken on the motion carried (7-0).

The meeting adjourned at 9:43 p.m.

Secretary of the Board
Roman T. Nestorowicz

APPROVED