

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
JANUARY 8, 2014

A Regular Meeting of the Warren Zoning Board of Appeals was called for Wednesday, January 8, 2014 at 7:30 p.m. in the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

Judy Furgal, Chairwoman
Caren M. Burdi, Secretary
Roman Nestorowicz
Ann Pauta
Henry Brasza
Jules Descamps, Jr.
Steve Watripont, Vice Chairman

Members of the Board absent:

Jean Becher, Assistant Secretary
Walter Bieber

Also present:

Mary Michaels, City Attorney
Lynne Martin, Chief Zoning Inspector

1. CALL TO ORDER

Chairwoman Judy Furgal called the meeting to order at 7:36 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

MOTION:

Secretary Burdi made the motion to excuse Board Members Becher and Board Member Bieber. The Motion was supported by Board Member Watripont.

Voice Vote:

A voice vote was taken on the motion. All "Ayes" were recorded. The motion carried (7-0).

4. ADOPTION OF THE AGENDA

Secretary Burdi stated that two items needed to be addressed to try and save some people some time. Item number 6 was requested to be rescheduled as the representative has been appointed to the bench and can no longer appear before the ZBA and the petitioner would need to get new representation.

Motion:

Secretary Burdi made the motion to reschedule item number 6 to February 12, 2014 and the motion was supported by Board Member Descamps.

Voice Vote:

A voice vote was taken on the motion. All "Ayes" were recorded. The motion carried (7-0).

Secretary Burdi continued on to item number 19 the last item on the agenda. She did not have any problem with calling that item up and discussing that issue when they come up but she did not want them to have to sit through an entire meeting if they did not have to. It was brought to the Board's attention that this property was being used as a school and it has not been before Planning for site plan approval as a school and for that reason the ZBA should not be hearing the item until they have been to planning for site plan approval. She addressed the audience and asked if anyone was present for item number 19 and there was no response.

Motion:

Secretary Burdi made the motion to table indefinitely until they have been to the planning department for site plan approval as a school and the motion was supported by Board Member Watripont.

Voice Vote:

A voice vote was taken on the motion. All "Ayes" were recorded. The motion carried (7-0).

Motion:

Secretary Burdi made the motion to adopt the agenda as amended and the motion was supported by Board Member Descamps. A voice vote was taken and the motion carried (7-0).

5. APPROVAL OF THE MINUTES OF the **Special Meeting of November 20, 2013 and Regular Meeting of December 11, 2013.**

Motion:

Board Member Watripont made the motion to approve the November 20, 2013 and the December 11, 2013 minutes and Board Member Descamps supported the motion.

Voice Vote:

A voice vote was taken on the motion. All "Ayes" were recorded. The motion carried (7-0).

6. PUBLIC HEARING

(Reschedule from 9/25/23 & Nov. 13, 2013)

APPLICANT: Mr. Frank Yousif, Owner M97

Auto Parts -USE-

REPRESENTATIVE:

Mr. Robert J. Tobin, Tobin & Assoc.

COMMON DESCRIPTION:

26395 & 26301 Groesbeck Highway

LEGAL DESCRIPTION:

13-24-226-001

Secretary Burdi stated it was provided in the packet to the Board meeting.

Chairwoman Furgal stated this was a public hearing and if there was anyone from the audience that would like to comment on this item. Hearing and seeing none she closed the public hearing and turned the item over to the Board.

Board Member Descamps stated if he remembered correctly for the meeting when this item was tabled it was simply because the Board asked to see the lease agreement between Mr. Babbie and the neighbor. If not one had any other issues with this he would like to make a motion.

Motion:

Board Member Descamps made the motion to approve the petitioners request to add a 20' x 40', 80 sq. ft. walk in cooler at the east side of the building in the rear set back as per the plan and to waive the 23 required parking spaces for the cooler addition. Reasons being not a detriment to the area and needs approval of the board.

Reason: not a detriment to the area and needs approval of the board, also size and shape of the lot

The motion was supported by Board Member Brasza the motion carried (7-0).

Roll Call:

| | |
|--------------------------|-----------------------------------|
| Board Member Descamps | Yes reasons stated in the motion. |
| Board Member Brasza | Yes reasons stated in the motion. |
| Board Member Nestorowicz | Yes reasons stated in the motion. |
| Board Member Pauta | Yes reasons stated in the motion. |
| Board Member Watripont | Yes reasons stated in the motion. |
| Secretary Burdi | Yes reasons stated in the motion. |
| Chairwoman Furgal | Yes reasons stated in the motion. |

- 8. PUBLIC HEARING **APPLICANT: Mr. Issam Namou**
- REPRESENTATIVE: Mr. Lee Kick
- COMMON DESCRIPTION: 22137 Ira
- LEGAL DESCRIPTION: 13-32-177-027
- ZONE: R-1-C

VARIANCES REQUESTED: Permission to:
Retain and relocate a 10' x 10' (100 sq. ft.) shed to no less than four (4) feet of the side (north) property line, and eleven (11) feet from the rear (west) property line.

ORDINANCES and REQUIREMENTS:

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

John Kick 3344 Toepfer, Warren, MI appeared before the Board and stated the owner has inherited the issue and the shed was in excellent shape and he was requesting to move it 11 feet off the fence line so that it was up to code and he would be able to keep the shed.

Chairwoman Furgal stated this was a public hearing and if there was anyone from the audience that would like to comment on this item. Hearing and seeing none she closed the public hearing and turned the item over to the Board.

Secretary Burdi stated she did not have an issue with this item but the drawing submitted made her uncomfortable making decisions based on something that was hand drawn and not even straight lines and note all over it. Did the petitioner not have a mortgage survey?

John Kick stated no, he did not. He was asked by the owner to do this and draw it out for them and he did not know what the proper procedures were.

Secretary Burdi stated even if he went on the computer and used some of the free things off the internet he could draw something that was better than this. It was confusing and she did not know if he was drawing the shed where it was going to be or where it is right now.

John Kick stated the drawing was based on where the shed was located right now. He needs to move it 5-1/2 ft. forward to meet the code.

Secretary Burdi stated she could be sympathetic to the public when they do not have a mortgage survey but this was too much he was going to have to ask the board to take a moment and take out a ruler and try and do something a little more because this starts to make her real nervous.

Board Member Pauta stated the drawing shows a rat wall by the gates and she wanted to know for what reason.

John Kick stated there was a rat wall around the whole structure but it was too close to the fence line in the back and it needed to be moved 5-1/2 ft. because it was supposed to be 11 feet from the easement.

Lynne Martin, Chief Zoning Inspector stated the petitioner was going to add five and a half feet to the front and ten feet two inches across and that was going to have rat wall and cement there as well.

Secretary Burdi asked if there was a garage or basement.

John Kick stated no.

Board Member Brasza asked if the shed would be placed behind the sight line of the house.

John Kick stated it would be visible and that was part of the variance he was requesting.

Motion:

Board Member Brasza made the motion to approve the petitioners request for a variance of permission to retain and relocate a 10' x 10' 100 sq. ft. shed to no less than 4 ft. of the side and north property line and 11 feet from the rear west property line.

Reason: not a detriment to the area and needs approval of the board, also size and shape of the lot

The motion was supported by Board Member Nestorowicz the motion carried (7-0).

Roll Call:

| | |
|--------------------------|-----------------------------------|
| Board Member Brasza | Yes reasons stated in the motion. |
| Board Member Nestorowicz | Yes reasons stated in the motion. |
| Board Member Descamps | Yes reasons stated in the motion. |
| Board Member Watripont | Yes reasons stated in the motion. |
| Board Member Pauta | Yes reasons stated in the motion. |
| Secretary Burdi | Yes reasons stated in the motion. |
| Chairwoman Furgal | Yes reasons stated in the motion. |

- 9. PUBLIC HEARING **APPLICANT: Mr. John Else**
- REPRESENTATIVE: Same as above
- COMMON DESCRIPTION: 28445 Cunningham
- LEGAL DESCRIPTION: 13-17-176-005
- ZONE: R-1-C

VARIANCES REQUESTED: Permission to:
Retain a 28' x 16' = 448 sq. ft. greenhouse, with a rat wall & waive the cement floor, as per the plan.

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) Item 2: That the building be fixed to a permanent foundation of the type required for detached garages in the Building Code.

John Else 28445 Cunningham appeared before the Board and stated he had built a greenhouse in his yard for his mother and his wife that enjoy outdoor farming or whatever you would like to call it a greenhouse.

Chairwoman Furgal asked if there was any type of hardship.

John Else stated he believed he listed the hardship when he filed for the variance. He did not have the paperwork with him presently.

Chairwoman Furgal stated his hardship was that his wife and mother like to have gardens and that was not a hardship that the Board could consider. It has to be a hardship that had something to do with the size of the lot or not a detriment to the area. There are certain parameters they have to meet.

John Else stated that it was not an eyesore and it was located behind his house and no one could see it from the street.

Chairwoman Furgal stated the biggest problem was that he did not want to put a cement floor.

John Else stated he had called the zoning and asked what the specifics were and he was told it had to have a cement floor and he does not mean any disrespect but that does not make sense to have a cement floor for a greenhouse. In poor judgment on his part he went ahead and installed it.

Chairwoman Furgal asked if he planted inside the greenhouse right into the ground.

John Else stated yes and that was why he did not want a cement floor inside the greenhouse. He talked with some of the zoning officials and they stated to him that some of the zoning ordinances in the City of Warren are outdated. He understands he did not follow the rules and does not mean any disrespect but he was asking for a variance. His 85 year old mother spends as much time out there as she can and this was to give more room in it and something to do.

Chairwoman Furgal stated this was a public hearing and if there was anyone from the audience that would like to comment on this item. Hearing and seeing none she closed the public hearing and turned the item over to the Board.

Secretary Burdi stated that it was not just because it did not have a cement floor it was also because he put it up without permission. Residents are only allowed a structure of 120 sq. ft. and his was 448 sq. ft. The reason the structure requires the rat wall and cement floor was because the building was supposed to be attached to the permanent floor. It was considered a safety hazard when the building was not attached to the floor. The other issue was that there was nothing that stops a rat or rodent from going under the side and getting into the greenhouse. She really didn't have a problem with the greenhouse except that it needed a floor. In her opinion she thinks it needs a cement floor and she could overlook the fact that it was about four times bigger than it was supposed to be in the yard but she also wanted people to enjoy their property. She could not vote this if there was no cement floor.

John Else stated there is a rat wall and the structure is secured to the rat wall. The variance he needed was on the size and the cement floor. It was greenhouse and he did not want to pour a cement floor.

Secretary Burdi stated rat walls were only so wide and when the structure was attached a bolt was actually shot into the rat wall and she thinks the rat wall was not frankly wide enough. That was just her opinion and she was not going to support it or vote for this without a cement floor but she was just one vote.

Board member Pauta asked if he had applied for a permit for the rat wall.

John Else stated no.

Board Member Pauta stated she also agreed with Ms. Burdi and that there should be a cement floor and it was wrong for him to pour a rat wall without a permit. She would recommend that it not be approved at this time.

Board Member Nestorowicz asked if he was growing straight into the ground or if there were raised beds.

John Else stated the plantings are straight into the ground. He was using the ground to support vegetation.

Secretary Burdi stated but then the vegetation never comes out of the greenhouse. Most people use a greenhouse because the season for growing was so short. Use a greenhouse to start plants in pots and tray and then they take the plants out of the greenhouse and put them elsewhere. If the plants are kept in the greenhouse all through the summer the glass works as a magnifier. He plans to keep the plants in the greenhouse in the ground 100% of the time.

John Else stated yes if the greenhouse had ventilation and it was opaque glass that cannot be seen into. He planted shrubs on the fence line so it would not be a sight issue for the people in the condos by his home.

Board Member Brasza stated what it really sounded like to him was that he wanted to have enclosed garden rather than a structure. He wanted to enclose the garden so that he could have a longer growing season for more perennial type plants as opposed to just starters.

John Else stated his mother was 85 years old and she enjoyed going out there and tinkering around and this way it was warm for her in early march or April and it was something that keeps her occupied.

Board Member Brasza asked if he understand the proliferation of animals that could possibly take shelter in the nice warm building.

John Else stated again it was completely enclosed and had a rat wall.

Board Member Brasza asked if the rat wall went completely around the structure and if it had a wider part on top of the rat wall.

John Else stated yes the rat wall goes all the way around and that it was 12 inches wide.

Board Member Brasza asked if he planned to have plain dirt all the way through it.

John Else stated yes.

Board Member Brasza stated the fact that he did not come for approval a head of time was really working against him at this time. He thinks there is a difference between an enclosed garden and a green house. He thinks a commercial greenhouse almost always has a cement floor so the water can drain properly and they are not working on muddy ground.

John Else stated this was not a commercial operation; it was more of a hobby.

Secretary Burdi stated she was concerned about the next owner of the property and them being able to use it as a shed without a cement floor. Was there anyway that the enclosed garden could be tied to the use so in the future if it were used for any-

thing other than an enclosed garden there would be not variance for the size or lack of cement floor, was that possible?

Mary Michaels Assistant City Attorney stated yes it would be possible to tie that condition to that particular use and not have it run with the land.

Secretary Burdi stated so at any time that it was not used to grow any plants; no storage, no equipment just for growing plants then maybe that would help the Board in the future if someone else gets the property and uses it for a shed.

Mary Michaels stated that was correct but she would get the agreement of the petitioner to go with that condition, to make sure there was an agreement on the record.

John Else stated he had no problem with that, he did not intend to use it for anything other than growing.

Secretary Burdi stated the petitioner was agreeing to that condition so if the next owner came in and it was discovered they were using it as a shed then a violation could be issued.

Mary Michaels stated yes.

Secretary Burdi stated that a solution at that time would have to be that he or she would have to put in a cement floor or take it down.

Mary Michaels stated absolutely, whatever was required for that new use.

Board Member Watriont stated that again without having a survey he was trying to figure out the size of his lot and everything and how big this greenhouse was in his yard. It was very hard to see from the street level even though he could see the peak and everything else. His concern was that it was too big and if the petitioner had come to the Board prior there could have been discussions about downsizing it and everything. That was the main reason he was against it.

Board Member Descamps asked the petitioner how many square feet was the house.

John Else stated he did not have the specifics but it was about 1300 sq. ft.

Chairwoman Furgal asked if there was a garage.

John Else stated yes an attached garage. The greenhouse was not visible from the street.

Chairwoman Furgal asked how big the attached garage was.

John Else stated it was a two car attached garage.

Chairwoman Furgal stated that would make it about a 22 x 22.

Secretary Burdi stated he really should have come here first.

John Else stated he was throwing himself at the mercy of the Board and he has apologized several times.

Secretary Burdi asked if he had a survey on the home.

John Else stated he tried to locate it but he never was successful in finding it.

Board Member Nestorowicz would like to make a motion but he would like the City Attorney to assist in making sure the wording covers what he wants to say.

Motion:

Board Member Nestorowicz made the motion to approve the petitioners request to retain a 28' x 16' greenhouse for a total of 448 sq. ft. with the rat wall and waive the cement floor with the condition that this variance only stay as long as the building was used as a greenhouse to grow plants and not for any kind of storage whatsoever as per the plan.

Reason: Size and shape of the lot and not a detriment to the neighborhood.

Board Member Nestorowicz asked the City Attorney if he had worded it correctly.

Mary Michaels asked if the waiver was only for the cement floor. She would add the cement floor specifically that the condition was on the cement floor would not apply to other uses.

Board Member Nestorowicz stated the waiver of the cement floor applies only to the use as a greenhouse, not any other uses for that building.

John Else stated he agreed with that completely and he had no plans to use the building as storage.

Board Member Nestorowicz stated the Board had to state that because he could sell the house someday and the next owner could say oh look I have this structure and want to put something in there.

The motion was supported by Board Member Brasza the motion carried (5-2).

Roll Call:

| | |
|--------------------------|--|
| Board Member Nestorowicz | Yes reasons stated in the motion. |
| Board Member Brasza | Yes reasons stated in the motion. |
| Board Member Pauta | No, too much information missing, it was over sized and does not have the proper information on the plan that was submitted. |
| Board Member Descamps | Yes reasons stated in the motion but he would also like to state that he should not disregard City Ordinances in the future. |
| Board Member Watriont | No, he believes it is too large of a structure. |
| Secretary Burdi | She was the next vote and she was really struggling with this and he needs the next two votes. She thinks Mr. Nestorowicz came up with a good solution and she too was pretty upset that he just disregarded what he was told instead of dealing with the problem but she was going to vote yes and take him at his word that it was only going to be used for a garden. |

Chairwoman Furgal

Yes reasons stated in the motion.

10. PUBLIC HEARING

APPLICANT: Wal-Mart Real Estate Business Trust

REPRESENTATIVE: Atwell, LLC-Mr. Mike McPherson
COMMON DESCRIPTION: 29176 Van Dyke
LEGAL DESCRIPTION: 13-10-353-008
ZONE: C-2 & P

VARIANCES REQUESTED: Permission to:

Continue two pylon signs that will become off site advertising when this lot has been split-One (1) sign on Van Dyke that will be for Wal-Mart and then tenants on east lot when split. One (1) sign on Twelve Mile that is for the east portion and will become off site advertising for Wal-Mart when this lot is split.

ORDINANCES and REQUIREMENTS:

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

Mike McPherson appeared before the Board and stated he was here on behalf of Wal-Mart and as the Board knew Wal-Mart was redeveloping the store at 12 Mile and Van Dyke. They currently own the entire shopping center and they were going through a parcel split process now so that the shopping center would be split into several parcels one of which was in negotiations to be sold so that the east half of the shopping center can be redeveloped by a new developer. There are two existing site signs, one along Van Dyke Road and one along 12 Mile Road and both advertise for shopping center and once Wal-Mart sells the second parcel to a different parcel it was his understanding that the signs become off-site advertising. The one on the Van Dyke side will be located on the Wal-Mart parcel and it would be paneled for the east side of the shopping center owned by a new owner to advertise on and the one on Van Dyke would be a Wal-Mart panel which would be technically off their property. These are existing signs and the shopping center will function as it currently functions. The use was not going to change it was just that instead of one owner for the entire shopping center there would be two.

Chairwoman Furgal stated this was a public hearing and if there was anyone from the audience that would like to comment on this item. Hearing and seeing none she closed the public hearing and turned the item over to the Board.

Secretary Burdi stated when she looked at the plan only one sign was going to be off site advertising.

Board Member Watriont stated it would be reversed.

Secretary Burdi stated Wal-Mart wanted to be able to have their sign on the east lot and also advertise the other businesses on the west side of the lot.

Mike McPherson stated that was correct.

Secretary Burdi stated there would be no actual barrier it was just an invisible line so that it would not be any different than it had been in the past except the buildings were not going to be separated.

Mike McPherson stated that was correct it would still function as one shopping center and both signs are exist now and remain in the same location as they are.

Board Member Brasza asked if there was some kind of negotiated agreement of what would be on the sign.

Mike McPherson stated when Wal-Mart sells the eastern parcel there would be an agreement that goes with that parcel that both parties would agree upon on how each side would be set up and Wal-Mart would have a panel with six additional smaller panels and how all of that would be divided up between the two parties would be laid out in that agreement that goes with this.

Board Member Brasza asked if maintenance would be bundled into that.

Mike McPherson stated that was correct and the Board did not have to worry about one deteriorating because it was not owned by Wal-Mart because it would be covered in the agreement.

Board Member Brasza stated the signs would remain where they are located and not made any bigger.

Mike McPherson stated that was correct.

Motion:

Secretary Burdi made the motion to approve the petitioners request reason being practical difficulty and lack of identification.

Reason: Practical difficulty and lack of identification.

The motion was supported by Board Member Pauta the motion carried (7-0).

Roll Call:

| | |
|--------------------------|-----------------------------------|
| Secretary Burdi | Yes reasons stated in the motion. |
| Board Member Pauta | Yes reasons stated in the motion. |
| Board Member Watripont | Yes reasons stated in the motion. |
| Board Member Descamps | Yes reasons stated in the motion. |
| Board Member Brasza | Yes reasons stated in the motion. |
| Board Member Nestorowicz | Yes reasons stated in the motion. |
| Chairwoman Furgal | Yes reasons stated in the motion. |

- 11. PUBLIC HEARING
- REPRESENTATIVE:
- COMMON DESCRIPTION:
- LEGAL DESCRIPTION:
- ZONE:

APPLICANT: Subway/Cordaro/Walmart
 Mr. Ed Phillips/Phillips Sign & Lighting
 29176 Van Dyke Ave.
 13-10-353-007
 C-2

**VARIANCES REQUESTED: Permission to:
Install a "Subway" sign 100" x 21" = 15 sq. ft. on the south elevation as per the plan.**

In addition to the wall signs approved by the Zoning Board of Appeals on 11/14/12 and 5/8/13.

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.

Ed Phillips appeared before the Board and stated he was here this evening to install a 15 sq. ft. Subway sign on the exterior of the Wal-Mart. The hardship was lack of identification. This was for parking lot patrons.

Chairwoman Furgal stated this was a public hearing and if there was anyone from the audience that would like to comment on this item. Hearing and seeing none she closed the public hearing and turned the item over to the Board.

Board Member Nestorowicz stated as long as no one had nay issue with this item he would like to make a motion.

Motion:

Board Member Nestorowicz made the motion to approve the petitioners request to install a Subway sign 100" x 21" for a total of 15 sq. ft. on the south elevation as per the plan in addition to the wall signs approved by the ZBA previously on November 14, 2012 and May 8, 2013. Reasons being not a detriment to the area, size and shape of the lot and lack of identification.

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

The motion was supported by Board Member Pauta the motion carried (7-0).

Roll Call:

| | |
|--------------------------|-----------------------------------|
| Board Member Nestorowicz | Yes reasons stated in the motion. |
| Board Member Pauta | Yes reasons stated in the motion. |
| Board Member Watripont | Yes reasons stated in the motion. |
| Board Member Descamps | Yes reasons stated in the motion. |
| Board Member Brasza | Yes reasons stated in the motion. |
| Secretary Burdi | Yes reasons stated in the motion. |
| Chairwoman Furgal | Yes reasons stated in the motion. |

- | | |
|---------------------|--|
| 12. PUBLIC HEARING | APPLICANT: Cordaro Investments |
| REPRESENTATIVE: | Mr. Ed Phillips/Phillips Sign and Lighting |
| COMMON DESCRIPTION: | 7231 Chicago Road |
| LEGAL DESCRIPTION: | 13-04-476-001 |
| ZONE: | M-1 |

**VARIANCES REQUESTED: Permission to:
Install one (1) pylon sign as follows: 99" x 109" = 75 sq. ft., 20 feet in height, 10' – 6" under clearance with a five (5) foot setback from the Chicago Rd. property line.**

ORDINANCES and REQUIREMENTS:

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

Ed Phillips appeared before the Board and stated that the hardship for this situation was property configuration as placing the sign in the parking lot would cost them parking spaces and cause an unnecessary driving obstruction. Mr. Cordaro was investing in this property and has a party interested in the property at this time. Some of the improvements already made to the complex include a totally new parking lot, exterior parking, major roof repairs, electrical upgrades and finally this sign. He provided a hand out for the Board to consider and it showed a sign that was 22'-6" high for a total of 98 sq. ft. and the second sign was to have it at 20' high for a total of 75 sq. ft. and it was a 2'-6" reduction in high and a 23 sq. ft. reduction in overall square footage. The only variance he was asking for 15' ft. setback variance.

Chairwoman Furgal stated this was a public hearing and if there was anyone from the audience that would like to comment on this item. Hearing and seeing none she closed the public hearing and turned the item over to the Board.

Board Member Descamps stated there was never a setback variance before and he wanted to say that the sign does not overhang the sidewalk either.

Motion:

Secretary Burdi made the motion to approve the petitioners request reason being size and shape of the lot and lack of identification.

Board Member Watripont supported the motion with discussion.

Board Member Watripont asked if the Board approved this tonight did that mean the other one comes off or did it also include the size and stuff in the variance request.

Secretary Burdi stated the first sign was going to be removed and it was never on the books, that was the problem. The sign he was asking for was in full compliance except for setback.

Reason: Lack of identification and size and shape of the lot.

The motion was supported by Board Member Watripont the motion carried (7-0).

Roll Call:

| | |
|--------------------------|-----------------------------------|
| Secretary Burdi | Yes reasons stated in the motion. |
| Board Member Watripont | Yes reasons stated in the motion. |
| Board Member Brasza | Yes reasons stated in the motion. |
| Board Member Nestorowicz | Yes reasons stated in the motion. |
| Board Member Descamps | Yes reasons stated in the motion. |
| Board Member Pauta | Yes reasons stated in the motion. |
| Chairwoman Furgal | Yes reasons stated in the motion. |

20' detached garage. Creating two detached accessory structures on the lot with the condition that it would be placed on a cement pad and will have the required rat wall.

Reason: Size and shape of the lot and not a detriment to the neighborhood.

The motion was supported by Board Member Brasza the motion carried (7-0).

Roll Call:

| | |
|--------------------------|-----------------------------------|
| Board Member Nestorowicz | Yes reasons stated in the motion. |
| Board Member Brasza | Yes reasons stated in the motion. |
| Board Member Watripont | Yes reasons stated in the motion. |
| Board Member Descamps | Yes reasons stated in the motion. |
| Board Member Pauta | Yes reasons stated in the motion. |
| Secretary Burdi | Yes reasons stated in the motion. |
| Chairwoman Furgal | Yes reasons stated in the motion. |

14. PUBLIC HEARING

**APPLICANT: GM Powertrain/Mr. Kevin Field,
Assist. Plant Manager**

REPRESENTATIVE: Mr. Patrick Clark/Fairmont Sign Co.
COMMON DESCRIPTION: 6275 9 Mile and 23500 Mound
LEGAL DESCRIPTION: 13-28-300-018
ZONE: M-4 & M-2

VARIANCES REQUESTED: Permission to:

To install directional signs as follows:

1. Sign #1: overall height 7'-7", 3"- 6" under clearance; 4' – 1" x 3" – 4" = 13.59 sq. ft. located as per the plan.
2. Sign #2: overall height 9' – 6", 6' - 6" under clearance; 3' x 5" = 15 sq. ft. with a 7' – 6" setback as per the plan.
3. Sign #3: overall height 12' – 1.5", 6" – 6" under clearance, 5' – 7.5" x 7' = 39.41 sq. ft. with a 7' – 2" setback as per the plan.
(Please Note Sign #4 has previous ZBA Approval and this the reason the numbering of signs skips to #5).
4. Sign #5: overall height 7' – 9.125', 5" under clearance; 2'- 9.125' x 6' = 16.56 sq. ft. as per the plan.
5. Sign #6: Overall height 8', 2' – 4 ½" under clearance; 5' – 7.5" x 7' = 39.41 sq. ft. with a 2' setback as per the plan.
6. Sign #7: Overall height 8', 5' under clearance; 3' x 5' = 15 sq. ft. as per the plan.

Total 138.97 sq. ft. six (6) new ground signs.

ORDINANCES and REQUIREMENTS:

Section 4A.11, Paragraph (20): Monument sign. A sign mounted directly to the ground with a maximum height not to exceed five (5) feet.

Section 4A.18 ground sign height: Not to exceed twenty (20) feet in height.

Section 4A.19 under clearance: Ground sign shall have a minimum ten (10) foot under clearance.

Section 4A.36 On-premise signs permitted in M-4: Paragraph (b): one (1) free-standing on-premise sign or advertising display of a size not to exceed one hundred and fifty feet (150) is allowed in M-4.

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

Secretary Burdi stated that the item listed needed to be republished due to the fact that it was too confusing and not easy for anyone to understand exactly what was taking place. She asked that it be republished in a manner that clearly identified inches and feet for each item.

Motion:

Secretary Burdi made the motion to reschedule the item to February 12, 2014 and make it the first item on the agenda, the motion was supported by Board Member Pauta.

Voice Vote:

A voice vote was taken on the motion. All "Ayes" were recorded. The motion carried (7-0).

15. PUBLIC HEARING

**APPLICANT: Lowe's Home Stores, Inc.
(Store #684)**

REPRESENTATIVE: Mr. Donald M. DeMara, Store Mgr.
COMMON DESCRIPTION: 31140 Van Dyke
LEGAL DESCRIPTION: 13-03-352-008
ZONE: C-2 & P

VARIANCES REQUESTED: Permission to: Waive the required parking for the outdoor seasonal sales as follows: Front Sidewalk Sales Area: 68 parking spaces, Four (4) Seasonal Sales Areas: 38 parking spaces for a total of 106 spaces as per the plan. Also to allow "nine (9) months (February to October)" of outdoor seasonal sales on the front sidewalk of the building, approximately 10,194 sq. ft. area in front of the store. Also to operate sales/storage sites to four (4) designated areas as per the approved site plan: a) 124' x 8' = 1103 sq. ft., b) 273' x 8' = 2193, c) 152' x 8' = 1227 and d) 134' x 8' = 1079 sq. ft. in the "P" Zone. For a total of 15,796 sq. ft. of seasonal outdoor sales & storage requested, as per the plans submitted.

ORDINANCES and REQUIREMENTS:

Section 4.32 (h) (22): Commercial. One parking space for every 150 sq. ft. of floor area and outdoor sales area (s) combined.

Section 16.02 Items (a & d): Parking areas, (P Zones), shall be used for private passenger vehicles only.

Section 4.46 Item (b): The applicant shall obtain any variance needed from the Zoning Board of Appeals prior to petitioning for site plan approval for permanent outdoor retail sales.

Section 4.52 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 4.55: sidewalk sales may be conducted for a period not to exceed ten (10) consecutive days...any sales conducted in excess to ten (10) consecutive days per calendar year, shall require site plan approval pursuant to Section 4.46.

Don DeMara appeared before the Board and stated this request was to display both seasonal bag goods and live plants in the parking lot area of the store. The hardship would be lack of sales which would impacts both employment. The other hardship would also be the size and shape of the lot.

Chairwoman Furgal stated this was a public hearing and if there was anyone from the audience that would like to comment on this item. Hearing and seeing none she closed the public hearing and turned the item over to the Board.

Secretary Burdi stated he was doing exactly what they have done in past years.

Don DeMara stated that was correct.

Board Member Descamps thanked the petitioner for coming to the Board early.

Motion:

Secretary Burdi made the motion to approve the petitioners request as stated, reason being size and shape of the lot and needs approval of the Board.

Reason: Size and shape of the lot and needs approval of the Board.

The motion was supported by Board Member Descamps the motion carried (7-0).

Roll Call:

| | |
|--------------------------|-----------------------------------|
| Secretary Burdi | Yes reasons stated in the motion. |
| Board Member Descamps | Yes reasons stated in the motion. |
| Board Member Pauta | Yes reasons stated in the motion. |
| Board Member Brasza | Yes reasons stated in the motion. |
| Board Member Nestorowicz | Yes reasons stated in the motion. |
| Board Member Watripont | Yes reasons stated in the motion. |
| Chairwoman Furgal | Yes reasons stated in the motion. |

- 16. PUBLIC HEARING **APPLICANT: Robert James, Warrior Sports -USE-**
- REPRESENTATIVE: Same as above
- COMMON DESCRIPTION: 32125 Hollingsworth Ave.
- LEGAL DESCRIPTION: 13-04-201-015
- ZONE: M-3

**VARIANCES REQUESTED: Permission to: -USE-
Operate a temporary indoor retail sale in M-3 District on the following dates:
USE Variance**

February 28, 29 and March 1, 2014;

March 7, 8, 9, 2014;

July 18, 19, 20, 25, 26, 27, 2014;

August 29, 30, 31, 2014;

September 12, 13, 14, 2014;

These replace the temporary outdoor tent sales from previous years.

ORDINANCES and REQUIREMENTS:

Section 17.02 Paragraph (f): Industrial standards. Commercial business not allowed in an M-3 Zone.

Robert James appeared before the Board and stated that he would like to hold two specific dates of tent sales. He has several dates in there as alternates due to some of the changes he has gone through in the last few months in conversations. Of the two specific sales the first one would be for lacrosse on February 28, 29 and March 1st. The second one for hockey equipment and soccer on July 18, 19 and 20th. This allows them to sell some of the older equipment to local customers at a discounted price and to free up valuable storage space in the distribution center. The other dates are there for alternative dates in case there are issues in getting material or in one case they are looking to have some of the athletes they support come in and sign autographs for the week of July.

Chairwoman Furgal stated this was a public hearing and if there was anyone from the audience that would like to comment on this item. Hearing and seeing none she closed the public hearing and turned the item over to the Board.

Motion:

Secretary Burdi made the motion to approve the petitioners request for the indoor sales as stated, reason being needs approval of the Board and it was her understanding now that there would not be outdoor sales.

Robert James stated that was correct.

Secretary Burdi stated it was not a detriment to the area and everything was contained in the building.

Reason: Needs approval of the Board and no more outdoor sales.

Secretary Burdi stated this was a use variance and required six votes.

The motion was supported by Board Member Watripont the motion carried (7-0).

Roll Call:

| | |
|--------------------------|-----------------------------------|
| Secretary Burdi | Yes reasons stated in the motion. |
| Board Member Watripont | Yes reasons stated in the motion. |
| Board Member Pauta | Yes reasons stated in the motion. |
| Board Member Brasza | Yes reasons stated in the motion. |
| Board Member Nestorowicz | Yes reasons stated in the motion. |
| Board Member Descamps | Yes reasons stated in the motion. |
| Chairwoman Furgal | Yes reasons stated in the motion. |

- 17. PUBLIC HEARING **APPLICANT: Ms. Keri Kropik**
- REPRESENTATIVE: Same as above
- COMMON DESCRIPTION: 27325 Gail
- LEGAL DESCRIPTION: 13-15-380-021
- ZONE: R-1-C

**VARIANCES REQUESTED: Permission to:
Allow a 7' x 7' = 49 sq. ft. shed to no less than five (5) of the side (south) property line.**

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 residential zoned areas. Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure.

Section 4.32 (k): All off street parking shall be hard surfaced and drained.

Section 16.07 Curb: Parking along adjoining property line with a wall shall have a continuous concrete curb, 6" in height and 8" in depth. The area from the property line to the vertical edge of the exposed curb shall be a minimum of 5' and shall be filled and hard surfaces to permit drainage toward the owner's property.

Section 4.32 (i): Maneuvering lanes need to be 22' wide.

Section 16.02 Limitation of the use in P zone (a): used for parking of passenger vehicles.

Kerm Billette appeared before the Board and stated he was here tonight at the request of Mr. Norman to review a site plan for an additional towing facility. He has one at 11 Mile between Mound and Van Dyke and this was a second one he was requesting approval for. It was an existing building and the building was adequate and he could probably put 6 or 8 cars in the building at one time, either his tow trucks or vehicles that are under police discretion for storage there. The site plan had already been approved by the planning commission subject to the conditions of the Board of Appeals. There are a number of items that were added by the planning department and they have all been corrected on the drawing. It was discovered that a P zone in the back of the property and the front of the property put there by the owners of the building some time ago when there was a lot of zoning confusion in the area. The petitioner would request on his site plan that he can store cars in the rear property adjacent to another parking lot to the east, a parking lot to the west and a drive in parking to the south. The whole area was industrial and there are no residents around there that would be upset or bothered by the project. He was requesting that the zoning for M-2 be approved for the building and the parking. The P parking zone be for parking in the rear of the property. The front of the property has a parking space for nine employees or customers. Mr. Norman was out making a living right now doing quite well towing cars and was not able to be here this evening. He had called over there and the secretary said he was probably driving with a tow truck right now and would be doing that half the night on account of the weather.

Chairwoman Furgal stated this was a public hearing and if there was anyone from the audience that would like to comment on this item. Hearing and seeing none she closed the public hearing and turned the item over to the Board.

Chairwoman Furgal asked how many square feet of gravel he needed.

Kerm Billette asked in the back of the property.

Chairwoman Furgal said she did not know where.

Secretary Burdi asked on the entire site how much of it was gravel?

Kerm Billette stated 3,916 feet.

Secretary Burdi stated it looks like the site already has the previous variance on it.

Kerm Billette stated he believed it did but he did not think that Ron Wuerth of the planning department looked it up because there was also a catch basin in the rear to provide the drainage that was requested by the engineering department.

Secretary Burdi stated that it says granted permission at the meeting of September 14, 1983 to waive 4,100 sq. ft. of required hard surface off-street parking. So it looked like from what she was reading, unless there was a nuance that she did not understand that he did not actually need the variance for the gravel. Oh wait, it says to allow the outdoor storage of towed vehicles in the rear lot for 31 vehicles in the rear lot but it was over 51% of the size of the building and that was why that was here. In other words, it should take out the gravel part because he already had variance for that. The key here was that he had outdoor storage over 50% the size of the building. To allow customer and employee parking on gravel in the front as per the plan, number 2 should probably be taken out because he already had 4,100 sq. ft. of off-street parking on gravel. She did not know that he needed another variance for that. Then in the P zone, on the other side of that, was there more property before the expressway?

Kerm Billette asked on the north side.

Secretary Burdi stated no on the east. The very back of the parking lot, did it back up to a street or 696? There are a whole bunch of vignettes' on the plan and she was looking at the wrong one. So on the south side of the property did it back up to a street or 696?

Kerm Billette stated it backs up to a big grass area about 25 feet and that backs up to a driveway and parking for a business to the south.

Secretary Burdi questioned that there was business that this backed up to?

Kerm Billette stated the north side was on 11 Mile.

Secretary Burdi stated she understood but what she was trying to understand was that between his drawing here on the south there was nothing else in here except for grass onto the expressway.

Board Member Watriont pointed out the proper lay out of the drawing. With assistance from Board Member Nestorowicz.

Secretary Burdi stated she understood now.

Motion:

Secretary Burdi made the motion to approve the petitioners request to allow outdoor storage of towed vehicles in the rear lot for 31 vehicles as per the site plan over 50% of the building size. To allow bumper blocks along the west property line in the rear lot as per the plan. To allow a 21.8 foot maneuvering lane in the rear storage area as per the plan. To allow outdoor storage of towed vehicle in a P zone in the rear of the property. Reason being size and shape of the lot and not a detriment to the area.

Reason: Size and shape of the lot and not a detriment to the area.

Board Member Pauta supported the motion. The motion carried (7-0).

Secretary Burdi stated this was a use variance and six votes were required.

Roll Call:

| | |
|--------------------------|-----------------------------------|
| Secretary Burdi | Yes reasons stated in the motion. |
| Board Member Pauta | Yes reasons stated in the motion. |
| Board Member Descamps | Yes reasons stated in the motion. |
| Board Member Nestorowicz | Yes reasons stated in the motion. |
| Board Member Brasza | Yes reasons stated in the motion. |
| Board Member Watripont | Yes reasons stated in the motion. |
| Chairwoman Furgal | Yes reasons stated in the motion. |

19. PUBLIC HEARING **APPLICANT: Mr. Masid Uthman Bin Affan**
REPRESENTATIVE: Mr. Sardar W. Ashrafkhan
COMMON DESCRIPTION: 21380 Ryan Road
LEGAL DESCRIPTION: 13-32-301-015
ZONE: M-1 & R-1-C

**VARIANCES REQUESTED: Permission to:
Retain 3' x 50' banner on the west elevation as per the plan.**

ORDINANCES and REQUIREMENTS:

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

Secretary Burdi stated again this item had been tabled at the beginning of the meeting pending Planning Department site plan approval.

20. NEW BUSINESS

No new business was addressed.

21. ADJOURNMENT

Board Member Watripont made the motion to adjourn. The motion was supported by Board Member Descamps. A voice vote was taken and all "Aye" were recorded.

The meeting adjourned at 8:47 p.m.

Caren M. Burdi
Secretary of the Board