

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
February 12, 2014

A Regular Meeting of the Warren Zoning Board of Appeals was called for Wednesday, February 12, 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
Jean Becher, Assistant Secretary
Walter Bieber
Henry Brasza
Jules Descamps, Jr.
Roman Nestorowicz
Ann Pauta
Steve Watripont, Vice Chairman

Members of the Board absent:

None

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

All Members Present

4. ADOPTION OF THE AGENDA

Secretary Burdi made the motion to adopt the agenda and the motion was supported by Board Member Descamps. A voice vote was taken and the motion carried (9-0).

5. APPROVAL OF THE MINUTES OF the Regular Meeting of January 8, 2014.

Board Member Becher requested to be excused from voting on the minutes as she was not present at the meeting.

Motion:

Board Member Watriont made the motion to approve the minutes and Board Member Nestorowicz supported that motion. A voice vote was taken and the motion carried (8-0).

6. 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 ft. -7 inches, 3ft. – 6inch under clearance; 4 ft. – 1 inch x 3 ft. – 4 inches = 13.59 sq. ft. setback 528 ft. 4 inches as per the plan.
 2. **Sign #2:** overall height 9 ft. – 6 inches, 6 ft. – 6 inch under clearance; 3 ft. x 5 ft. = 15 sq. ft. with a 7 ft. – 6 inch setback as per the plan.
 3. **Sign #3:** overall height 12 ft. – 1.5 inches, 6 ft. – 6 inch under clearance, 5 ft. – 7.5 inches x 7 ft. = 39.41 sq. ft. with a 7 ft.– 2 inch setback as per the plan.
- (Please Note Sign #4 has previous ZBA Approval and this is the reason the numbering of signs skips to #5).**
4. **Sign #5:** overall height 7 ft. – 9.125 inches, 5 ft. under clearance; 2 ft. - 9.125 inches x 6 ft. = 16.56 sq. ft. setback 384 ft. as per the plan.
 5. **Sign #6:** Overall height 8 ft., 2 ft. – 4 ½ inches under clearance; 5ft. – 7.5 inches x 7 ft. = 39.41 sq. ft. with a 2 ft. setback as per the plan.
 6. **Sign #7:** Overall height 8 ft., 5 ft. under clearance; 3 ft. x 5 ft. = 15 sq. ft. setback 246 ft. 9 inches 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.

Patrick Clark, Fairmont Sign Company, 3750 E. Outer Drive, Detroit, MI appeared before the board and stated he was here tonight because strict adherence to the sign ordinance would unreasonably present the owner from safely operating the large heavy manufacturing facility. The property size and the various sizes of ranting the requests would not be detrimental to nearby property owners but may in fact aid traffic flow and increase public safety by clearly directing traffic in a timely manner.

Chairwoman Furgal stated this was a public hearing if there was anyone in the audience that would like to comment on this item. Seeing and hearing none she turned the matter over to the Board.

Secretary Burdi stated the last sheet provided was very helpful by showing what the signs were. She felt the signs were appropriate and directional to her.

MOTION:

Secretary Burdi made the motion to approve the petitioner's request.

Reason being lack of identification and a benefit to the area.

Board Member Descamps supported the motion.

Roll Call:

Secretary Burdi	Yes for reason stated in the motion.
Board Member Descamps	Yes for reason stated in the motion.
Board Member Pauta	Yes for reason stated in the motion.
Board Member Watripont	Yes for reason stated in the motion.
Board Member Bieber	Yes for reason stated in the motion.
Board Member Becher	Yes for reason stated in the motion.
Board Member Nestorowicz	Yes for reason stated in the motion.
Board Member Brasza	Yes for reason stated in the motion.
Chairwoman Furgal	Yes for reason stated in the motion.

Petition has been granted.

7. PUBLIC HEARING **APPLICANT: Father and Son Construction**
REPRESENTATIVE: Mr. Jim Bishop
COMMON DESCRIPTION: 30357 Roan
LEGAL DESCRIPTION: 13-11-176-016
ZONE: R-1-C

VARIANCES REQUESTED: Permission to:

Construct a garage addition 19' x 22.1' = 419.9 sq. ft. to an existing 22.1' x 22.2' = 490.62 sq. ft. detached garage to no less than six (6) feet (easement line) of the rear property line as per the plan. Total 910.52 sq. ft. detached accessory structure.

ORDINANCES and REQUIREMENTS:

Section 5.01 Paragraph (i): ...All garages and/or accessory building shall not contain more than seven hundred (700) square feet of floor area.

Section 4.20 Paragraph (a): Detached accessory structures shall be one (1) foot from the edge of any easement.

Jim Bishop, 5032 Rochester Road, Troy, MI. appeared before the board along with Larry and Kathy Cain, 30357 Roan Drive, Warren, MI. Mr. Cain stated he owns two SUV trucks and a classic car and he would like more room to put his stuff indoors so that it would not need to be stored outdoors.

Secretary Burdi read a letter from Douglas and Charles Sypinski into the record. The letter was from 12127 Diegel in Warren and stated they had received the letter from

the ZBA about the intent to construct a garage addition at 30357 Roan. The existing garage 22.1 x 22.2 = 490.62 sq. ft. was a respectable size garage that was consistent with the size of the residence located on that property. If the Board of Appeals grants the request, the new garage with 910.52 sq. ft. would have an area equivalent to the area of the residence. They believe this would develop an abnormality in the appearance of the neighborhood. They strongly request that the petitioner's request be denied.

Chairwoman Furgal stated this a public hearing if there was anyone in the audience that would like to comment on this item. Seeing and hearing none she turned the matter over to the Board.

Jim Bishop stated he had been before the board about a month ago and he had stated there were a bunch of garages in that neighborhood that were oversized.

Chairwoman Furgal stated there was back up material provided to the Board from the zoning inspector. There was a building permit for one at 30643 Pinto but that garage was only 800 sq. ft. and it had ZBA approval back in 2000.

Secretary Burdi stated of the other garages sited, none of them had ZBA approval. The permits were pulled but none of them had ZBA approval. She did not know if they added on to those garages or not but the building department will take a look at those and the proper action will be taken.

Mr. Cain stated he needed the bigger garage to keep vehicles out of the driveway and then would not have to look at them all the time.

Board Member Becher stated there was a two car garage on the property now and he should be able to put two cars in the garage now.

Mr. Cain stated correct but he has three cars and yard equipment storage.

Board Member Becher stated she thought it was a bit of overbuilding. It looked to be as big as or bigger than their house.

Mr. Cain stated a smaller would not make any sense because you would not be able to put another car in it anyway.

Secretary Burdi stated she was opposed to this before it was tabled but it was tabled to give an opportunity to really think about downsizing and what they would like to downsize it to. She was not going to vote for a garage that was 910.52 sq. ft. never voted for a garage that big and she agrees with the neighbor who says it brings it out of proportion. She asked the petitioner not to interrupt her as she had not interrupted them. She was asking if any thought was given to a size that was more reasonable. She would be willing to go 700 sq. ft. She thinks that would be in better proportion.

Jim Bishop stated he could not fit a car into it.

Secretary Burdi stated that properties that were zoned R-1-C are not equipped to have four cars or three cars. They really are equipped for two cars. She had to tell

him that they were not going to take something that was designed as a single family residence for two cars and adapt it for four cars because what happens to them was the petitioner would use it as a garage and the next people will run a business out of it. Then there are all these businesses run out of garages and the City gets all these complaints from neighbors about noise and traffic and businesses being run out of garages and it proves to be a real detriment to the neighborhood. Was there a garage size that was smaller like 700 sq. ft. that would work for them to accomplish as much as they could with their goals of storage, etc.

Mr. Cain stated he did not think so.

Board Member Becher stated she had done some quick math and at this point the house was only 11 sq. ft. bigger than the garage they intended to build. That was just too much garage. She could not agree with this at all.

Mr. Cain asked about the houses in his area that have additions on the back with the family rooms and stuff.

Board Member Becher stated they are living in them. That was living space.

Mr. Cain stated they had larger footprints on the land than his house and garage did.

Board Member Burdi stated Ms. Burdi had just made the point that the Board does not like the big garages because even though he might use it to store a vehicle in, the next guy could try and put a business in it. No, she was not in favor of this.

MOTION:

Secretary Burdi made the motion to deny the petitioner's request.

Reason being he indicated he was not interested in reducing the size at all. She believes it was a detriment to the area. She finds that no true hardship has been demonstrated and it was in fact a self-imposed hardship by accumulating more than he could actually store.

Board Member Becher supported the motion.

Roll Call:

Secretary Burdi Yes to deny for reason stated in the motion, she thinks it is a detriment to the area and she does not think the lot was big enough to handle it and the proportion to living space and storage was a critical one and it was not being kept here. She believes it is a self-imposed hardship by acquiring more things that need to be stored than there is storage room.

Board Member Becher Yes to deny, self-imposed hardship and it was a detriment to the area.

Board Member Pauta Yes to deny because it is a self-imposed hardship.

Board Member Watripont Yes to deny, he believes it is a self-imposed hardship and it was over building on the property as zoned.

Board Member Brasza Yes to deny, self-imposed hardship and detriment to the area.

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

Board Member Bieber	Yes to deny for reason stated in the motion.
Board Member Nestorowicz	Yes to deny for reason stated in the motion.
Chairwoman Furgal	Yes to deny for reason stated in the motion.

Petition has been denied.

8. PUBLIC HEARING **APPLICANT: Mr. Frank Yousif, Owner M97 (Reschedule from 9/25/23, 11/13/13, 11/20/13, 12/11/13 & 1/8/14) Auto Parts -USE-**
REPRESENTATIVE: Mr. Robert J. Tobin, Tobin & Assoc.
COMMON DESCRIPTION: 26395 & 26301 Groesbeck Highway
LEGAL DESCRIPTION: 13-24-226-001
ZONE: M-2

VARIANCES REQUESTED: -USE- Permission to: 1.) expand a non-conforming "salvage-yard" into an existing used car facility. 2.) To provide 80,436 feet of open storage for auto salvage. 3.) to waive 34,215 sq. ft. of hard surface paving for outdoor storage and seven employee parking spaces in north-west area of site. 4.) To waive 1,275 feet of continuous curbing along Groesbeck Highway. 5.) To allow open storage to within 5 feet of the front yard setback. 6.) To retain an existing office building and carport to within 9.6' of the rear yard setback.

ORDINANCES and REQUIREMENTS:

Section 17.02, Paragraph (t): Open storage for junk, auto wrecking yards and other waste products requires M-4 Zone.

Section 17.02, Paragraph (s): Open storage area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site. The designated area shall not be located any closer than seventy-five (75) feet to the front property line.

Section 4.32, Paragraph (k): All off-street parking areas shall be hard surfaced with concrete or asphalt.

Section 16.07: Necessary curbs, or other protection against damage to adjoining properties, streets, sidewalks and green belts shall be provided and maintained.

Section 17.02, Paragraph (a): In M-2 zones, yards fronting on a major thoroughfare shall be fifty (50) feet.

Section 17.02, Paragraph (b): In M-2 zones, rear setback is 20'.

Jennifer Chupa, 3200 E. 12 Mile, Warren, MI and Samuel Yousif 26395 Groesbeck Highway, Warren, MI. both appeared before the board.

Jennifer Chupa stated she was certain the board was very familiar with this project and property. There have many reasons stated in the past, this was a very uniquely shaped piece of property along Groesbeck Highway and her client was try to organize and make the piece of property safer for better use for themselves and their customers as well as the area surrounding them. Because the property was so unique and the nature of the business was not a pretty business there were some unique requirements that go along with that. If this were granted it would not be detrimental, in fact it would be cleaner and safer and providing more curb appeal for lack of a better term. New plans have been submitted and the requirements from the minutes of the meeting in November have been incorporated. There were changes made to incorporate some of the proposed ideas and she was hoping that would satisfy the board and the issues that were raised.

Chairwoman Furgal stated this a public hearing if there was anyone in the audience that would like to comment on this item. Seeing and hearing none she turned the matter over to the Board.

Secretary Burdi mentioned the new plan and stated it was pretty close to what had been talked about and she also wanted to talk about what had been request now compared to the plan. When it says to expand a non-conforming salvage yard into an existing used car facility, she would ask that the used car facility be relinquished by the petitioner because he was not going to do used cars anymore.

Jennifer Chupa stated that was correct but it was being phased out over time it was not going to be immediate. They do need a little bit of time to phase that out.

Secretary Burdi stated because she did not want to have a salvage yard and used car lot zoning variance on one piece of property. How long would be needed to phase that out?

Jennifer Chupa stated Sam Yousif was with her today who was in charge of the auto salvage and she had discussed this with Sam's brother who was the taking over the used car lot. He believes within 6 months that he would be able to completely phase out the used car aspect of it. They were looking at properties in different areas.

Secretary Burdi stated she would expect then a notarized letter from everyone that was an owner that in six months no longer would any part of this property be used as a used car lot and that they would relinquish any past variance with regards to used cars.

Sam Yousif stated yes ma'am.

Secretary Burdi stated the variance had to be relinquished in writing and it had to be notarized. This was serious enough that the Board needed a written piece of paper that was recordable.

Jennifer Chupa stated she understood that this had a long history of going back for years which was well before she was involved with it or even Sam being involved with it. She understands the Boards reluctance to accept the verbal agreement.

Secretary Burdi stated that was just it, no one wanted to kick him around tonight but she had to tell them the truth. There were many things promised on this piece of property that have not been kept. What has happened was frankly, the board was going to turn it down. Salvage yards are kind of a thing of the past and the newest thing was recycling yards. She would encourage him to look into more of a recycle type of idea as opposed to salvage where the carcass was kept and it rusts and sits there. There are yards and many of the Board Members have toured those yards. They bring a car in and it gets stripped down and the carcass gets crushed and they get paid for it. She was not going to tell him how to do his business but he might want to look at that. On many of those yards they are paved and they have the oil water separators to save the earth. She knows this business has been there for a long time but his dad promised paving a long time ago. As far as she was concerned he needed to keep his word with the paving. She does not want to waive any paving

and he would have time to do it. What she was trying to do was put together a better plan. If the offices were where the used cars were and customer parking in front of that and customer parking along the fence there then he could use the old office and everything however he wanted because it was already in the area that was a salvage yard. The farthest north gate was going to be closed off and some landscaping. The back stuff on the fence seems to rip and flap in the wind so it was not so great. Try and make the front of the place a little more appealing if he could. She wanted to go through the items. The first one was not going to be granted, the non-conforming salvage yard into existing used car. He was going to relinquish the used car facility and use that area as office. No salvage material or salvage cars and that are expected to be up by the office that used to be the used car. Two, to provide 80,436 feet of open storage for auto salvage, she did not know if the numbers were redone by Mr. Tobin?

Jennifer Chupa stated he redid the plans.

Secretary Burdi asked if it was the same number or the same as the number they had before. Then the number three, to waive the 33,215 sq. ft. of hard surface paving, that was agreed to be done before so that was not being waived now and was expected to be done.

Jennifer Chupa stated the board indicated he would have time to do that, it was such a strange shape and the way the racks were they would need time to move things to pave a section and of course that would be after all the snow melts.

Secretary Burdi stated he would be given two years.

Jennifer Chupa stated she just wanted to be clear.

Secretary Burdi continued with the continuous curbing along Groesbeck, she did not know if that had been discussed before or not. Was there curbing there now? Where was the continuous curbing along Groesbeck Highway to be waived?

Jennifer Chupa stated she believed it was going to be at the driveway that was going to be removed, he was under the impression that the board wanted the farthest most northern driveway removed where the new landscaping was going to be.

Secretary Burdi asked Mr. Yousif if he had seen on the plan where it talks about customer spaces.

Mr. Yousif stated yes ma'am.

Secretary Burdi stated so he knew that he could not have any salvage cars in the customer spaces and that he could only have the cars in the other spaces where the spaces are. She would ask him after the nine spaces to leave two spaces, two more spaces that are empty so that someone was not parking next to a junk car.

Mr. Yousif stated yes ma'am.

Secretary Burdi stated so take two of the spaces out and have that be, there would 23 salvage cars along there and after the nine spaces there would two spaces that are removed out of there.

Jennifer Chupa stated she has been to the property and the cars are broken down and Mr. Sam Yousif was in charge of tagging and computerizing parts so they were ready to go. Not every car that was brought in was left there to rust. Some are being broken down and it was kind of a combination. Sam has a bachelor's degree and he was working toward his masters in finance for Oakland University so he was very interested in the best possible use for his property as well. She just wanted to board to know that he was now taking over that part. It was not completely like it was back in 1944 and it was now a combination.

Board Member Pauta stated Mr. Yousif here was probably not even born when this was going and was probably there 60 to 70 years before Warren even became Warren. She really had mixed emotions about this when she first saw it and she was trying to figure out how he would pave it because of the inventory. She remembers when this building looked 100 time worse than it does right now. She remembers when there was a dirt floor in that building. Right now it was an improvement to what it was way back when but she thinks he was off on a good start and with the additional items she thinks he will have a good business.

Board Member Nestorowicz stated he just wanted to add with the additions of the comments from Ms. Burdi he could go along with the request but the key point he wanted to make was that there are other properties in Warren that look worse than his but it was very important to keep it clean. Follow through and not put the junk cars where any customers are supposed to park because he does not want to have any complaints in the future.

Board Member Watripont stated the 80,436 sq. ft. was also posted the same amount of the November 27, 2013 notification so he does not think that the number has changed at all. He has concerns with that as well.

General discussion took place about the actual square footage.

Board Member Becher stated if the used car lot was being turned into customer parking and office space it would not increase the outdoor storage. That particular property was just being given a new vision. The original number for outdoor storage would remain the same. There would be no change to request to number two.

Secretary Burdi asked if the two lots were joined.

Lynne Martin, Chief Zoning Inspector stated the lots had been combined.

Secretary Burdi stated that Numbers 4, 5, & 6 would be accepted for variance.

Chairwoman Furgal asked Lynne Martin why the curbing was being requested to be waived.

Lynne Martin stated the wide curbing not at the street.

MOTION:

Secretary Burdi made the motion to do the following: Grant the petitioner's request to treat both the existing non-conforming salvage yard and the existing used car facility as one piece of property. The Board was not expanding the non-conforming salvage yard into an existing used car facility. The petitioner will provide a legal document relinquishing the used car facility within six month, the document would be provided now but relinquished within the next six months and the document needed to be signed by all owners and notarized. However, the Board was allowing the existing used car facility to be used as the offices and customer parking for the salvage yard per the site plan presented and dated 2/12/14 and marked new. The change to the site plan was that along the east property line, along Groesbeck Highway after you count the nine cars from the south kind of to the north, there would be two parking spaces taken out to leave as vacant between salvage cars and customer parking. The Board was also granting the petitioner's request number four to waive 1,275 sq. ft. of continuous curbing along Groesbeck Highway and granting the petitioner's request number five to allow open storage within 5 feet of the front yard setback and granting the variance request number six to retain an existing office building and car port to within 9.6 feet of the rear yard setback. The Board was also expecting and she was not mentioning all of the other changes on the plan for example but not in total: taking out the northern drive way, the landscaping that was pictured in the plan and all that was expected to comply with that was on the plan. The reason being was the size and shape of the lot, not a detriment to the area.

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

Board Member Descamps supported the motion and requested discussion.

Board Member Descamps stated to the petitioner that he knew why he had been asked to be here and that it had been obvious over the years that cooperation between the ownership and the ZBA had been nil. The board sees that this was a bright future for him and asks that the yard was kept clean. One of the biggest problems that are seen with this type of business was storage of tires-do not leave them outside. He was glad to see that he was here and he appreciates his business.

Roll Call:

Secretary Burdi	Yes for reason stated in the motion.
Board Member Descamps	Yes for reason stated in the motion.
Board Member Brasza	Yes for reason stated in the motion.
Board Member Pauta	Yes for reason stated in the motion.
Board Member Becher	Yes for reason stated in the motion.
Board Member Bieber	Yes for reason stated in the motion.
Board Member Nestorowicz	Yes for reason stated in the motion.
Board Member Watripont	He was a little hesitant but he did see some improvement there, so he would say yes for the reasons stated in the motion and hoped it would not come back to bit them.
Chairwoman Furgal	Yes for reason stated in the motion.

Petition has been granted with conditions.

Michael Woodford sated yes, they go with the tool rentals and were available for the customers to rent.

Board Member Becher asked if these were similar to the trucks they used to rent out and where did they park those.

Michael Woodford stated yes, they still have the trucks and they are parked in the middle toward the back. The trailers were open small trailers for packages of soil and stuff like that, maybe 4 x 8 in size.

Chairwoman Furgal stated this a public hearing if there was anyone in the audience that would like to comment on this item. Seeing and hearing none she turned the matter over to the Board.

Board Member Brasza asked if all the display areas were the same as previous years.

Michael Woodford stated yes, it was just a spring and early summer thing.

MOTION:

Board Member Brasza made the motion to approve the petitioner's request to operate a seasonal sale from March 31, 2014 to December 31, 2014. In the number 1 area outdoor tent sales, unit of 40 x 130 feet = 5200 sq. ft. and sheds 20 feet x 90 feet = 1800 sq. ft. in the front parking areas to display for sale. Number 2 area plant, 20 feet x 125 feet = 2,500 sq. ft. in front of the building and number 3, to allow the outdoor storage of three rental trailers along the west property line as per the plan which has been modified to be in the parking lot taking up three parking spaces. Number 4 to waive additional off street parking spaces for the display area and displace parking, waive seven parking spaces for the three rental trailers area for a total of 100 for seasonal outdoor sales and storage areas. In addition to the 167 parking spaces previously waived as per the plan.

Reason being needs approval of the Board and not a detriment to the area and size and shape of the lot.

Board Member Nestorowicz supported the motion.

Roll Call:

Board Member Brasza	Yes for reason stated in the motion.
Board Member Nestorowicz	Yes for reason stated in the motion.
Board Member Descamps	Yes for reason stated in the motion.
Board Member Watripont	Yes for reason stated in the motion.
Board Member Pauta	Yes for reason stated in the motion.
Board Member Becher	Yes for reason stated in the motion.
Board Member Bieber	Yes for reason stated in the motion.
Secretary Burdi	Yes for reason stated in the motion.
Chairwoman Furgal	Yes for reason stated in the motion.

Petition has been granted.

Board Member Descamps	Yes for reason stated in the motion.
Secretary Burdi	Yes for reason stated in the motion.
Chairwoman Furgal	Yes for reason stated in the motion.

Petition has been granted.

11. PUBLIC HEARING **APPLICANT: Thrifty Florist of Warren**
REPRESENTATIVE: Ms. Linda Grogan
COMMON DESCRIPTION: 29010 Schoenherr Road
LEGAL DESCRIPTION: 13-12-353-010, -027, & -025
ZONE: C-1 & P

VARIANCES REQUESTED: Permission to:

To conduct a SEASONAL **outdoor sales operation in a "P" District** from March 31, 2014 through January 8, 2015, (788 sq. ft.) to no less than 16 ft. from the Schoenherr Road property line and 50 ft. from the north property line as per site plan and same as last year.

ORDINANCES and REQUIREMENTS:

Section 4.46 Paragraph (a): The goods, items or articles sold or activities conducted as part of any outdoor retail sale must be consistent with the zoning district where the parcel is located.

Section 16.01: Uses Permitted. In all P Districts, no land shall be used for any other use than automobile parking of private passenger vehicles.

Nicole Eggbee 29010 Schoenherr, Warren, MI appeared before the Board and stated the petition was to request an outdoor seasonal permit. There was no difference from the year before.

Chairwoman Furgal stated this a public hearing if there was anyone in the audience that would like to comment on this item. Seeing and hearing none she turned the matter over to the Board.

MOTION:

Board Member Nestorowicz made the motion to approve the petitioner's request to conduct a seasonal outdoor sales operation in a "P" District from March 31, 2014 through January 8, 2015, (788 sq. ft.) to no less than 16 ft. from the Schoenherr Road property line and 50 ft. from the north property line as per site plan and same as last year.

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

Board Member Bieber supported the motion.

Roll Call:

Board Member Nestorowicz	Yes for reason stated in the motion.
Board Member Bieber	Yes for reason stated in the motion.
Board Member Becher	Yes for reason stated in the motion.
Board Member Watripont	Yes for reason stated in the motion.
Board Member Pauta	Yes for reason stated in the motion.

Roll Call:

Board Member Becher	Yes for reason stated in the motion.
Board Member Pauta	Yes for reason stated in the motion.
Board Member Bieber	Yes for reason stated in the motion.
Board Member Watripont	Yes for reason stated in the motion.
Board Member Brasza	Yes for reason stated in the motion.
Board Member Nestorowicz	Yes for reason stated in the motion.
Board Member Descamps	Yes for reason stated in the motion.
Secretary Burdi	Yes for reason stated in the motion.
Chairwoman Furgal	Yes for reason stated in the motion.

Petition has been granted.

13. PUBLIC HEARING **APPLICANT: Dr. Salim Meram M.D.**
REPRESENTATIVE: Same
COMMON DESCRIPTION: 28673 Hoover
LEGAL DESCRIPTION: 13-15-229-043
ZONE: C-1

VARIANCES REQUESTED: Permission to:

To waive twenty-three (23) required parking spaces for a Medical Office as per the plan.

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (h) Item 18: Required Off-street Parking. Medical and Dental Clinics – One (1) parking space for each one hundred (100) square feet of usable floor area and one (1) parking space for each examining room, dental chair or similar use area. In no event shall there be less than three (3) spaces per doctor plus one (1) space for each two (2) employees.

Chairwoman Furgal asked if the petitioner was present and no one responded.

MOTION:

Secretary Burdi made the motion to reschedule the item to 16a. Board Member Bieber supported the motion. A voice vote was taken and the motion carried (9-0).

14. PUBLIC HEARING **APPLICANT: International Assembly of God**
REPRESENTATIVE: Moncy Chacho
COMMON DESCRIPTION: 3949 Nine Mile Road
LEGAL DESCRIPTION: 13-30-478-023
ZONE: C-2 & R-1-P

VARIANCES REQUESTED: Permission to:

To retain a building 7.28 ft. from the west property line (5.98' to the wall and 1.30' for the wall to property line) in a C-2 zone with a door opening.

ORDINANCES and REQUIREMENTS:

Section 14.07 Side yards on interior lot lines: Side yards are not required unless along interior side lot line that wall wholly without openings for windows and doors. If windows or opening are provided, a side yard of not less than ten (10) feet shall be provided.

Moncy Chacko 3949 Nine Mile Road, Warren, MI appeared before the board and stated he applied for two variances and he understood that they were combined here, the door on the side of the building and the setback from the building line to the property line. When he applied for the lot combination the planning department wanted him to check with the Zoning Board and as a result he had to apply for these two variances and he would ask the board to grant the request that was a preexisting condition of the building that dates ten years back.

Chairwoman Furgal stated this a public hearing if there was anyone in the audience that would like to comment on this item. Seeing and hearing none she turned the matter over to the Board.

Secretary Burdi stated she was confused and did not understand what he was talking about. The board does not approve doors.

Lynne Martin stated the setback says that a side yard was not required along interior lot lines wholly without openings or windows and doors, so he does not have the ten foot setback that was required because there was a door there. The Fire Marshall says he has to have the door as an exit but he needs a ten foot setback. The setback right now was 7.28 feet.

Secretary Burdi stated the board was only waiving three feet. It was not two variances. It appears this building already exists and it was less than three feet in variance. She did not see any reason not to grant the petitioner's request.

MOTION:

Secretary Burdi made the motion to approve the petitioner's request to retain a building 7.28 feet from the west property in a C-2 zone that contains a door opening.

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

Board Member Watripont supported the motion.

Roll Call:

Secretary Burdi	Yes for reason stated in the motion.
Board Member Watripont	Yes for reason stated in the motion.
Board Member Brasza	Yes for reason stated in the motion.
Board Member Nestorowicz	Yes for reason stated in the motion.
Board Member Descamps	Yes for reason stated in the motion.
Board Member Pauta	Yes for reason stated in the motion.
Board Member Bieber	Yes for reason stated in the motion.
Board Member Becher	Yes for reason stated in the motion.
Chairwoman Furgal	Yes for reason stated in the motion.

Petition has been granted.

- 15. PUBLIC HEARING
- REPRESENTATIVE:
- COMMON DESCRIPTION:
- LEGAL DESCRIPTION:

APPLICANT: Ms. Marie Sankuer -USE-
 Mr. Anthony J. Bellomo
 13760 Common Road
 13-12-301-028

ZONE: R-1-C

VARIANCES REQUESTED: Permission to: -USE-

To expand an existing State of Michigan licensed Adult Foster Care Home from 6 patients to 12 patients in an R-1-C District as per plan.

ORDINANCES and REQUIREMENTS:

Section 7.01: Uses Permitted. A business is not allowed in R-1-C.

Marie Sankuer, 13760 Common Road, Warren, MI and Anthony Bellomo, 16570 12 Mile Road, Roseville, MI appeared before the Board and stated that she wanted to increase from six residents to twelve residents in her care at her home. She was established in 2008. It was a large home at 2,300 sq. ft. and as far as the State was concerned 65 sq. ft. was required for each resident for their sleeping quarters and as it was right now the house could accommodate 11 residents. There are five bedrooms and four bathrooms. Multiple showers and a bath tub and the main reason was she loves serving the elderly and she gets calls every week from people looking to place loved ones. She was in good standing with the State and her staff was well trained and subjected to background checks. It was secure facility with extra locks and precautions. The area was very convenient for visitors, the City services and the Fire Department and that was why she was asking for this.

Chairwoman Furgal stated this a public hearing if there was anyone in the audience that would like to comment on this item.

Michaelene Eberhard appeared before the board and stated she lives across the street and she supports the expansion. The property was very large with ample space to expand the physical building but it was her understanding that adding to the building would be minimal and to the rear. The facility has curb appeal and she thinks it would be an enhancement to the area.

Anthony Bellomo stated he was a friend of Marie's and also a building contractor and has a lot of experience building multi-people centered buildings like day cares and such. He has worked with Marie on the home and they have gone through it meticulously to see that it was in compliance with ADA regulations as well as the State requirements. Beyond that was the human quality of the house and Marie has done a wonderful job and he recommends that the request be approved.

Chairwoman Furgal stated seeing and hearing no one further she turned the matter over to the Board.

Secretary Burdi stated the Board had received a letter from Ms. Michaelene Eberhard and since she was here tonight to speak she was not going to read the letter.

Marie Sankuer stated everyone had a packet with eleven letters and a brochure with her business card.

Board Member Becher stated she went past the property and she found it very appealing and noticed an empty lot to the east. Did she own the lot and did she plan to combine the two?

Marie Sankuer stated sometime in the future perhaps, she did plan to keep it.

Chairwoman Furgal had a question for the City Attorney and asked how to make the use for Ms. Sankuer.

Secretary Burdi stated in other words that it had to be tied to a State License. She did not want to give the variance for anything other than a State Licensed Foster Care home with this licensee. So if it changes licensee or it was not a State Licensed Foster Care home, they would have to return to the Board.

Mary Michaels, Assistant City Attorney stated when the Board grants a variance it relies upon an agreement with the petitioner and that agreement can be made on the record in this situation. Then the condition would be carried forward.

Secretary Burdi stated what was being asked was, it seemed to be that people were very comfortable with what she was doing and how she was doing it. She was worried that people would think they could have a business there that was not a State licensed adult Foster Care so she wanted it limited to State Licensed Adult Foster Care, maximum 12 people and that only to you as the licensee. If it changes in the future or it was not a State licensed Adult Foster Care Facility, she was asking that Ms. Sankuer understand that no variance would then exist and any one would have to come back to the Board if they wanted that variance.

Marie Sankuer stated she understood and agrees.

Mary Michaels stated that was satisfactory as long as the motion was subject to the conditions and subject to the agreement of the petitioner.

MOTION:

Secretary Burdi made the motion to approve this property as a State of Michigan Licensed Adult Foster Care Home for up to 12 patients in an R-1-C district with the agreement that was made her tonight with Marie Sankuer that if she was not the licensee that anyone that wanted to run the facility next would have to come back to the Board and that the variance was also based on agreement only as long as the facility 13670 Common Road was licensed as an Adult Foster Care home with the State of Michigan.

Reason being not a detriment to the area and needs approval of the Board.

Board Member Brasza supported the motion.

Roll Call:

Secretary Burdi	Yes for reason stated in the motion.
Board Member Brasza	Yes for reason stated in the motion.
Board Member Becher	Yes for reason stated in the motion.
Board Member Bieber	Yes for reason stated in the motion.
Board Member Pauta	Yes for reason stated in the motion and stated Ms. Martin should have a copy of the license for the file.
Board Member Descamps	Yes for reason stated in the motion.
Board Member Nestorowicz	Yes for reason stated in the motion.

Board Member Watripont supported the motion with discussion.

Board Member Watripont stated in looking at the plan he had one concern. He did not see it drawn on the plan at all where the tent goes. He knows where it goes because he has seen it many times.

Secretary Burdi stated the tents were shown on the plans and he just gave Mr. Longo a heart attack.

Board Member Watripont stated they were not on his plans but he would also like to say he was glad that he submitted the request earlier this year than he did last year.

Roll Call:

Board Member Nestorowicz	Yes for reason stated in the motion.
Board Member Watripont	Yes for reason stated in the motion.
Board Member Brasza	Yes for reason stated in the motion.
Board Member Descamps	Yes for reason stated in the motion.
Board Member Pauta	Yes for reason stated in the motion.
Board Member Bieber	Yes for reason stated in the motion.
Board Member Becher	Yes for reason stated in the motion.
Secretary Burdi	Yes for reason stated in the motion.
Chairwoman Furgal	Yes for reason stated in the motion.

Petition has been granted.

16a. PUBLIC HEARING	APPLICANT: Dr. Salim Meram M.D.
REPRESENTATIVE:	Same
COMMON DESCRIPTION:	28673 Hoover
LEGAL DESCRIPTION:	13-15-229-043
ZONE:	C-1

VARIANCES REQUESTED: Permission to:

To waive twenty-three (23) required parking spaces for a Medical Office as per the plan.

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (h) Item 18: Required Off-street Parking. Medical and Dental Clinics – One (1) parking space for each one hundred (100) square feet of usable floor area and one (1) parking space for each examining room, dental chair or similar use area. In no event shall there be less than three (3) spaces per doctor plus one (1) space for each two (2) employees.

MOTION:

Secretary Burdi made the motion to reschedule the item to March 12, 2014. Board Member Bieber supported the motion. A voice vote was taken and the motion carried (9-0).

17. NEW BUSINESS

Board Member Becher requested the maps that have the street names and sidwell numbers on them be returned to the Boards packets because she has not received them.

Secretary Burdi stated the administrative letters did not need to be in the packets to save some money.

18. ADJOURNMENT

Motion:

Board Member Descamps made the motion to adjourn and the motion was supported by Board Member Bieber. A voice vote was taken on the motion and all "Ayes" were recorded. The motion carried (9-0).

The meeting adjourned at 9:19 p. m.

Caren M. Burdi
Secretary of the Board