

WARREN ZONING BOARD OF APPEALS  
REGULAR MEETING  
May 14, 2014

A Regular Meeting of the Warren Zoning Board of Appeals was called for Wednesday, May 14, 2014 at 7:30 p.m. in the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

**Members of the Board present:**

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

**Members of the Board absent:**

None

**Also present:**

Roxanne Canestrelli, City Attorney  
Everett Murphy, Zoning Inspector

**1. CALL TO ORDER**

Chairwoman Furgal called the meeting to order at 7:38 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Secretary Burdi stated a full board was present.

**4. ADOPTION OF THE AGENDA**

Secretary Burdi stated that item number 12 was withdrawing their item tonight and they are present this evening, she understood the item was being withdrawn and that they would resubmit. That would be the only change to the agenda.

**Motion:**

Secretary Burdi made the motion to adopt the agenda and Board Member Descamps supported the motion. The motion carried (9-0).

**5. APPROVAL OF THE MINUTES OF the Regular Meeting of April 23, 2014.**

Board Member Watripont stated he found one error and he would like more time to read through them.



which was another thing that he had to do, assign a dumpster enclosure for eight dumpsters which was located along the back property line. It was a dumpster enclosure with eight dumpsters in it which he has never done before. A total of ten spaces which they said was adequate and now he was here tonight was warehouse A that was located in the front. He indicated on the plan there were all auto repair. He stated he was only able to provide three parking spaces and seven parking spaces behind for the warehouse A. He did meet the requirement of M-2 but unfortunately he was short because the building itself was 15,000 square feet and he was only able to provide 5,000 so he was asking tonight to provide an additional 10,540 of outdoor on-site parking for building A. He took care of all the other buildings but with building A there was a shortage. Therefore he was requesting the board to grant permission to waive 10,540 square feet of the balance of the required parking. The hardship was the size and shape of the lot.

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

Cheryl Melton 25342 Wexford appeared before the board and stated her home was located behind the building. She did not have the opportunity to look at the site plan when she left work early today and went down to the Planning Department. Unfortunately the inspector had the plans in his truck. Her concern was the repair vehicles and that they were only going to be permitted to park on the far west?

Robert Tobin answered yes.

Cheryl Melton continued along the fence line that goes north and south so no repair vehicles would be parked behind her home was that correct? She also wanted to make sure that the dumpsters would be in enclosures because she does have a problem with the business at this time where they take the dumpsters and slide them wherever they want and they park repair vehicles all over. They park cars behind the wall and she has a hard time with this company because the employees for some reason are looking over into her yard, standing on their tip toes and she has no privacy anymore. She just wants to make sure that their parking stays against their wall for employees and their businesses stay along that fence. She was having a really hard time with employees throwing garbage in her yard, hanging out staring into her yard and she just wants to make sure she can still keep her privacy with this company. Those were her biggest concerns.

Secretary Burdi stated according to the plan the dumpsters were going to be along her wall.

Cheryl Melton stated yes, they were going to be along that wall but according to the plan they stop at her garage. It looks like, when she looked at the plans in April before the last meeting there were no parking spots listed on that plan to the east of the dumpsters but it looks like they may have added some on because they are highlighted in red now. She does not know if that was a change.

Secretary Burdi stated she did not see any parking spaces along the back wall where her house was.

Robert Tobin pointed them out on the plan and state he could eliminate those, he does not need those and they just happened to be extra spaces back there.

Secretary Burdi asked if Mr. Tobin's plan was different from the plan the board had because she did not see any parking spaces along the back wall. She sees a dumpster area.

Chairwoman Furgal asked what it meant where it said 10' x 40' trailer area.

Robert Tobin stated the dumpster was moved. It is a great big dumpster and pointed out the detail of it on the plan.

Cheryl Melton stated she did not mind the dumpsters behind her home.

Secretary Burdi stated the plan said 10 x 40 trailer parking, what trailers Mr. Tobin, truck trailers?

Cheryl Melton stated she thought that was from a long time ago when Mood's brothers.

Secretary Burdi stated it was on this plan so it was not a long time ago, it would then be current so she would like to know what kind of trailer parking Mr. Tobin was talking about.

Robert Tobin stated there were parking spaces there but that he did not need them. He could eliminate them no problem at all.

Cheryl Melton stated as long as she knew they were not going to parking the repair vehicles there.

Secretary Burdi asked if she wanted a tractor trailer behind the wall.

Cheryl Melton stated no she did not want that either. They used to park these big tractor trailers back there and it was horrible.

Secretary Burdi asked if Mr. Tobin was eliminating that.

Robert Tobin stated that was why he had worked with Ron Wuerth and Lynne Martin, to put all the vehicles that were scattered all over the site especially in the back and put them all in the space marked yellow on the west side.

Secretary Burdi asked Mr. Tobin if he was getting rid of the 10 x 40 trailer parking on the back wall. Was that being deleted from the plan?

Robert Tobin stated he could eliminate those, yes indeed. The dumpsters before, there were eight of them, were scattered all over the place. Now there is a nice 80' x 10' enclosed dumpster area that houses all eight dumpsters and will not be seen anymore.

Chairwoman Furgal asked if anyone else would like to comment on the item. Seeing and hearing none she turned the matter over to the board.

Chairwoman Furgal stated that she had a question. On the plan that she had, it said that a variance was required to waive 13,932 square feet of parking area.

Secretary Burdi stated that was also what his hardship paper said. He submitted a hardship paper and it talks about building A requires 13,932 sq. ft. of parking which currently was no longer available with the auto repair shop parking. So was it 10,500 or 13,932 sq. ft. that needed to be waived?

Robert Tobin said it was the total as he said he had credit for the ten cars that were parking there but the balance when Lynne Martin figured it out; the balance he was trying to waive was the 10,540 sq. ft. which was the balance. It should have been 15,000 but he got credit because of the parking that was there. It was a very tight site and that was his hardship was the size and shape of the lot.

Board Member Becher stated she was down there a couple of weeks ago looking at the site and someone in one of the buildings was repairing cars and had cars stacked up on the grass and they were repairing the car over the sidewalk.

Robert Tobin stated he knew. That was why the Zoning Board came out and made them do something about the site. He has been working on this for about 6 months trying to get this straightened out.

Board Member Becher stated she was down there two weeks ago and it was still going on.

Robert Tobin said it was unfortunate and he guessed that would be enforcement.

Board Member Becher said he was asking for something and breaking the rules with the other and now was blaming it on enforcement. She was sorry but she was just not in favor of it.

Robert Tobin said they have permission to park in front but what he was trying to do.

Board Member Becher interrupted and said he did not have permission to park over the sidewalk and repair cars.

Robert Tobin said of course not she was absolutely right. They have permission to park in front. The idea was a customer would come in and park here (indicating a space on the plan) and go into the office and leave.

Board Member Becher said yes but they were parked on the greenbelt, repairing cars on the greenbelt, on the part that says grass, they were repairing cars.

Robert Tobin questioned they were repairing cars in the front?

Board Member Becher answered yes.

Robert Tobin apologized, he had not seen that.

Board Member Becher stated she was not in favor of this at all.

Secretary Burdi asked what was in the warehouse. What kind of warehouse was it?

Robert Tobin said it was just a lot of boxes in there; some kind of parts to be stored was all.

Secretary Burdi said, so it was just warehouse storage?

Robert Tobin said yes, warehouse storage.

Secretary Burdi asked how many people worked at the warehouse.

Robert Tobin said he was told six.

Secretary Burdi asked how the items that are stored there were delivered. Do they come in big semi-trucks or box trucks?

Robert Tobin said it was nothing big it was just a bunch of cardboard boxes and they had some time of product in there, he did not know.

Board Member Becher asked if they fly in there.

Robert Tobin stated the problem that he had was that it was a very tight site.

Secretary Burdi stated she understood. What did the workers do at the warehouse?

Robert Tobin said there was an office in the front where a guy and a gal work and four guys work around the rest of the building he guessed. That was all he knew about the warehouse. The problem he has was that it was a very tight site and to get everything on there properly arranged was tough. He was sorry he did not see that when those cars; the whole idea was when someone comes in to park, the customer parks here and they take his car and put it back in here and someone else can pick him up and drives him away. No one does any repair work in the front. He was surprised to see that and he was sorry that he was here tonight without having seen that happen, that was not supposed to happen and it was called enforcement and he guessed he could not enforce those types of things standing there tonight. He thinks the new arrangement will make a big difference from what was there before because the cars to be repaired were all over the site. Now they have designated areas.

Board Member Pauta asked Everett Murphy what the site had been cited for in the first place.

Everett Murphy Zoning Inspector stated it had been a long time since he had worked on the west side; he primarily works on the east side. He has worked on this side of town before. The problem was really with about half of the tenants. Half of them are ok and half of them are not. They get out of control sometimes and he has had the property owner involved many times. Part of what would help with this plan would be to establish who's cars are who's. The city goes out there to try and enforce something and they do not know who it belongs to. There are six to seven tenants there with cars everywhere and nobody can tell who's cars are who's. By having the assigned spots by an enforcement stand point, if he has a site plan with him and he knows who's cars belong where if he sees something that is not in its position at least he has somewhere to go with it. Otherwise he has to get the property owner involved and it takes time. As far as what types of enforcement, cars in all states of disrepair, car parts, you name it, it has been out there. It is an ongoing problem.

Board Member Pauta asked Mr. Tobin if the same person owned all the buildings.

Robert Tobin said yes, a lady and her sister own the building.

Board Member Pauta said it would be nice if they were right now. He really did not clarify what her colleague had asked him earlier as far as what was being done in the warehouse. If there are six people in there and he was telling the board there was an office and telling the board there was sales, what do they sell in there? If all the other buildings are auto repair shops, what do they sell in there? It would be nice to have the owners of the buildings here at a meeting.

Robert Tobin stated their husband developed it quite a few years ago and when their husband died they took over ownership and there is a manager now. That was a problem he had here was how to straighten out the mess.

Board Member Pauta stated the board needed someone in charge here at the meeting to answer the questions. She agrees with one of her colleagues and would not approve this either. First she does not like the dumpster behind any residential yards, she doesn't care what is there a wall, a fence whatever. There are a lot of unanswered questions. The board was asking questions and he has no answers. Enforcement has been out there a number of times and nothing was being solved. Personally, if he could get a manager, owner here that would be real nice.

Robert Tobin asked to explain.

Board Member Pauta said she already knew what he was going to say. She knows the point was to clean up the mess that was there.

Robert Tobin said that was the reason he was there tonight to clean up the mess that was there. As far as enforcement he could not answer to that. If the board had

been out there before like he had, there were used cars to be repaired and cars that were repaired all over the place scattered and eight dumpsters scattered all over the back yard.

Board Member Pauta asked Mr. Tobin how many of the cars were for sale.

Robert Tobin said none were for sale they were all being repaired.

Board Member Pauta said her position was the board needed an owner here, a manager here that was in charge of the entire thing because what the board decides and they approve what he was requesting that was forever with the land. That was not going to help enforcement and it was not going to help people that are here and it was not going to help the people that are managing the property. The board needs a manager here and her thought right now was to take this until they could find a person in charge.

Robert Tobin said he could see what she was asking it was just that his particular portion of this job was to straighten out the mess that was there and he thinks he has done that. That was why he was there tonight, to show how he has straightened out what a terrible mess it was. It was a very tight site with a lot of people. Can you image a site with 7 auto repair shops in one site?

Board Member Pauta said that was fine but the board still did not know who was selling what out of the warehouse.

Board Member Nestorowicz agreed that it was a very tight site and very challenging thing Mr. Tobin was trying to do. He happens to think it was a step in the right direction because right now he agrees cars being repaired are being parked everywhere. This plan identifies that all the repair cars have to be on the west wall. Therefore, if the neighbor sees any cars elsewhere she would know that they are not supposed to be there and she can call to get enforcement out there. He thinks in that way, this plan can actually help enforcement going forward. No parking is supposed to be behind the wall so if the neighbor sees any cars there she can call. He would be for this plan.

Board Member Descamps asked Everett Murphy, Zoning Inspector if he thought this would help.

Everett Murphy stated he thought so.

Board Member Descamps stated he thought it would clean it up quite a bit. Hopefully the neighbor would also see if cleaned up quite a bit. He can appreciate the position that she was in. He could be for this also.

Secretary Burdi asked if she could make some suggestions to the maker of the motion, there are some things that the Board might be able to do that would help enforcement. Not only the no parking against the north wall, but also if the Board were to say that cars that are to be repaired may sit for no more than six months. This

way if enforcement goes out and writes down a particular car and it has been there for a year and a half they would then have something to bite into. She does not want to see a junk yard. It should be made so that no junk can be stored. When the petitioner talks about outdoor storage it makes her nervous, what he was really talking about was parking cars that need to be repaired, so that needed to be defined. If he was talking about storage along the west wall, all that was, was cars waiting to be repaired and cars waiting to be picked up. There cannot be any junk and that junk would be defined as a car waiting for repair longer than 6 months. Junk would be outdoor storage of parts, tires or any kind of debris. Nowhere on the site can they have outdoor storage. Lastly, Ms. Becher makes an extremely important point. All repairs must be conducted indoors. If an enforcement person drives by and they find what Ms. Becher witnessed, where someone was repairing a car outside, then they could be ticketed at that point. These are the types of rules and here was what Ms. Pauta was trying to say would happen. Tonight the Board puts all these rules down and somehow there is a disjoint, the person who is managing the site does not get the information and this Board needs to make sure that the information and the conditions that are imposed, gets to the people on site. Otherwise, they walk around saying they did not know and it was because they didn't even bother coming to the meeting.

Robert Tobin stated that each business has an alphabetical number on the west side they are assigned. They have assigned parking spaces and have to park their cars to be repaired and cars that are repaired in their particular area.

Secretary Burdi stated what she was asking was that Ms. Pauta was trying to make sure that the extra conditions that say no junk on site, no vehicles waiting to be repaired older than six months, these types of rules have to get the manager on site.

Robert Tobin stated they could part of the resolution that would be fine.

Secretary Burdi stated ok, but the board needed him to deliver them. The board needed him to make sure that the owner and the manager hears them. She does not mean to yell but she knows that he has a hearing problem.

Robert Tobin stated he understood.

Board Member Watriont stated after going through the plan and making some quick math he came up with the existing buildings at 40,332 sq. ft. and on the plan it has 39,864 sq. ft. and has existing paved parking lot of 26,750 sq. ft. and his calculations based on the parking as is without the parking in the back by the wall 15,500 sq. ft. which is a difference of 24,832 sq. ft. which is greater than what was being asked to be waived. He would like some explanation on that and how to calculate this.

Robert Tobin stated it was calculated by Lynne Martin when the proposal was presented to Zoning. He did not do the number or put that number to be waived. She had 10,540 sq. ft. That was what he was here to have waived tonight.

Secretary Burdi asked if Everett had any input on that.

Everett Murphy stated he had only glanced at the plans during the meeting and had seen them once before at the counter. He sees that Lynne Martin has changed some of Mr. Tobin's calculations on his own application. He had originally asked to waive 13,932 sq. ft. and somehow Lynne had calculated it that he only had to waive 10,540 sq. ft.

Secretary Burdi stated how about the board reschedule this item to the next meeting and have him get together with Lynne Martin and make sure that the plan was correct. She thinks that Mr. Watrion had pointed out to him that the building dimensions that were on there do not meet what is in the legend part of the plan. Go over the plan with a fine tooth comb; find out exactly what needs to be waived. If more than 10,540 sq. ft. then the board needs to republish.

Robin Tobin stated the last time he came to the meeting it was improperly written up so when Ms. Martin writes down that he needs 10,540 sq. ft. waived, that is what he writes down.

Secretary Burdi answered that the City was not supposed to do the calculations for him.

Robert Tobin stated he did the calculations and it was crossed off, if she looked at the paperwork, it was there and changed by Lynne.

Secretary Burdi stated the board could not solve that here tonight. The board was on item number 1 and there are 17 items on the agenda. She asked that he please get together with Lynne Martin, go over the plan and please find out exactly how much needed to be waived. She would reschedule this for two meetings because if he needed to republish this, she needed 15 days.

Robert Tobin asked when the next meeting would be and hoped it was only a month away.

Secretary Burdi stated the next meeting was June 11<sup>th</sup>.

Robert Tobin stated he would have the manager at the meeting.

Secretary Burdi stated yes, please have the manager at the meeting and if she has to republish this, she needs to know by May 28<sup>th</sup>. If everything is not to Lynne by May 28<sup>th</sup> she would not be able to publish in time.

**Motion:**

Secretary Burdi made the motion to reschedule this item to June 11<sup>th</sup>. The Motion was supported by board Member Brasza with comments.

Board Member Brasza asked Mr. Tobin to make sure that on the plan that he gets rid of the two parking spaces along the north wall and the comment about the 10' x 40' trailer parking to be removed from the plan when it gets published as well.



he would rather store them at home. In order to meet the City ordinance of recreation vehicles being in view he would require the second garage to be able to do that.

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

Clifford Frost, 2629 Irma immediately to the south of this property and he supported this project. He had sent in a letter the last time this item came before the board and it was read into the record. He does expect any problems and he does not see it impairing the ability to enjoy the property. None of the neighbors that he has spoken to has any problem with this proposal. He is a realtor and the property was huge and this back corner would have no adverse effect what so ever. Heavily treed and he was all in favor of it.

Seeing and hearing no one further she turned the matter over to the board.

Secretary Burdi stated she had several letters: First letter was dated May 14, 2014 which states "we Grainger and Darlene Goodman live next door to Mr. & Mrs. Foster at 2640 Chicago Road and both of them would like to see the Zoning Board of Appeals approve the request by Martin and Victoria foster to build second garage for trailer storage on the west side of their property with a driveway and electrical. Also when the Foster's use the larger 5<sup>th</sup> wheel trailer they load and unload then store it in the new garage even if they are going to use it the next weekend. If only for a few days they ask that he please store it in the new garage and that they do not store it in front of on the side of their existing garage for their convenience as they are currently doing. Just like someone would use a lawn tractor, take it out of the shed or garage, use then return it to the shed or garage they were asking for the same with the trailer. Pull it out load it up and then return unload and put it away in the garage. They would ask the same for the snowmobile trailer which was used in the winter and that they store it in the garage during the week or when it is not being used. Any trailer they are not using to be stored in the garage. They would like to ask based on past practice reasons that the Zoning Board make it conditional upon granting this request that the Foster's agree to park their trailers in the garage except for loading and unloading and do not use the front of their existing garage to store these trailers for their convenience or for any other reason."

Secretary Burdi stated there was another letter from Mr. Frost who has already spoken tonight and there was another letter from April 9, 2014 from Mr. & Mrs. Grainger that was read into the April 9, 2014 record. Lastly, another letter dated April 8, 2014 from Mr. & Mrs. Roger Roy stated "They had received notice of variance request regarding building a garage at 2608 Chicago Road. This letter was being written to state that there were no issues or problems with this homeowner building this garage to the size and specifications requested. The lots in this area are larger than most warren lots and often have additional equipment for maintaining the yards. Several properties have additional or over sized garages and have not had a negative impact in the area. P.S. We are aware of height and driveway and still have no issues."

Board Member Becher stated this was a unique area along Chicago Road and they were all huge lots and his neighbors were in total agreement of what he wants to do and they are attempting to clean things up by being able to put their toys away and she sees no problem with this garage being built and a driveway being put in. In fact this was not the only large garage in that area, there are several along Ryan. She was totally in favor of this.

Secretary Burdi asked what the height of the garage was.

Martin Foster stated the height to the peak would be 20 feet. He asked for the variance on the 12 foot eaves in order to have a 13' foot door for the fifth wheel to be able to fit in.

Secretary Burdi stated so the eaves would be how high?

Martin Foster stated 12' feet.

Secretary Burdi asked Everett Murphy as opposed to the normal of 10' feet?

Everett Murphy stated that was correct.

Secretary Burdi stated that she was hoping that everyone understands that it was not the size of this but it was the height. This was going to be extremely tall. Talking about a travel trailer that would fit in and out of this. She was not necessarily opposed to this she was just saying that she hoped all the neighbors understood just how tall this building was going to be.

Martin Foster stated the area that it was going in the back corner of the lot, yes it was a tall building but from where it was sitting it would look small.

Secretary Burdi stated she has had past experience where garages like this have been approved and then complaints come in after because people realize how much taller and bigger it really is. This is the reason she was asking how tall the eaves were. She was nervous about this. She understands that the neighbors are in agreement but it was just a really tall building.

Board Member Becher stated there are two types of these garages right over on Ryan around the corner from him. This neighborhood was used to this type of garage. There is a house right down the street that has a three car garage and another garage behind it. Everyone gets along and everyone takes care of their property and she sees no reason not to give him this garage.

Board Member Descamps stated in a normal neighborhood situation he thinks the extra two feet would be an eyesore but in this particular case and this size lot and where it was being placed, it would be barely visible to anyone anyway. If there the panel had no more discussion he would like to make a motion.

**Motion:**

Board Member Descamps made the motion to approve the petitioner’s request to construct a second garage as written.

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

Board Member Becher supported the motion.

**Roll Call:**

A roll call was taken on the motion and the motion carried (7-2).

Board Member Descamps	Yes for the reasons stated in the motion.
Board Member Becher	Yes for the reasons stated in the motion.
Board Member Watripont area.	No, he believes it will be a detriment to the area.
Board Member Brasza	Yes for the reasons stated in the motion.
Board Member Nestorowicz	Yes for the reasons stated in the motion.
Board Member Pauta also leery of the height.	Yes for the reasons stated in the motion, she is also leery of the height.
Board Member Bieber	Yes for the reasons stated in the motion.
Secretary Burdi area.	No, she believes it will be a detriment to the area.
Chairwoman Furgal	Yes for the reasons stated in the motion.

8. PUBLIC HEARING **APPLICANT: Mr. Jimmy Hesano**  
 REPRESENTATIVE: Mr. Arthur J. Rose III  
 COMMON DESCRIPTION: 1951-1953 Jarvis  
 LEGAL DESCRIPTION: 13-31-151-025  
 ZONE: R-1-C

**VARIANCES REQUESTED: Permission to -USE-**

- 1) Retain an existing legal non-conforming 2 family dwelling and expand to four units as per the plan.
- 2) Waive two (2) required off street parking spaces.

**ORDINANCES and REQUIREMENTS:**

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

**Section 4.17 Paragraph (a):** *Non-conforming Use-Continuance.* Any lawful non-conforming use consisting of a building or land usage existing at the time of the effective date of this Ordinance may be continued, except as herein prohibited or restricted, provided that the building or use thereof shall not be structurally changed, altered or enlarged., unless such altered or enlarged building or use shall conform to the provisions of this Ordinance for the district in which it is located.

**Section 4.32 (h) (2):** Multiple dwellings and efficiency apartments parking: Two (2) parking spaces per dwelling unit.

Arthur Rose 21851 Mound Road appeared before the board to represent Jimmy and Ronnie Hesano the owners of the property at 1951 and 1953 Jarvis. The board may recall the matter as it was up before the board previously. At that time he did not believe a clear presentation was made and the answers to the questions were certainly not clear. The Hesano's purchased this old building south of 9 Mile near Dequindre in 2012 as a four unit building. As a result of this being turned down previously this matter is on appeal to the Macomb County Circuit Court and that appeal is being stayed with an agreement with the Court pending this hearing among other things. As the panel knows he was looking to expand what the City calls an existing non-conforming use. This building was built in 1950 and it was 2700 sq. ft. and was built on a pretty narrow road on a little side street off Dequindre. On The south side was trailer park and on the north side, the same side as this building are existing one family homes. The one family homes are approximately 900 sq. ft., 950 sq. ft. maybe even 1,000 sq. ft. they are nice homes but small homes. This building which has been there a long time is large. It is always and in our opinion as discovery in the law suit has indicated it has always been a four unit building even though the City has viewed it as an existing non-conforming use as a two unit building, which is part of the reason why he was back here before the board.

Arthur Rose continued and stated the plan before the board contains no structural changes what so ever to the building. It would be exactly the same as when his clients bought it and he believes it was probably the same as when it was constructed. He thinks initially when his client was here there was some thought when they talked about remodeling that there was concern from the board that this was a remodel and restructure and that they would be making four units. This remodel included replacing doors in the front, replacing the siding as the board can see in the packet provided showing the interior and exterior. If you look at the exterior it will show that there were four electric meters that were removed and show how old those were just by looking at the sun pattern on the pre-resided wall. What his client was really saying to the board was that this was a building with apartments that are 750 to 800 sq. ft. Two that are 750 sq. ft. and two that area little under 600 sq. ft. studio apartments. They are perfectly logical in this area and with building that was built long before Warren was a City. They are the right size for that area as live in units. The package shows the meters on this property and Detroit Edison only goes back to 1994. It shows at all times that there were four apartment units and are labeled apartment 1, 2, 3 and 4. Some of the meters go back considerably further as he has highlighted in the packet.

Arthur Rose went on to say it was not the Cities fault for not knowing this because no over asked them and he does not think that anyone even needed to ask when this place first became four units. The City made the assumption that because there were two street addresses that there were two units and he thinks that is how this issue has gotten to this point and how it was considered an expansion of a non-conforming use. His clients are aware that this was not a conforming building and it would make sense based on the size of the building, the practical difficulty of try to

change this to a 900 sq. ft. house to fit into the neighborhood was fairly obvious he would think. In addition, he wanted to point out that because there are two studio apartments currently and two regular apartments; the necessity for eight parking spaces he thinks does not exist. He has asked for a waiver of two of those parking spaces because normally there would be two spaces for each unit. He believes six was appropriate and if the board would look at the plan where the concrete was expanded and shows four parking places in back and two in front along with a nice green area. The house has entrances for two apartments in front and entrances on the sides and one in the back so having that green area he thinks is nice. This is not a detriment to the area in anyway. The size of the lot and the size of the building he thinks necessitates the waiver of the parking spaces and he would ask the board to consider that as well. He has one of the owners present with him, Mr. Ronnie Hesano if there are any questions and the other Owner Jimmy Hesano was on his honeymoon and did not get back for this hearing. This would preserve a substantial property right of the owners that purchased this four unit building without causing any detriment to the neighborhood and frankly if the board looked at the package that was provided of the outside they can see that the outside has already been re-done before the process stopped and it shows that it was somewhat of an enhancement to the neighborhood he thinks. Once again the size of the units fall larger than the trailer homes across the street and roughly equal to the single family residence or slightly smaller down the block.

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

Secretary Burdi stated looking at the plan and discussing the parking there was enough green space that if later there was a necessity for the additional two parking spaces he could expand for those spaces correct?

Arthur Rose stated the parking could be stacked in the front and still maintain some green spaces or he could lose green space and use it to expand the parking in the back. He feels that it was a better project for the neighborhood to have that green space in the back area.

Secretary Burdi stated but if the need arose he could do that. She also recalled that her vote to deny this was based on her concern that it was not complying with building codes, she asked Mr. Everett Murphy.

Arthur Rose stated he thought at the time there was a question about one of the bathrooms and the plan was now before the board that deals with that issue.

Everett Murphy zoning inspector said he did not know as he did not have any pictures in his packet.

Arthur Rose stated a lot of the reason he remembered talking before was because they were trying to say that a lot of the stuff was existing at the time and he had first-hand knowledge at the time he had been inside the building and it clearly was not

existing, things had been changed. How much has been changed; it was difficult to say when things are painted over and heating and cooling equipment has been removed and reinstalled, it was hard to say what was originally where. Was it originally a four family, he could not say for certain there are no records to support that.

Secretary Burdi stated so anyway that is was sliced it was not before the board tonight they just have to follow the rest of the plans throughout the City and have to go through the rest of the process and proceed in that vane. For right now he was not overly concerned about what was presented her tonight.

Everett Murphy stated no his job was to make sure the ordinances were enforced and what happens with the variances. If this project is granted and the owner conforms he has not problem with this.

Arthur Rose stated he believed one of the questions was about individual furnaces' for each unit and he was not sure but he thought that was a question at the first meeting. There are three furnaces' plus one wall unit but it was a furnace that was compliant. If the board would notice on the packet; he thinks everyone has seen it, he does not think there is anyone that has not seen it there are now five gas meters rather than four. The fifth gas meter was for the water heater because the water there was only going to be two water heaters currently a 75 gallon water heater and there will be another large water heater but the way that was set up with a separate meter was that the landlord or the owner of the property would be responsible for the water use so the parties in the various apartments do not have to determine between themselves who took how many showers or who decided to water the lawn. He knew those were some issues that had previously come up and there was also he thought an issue of access to either a closet or bathroom. He believed the plan before the board was now compliant with that.

Board Member Nestorowicz stated if there was no other board discussion he would like to make a motion on this.

**Motion:**

Board Member Nestorowicz made the motion to approve the petitioner's request to retain an existing legal non-conforming two family dwelling and expand to four units as per the plan and to waive the two required off-street parking spaces.

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

Board Member Descamps supported the motion.

**Roll Call:**

A roll call was taken on the motion and the motion carried (8-1).

Board Member Nestorowicz	Yes for the reasons stated in the motion.
Board Member Descamps	Yes for the reasons stated in the motion.

Board Member Watripont	Yes for the reasons stated in the motion. He still has some concerns but based on the way it is present to him tonight.
Board Member Brasza	Yes for the reasons stated in the motion.
Board Member Pauta	Yes for the reasons stated in the motion.
Board Member Bieber	Yes for the reasons stated in the motion.
Board Member Becher	No, she thinks it is a detriment o the area and she thinks it is a self imposed hardship.
Secretary Burdi	Yes for the reasons stated in the motion.
Chairwoman Furgal	Yes for the reasons stated in the motion.

9. PUBLIC HEARING  
REPRESENTATIVE: **APPLICANT: Mr. Steve Askhria**  
COMMON DESCRIPTION: Mr. Hirmez Sakheria  
LEGAL DESCRIPTION: 3508 Poplar  
ZONE: 13-31-403-019  
R-1-C

**VARIANCES REQUESTED: Permission to Permission to retain a (12 ft. x 12 ft.) 144 sq. ft. shed to no less than 39 inches of the side (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 principal building on the lot.

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

Hirmez Sakheria 3508 Poplar appeared before the board and stated he was present along with his uncle Steve Askhria who had purchased the house two years ago and the shed was already there when he bought it. His uncle was told by the City that the shed has to be torn down because the location was not right. He was asking the board if he could keep the shed because the shed was in good shape and it was used for storage. He was told by the neighbors that no one had a problem with it and it has been built for over 20 years and no harm was done to anyone because of the shed. The shed was away from the neighbors and off in the corner. There were no kids or anyone that goes around there.

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

Secretary Burdi stated there was a letter dated April 30, 2014 from Carol Sharber a neighbor and it says the shed located at 3508 Poplar has been there for years and it does not present a problem it is well kept and of no concern to her.

Board Member Nestorowicz stated when he drove by the property the shed looked fine from the street but the question that he had was what he could not tell from the street was whether it had a concrete slab and a rat wall or not.

Hirmez Sakheria stated yes, the concrete was perfect, there was no cracks even on the concrete. That was why he was trying to keep it because it was in such good shape.

Secretary Burdi stated building and zoning would be out there to test and if it does not have a slab or rat wall they would have to dig in and build one.

Board Member Descamps stated to him and because no one was her to object and there was a letter of support if there was no more board discussion he would like to make a motion.

**Motion:**

Board Member Descamps made the motion to approve the petitioner's request as written.

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

Board Member Watripont supported the motion.

**Roll Call:**

A roll call was taken on the motion and the motion carried (9-0).

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

10. PUBLIC HEARING                    **APPLICANT: Ms. Alexandria Peters**  
REPRESENTATIVE:                    Same as above.  
COMMON DESCRIPTION:            7012 Toepfer  
LEGAL DESCRIPTION:                13-33-403-002  
ZONE:                                    R-1-C

**VARIANCES REQUESTED: Permission to:**

**Permission to retain a 12 ft 1 inch x 12 ft 3 inch (1147.98 sq. ft.) shed no less than 38- ½ inches of the side property line and to no less than 5 ft 1-1/2 inches of the rear property line, two story at 15 feet in height.**

**ORDINANCES and REQUIREMENTS:**

**Section 4.20 Paragraph (a): Detached accessory buildings.** All detached accessory buildings shall not exceed one (1) story or ten (10) feet in height measured to the eaves and shall not occupy more than thirty (30) percent of the rear yard. Such

buildings shall conform to, and shall not project beyond, the existing side building lines of the principal building on the lot and shall be one (1) foot from the edge of any easement. The construction of all such accessory structures shall be subject to the following conditions:

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

Alexandria Peters 7012 Toepfer appeared before the board to ask permission to retain a shed in the back yard.

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

Board Member Becher stated she has been down to see the shed and she had one major question on how they accessed the second floor of the shed.

Alexandria Peters stated there was actually a staircase inside. She provided a picture of it to the board.

Board Member Becher asked what the second floor of the shed was used for.

Alexandria stated they currently did not use it they just purchased the house back in October and have not done anything with it yet because they were waiting for permission to keep it or not. The plan was to keep her father-in-laws tools in there as he does masonry work so he has a lot of tools. Planned to use it as tool storage.

Board Member Becher asked that the second floor of the she would also be tool storage.

Alexandria Peters stated probably yes.

Board Member Becher questioned, the shed was on the property when it was purchased?

Alexandria Peters answered yes.

Board member Becher said it is a bit large and was very unique being two stories.

Alexandria Peters said yes it is a very nice shed and that was why she was here seeking to keep it. It really came in handy a lot and that was a big part of the reason they wanted to buy this house was because he has so many tools and it was not that great of any area so she wanted to definitely be able to store them somewhere inside. She feels with the two floors it does help a lot. She provided pictures for the board to review.

Board Member Bieber asked if it was a square base 12 feet x 12 feet. Did she know if there was originally a garage at this location before?

Alexandria Peters said she had the plot plan from the City that was from 1992 and it does say an existing garage. So someone along the lines must have added on, probably when they did the addition on the house as well because an upstairs was added on too.

Board Member Bieber stated unless there was any other discussion he would like to make a motion.

**Motion:**

Board Member Bieber made the motion to approve the petitioner's request to retain a 12' foot x 1" inch by 12' foot x 3" inch =1,147.98 sq. ft. shed no less than 38.5" inches off the side property line to no less than 5' feet 1.5" inches off the rear property line which is two stories and 15' feet in height.

Reasons being: size and shape of the lot, not a detriment to the area, with additional comment that it seemed to be the nicest home he had seen in the area, well kept and well maintained.

Secretary Burdi supported the motion with discussion.

Secretary Burdi asked the maker of the motion to add that this cannot be living space or used for anything other than storage.

Alexandria Peters said that was fine she did not have any intention or using for anything other than storing tools or just storage.

Secretary Burdi stated she thought it needed to part of the motion so someone could not start to run a business out of it. She was not saying the petitioner but maybe when the house was sold, the next owner may do that.

Alexandria Peters said she did not think anyone would want to sit up there. She also wanted to add that there was cement on the floor and there was a rat wall and they already plan to replace the roof.

Board Member Watripont stated he notices in Mr. Bieber's motion he stated 1,147.98 sq. ft. and if this was a 12 x 12 then it was extremely large as total square footage. He knows it was posted as 12 x 12 but there are dimensions that say 12.1 x 12.3 it would be 147.98 sq. ft. but he believes it was posted as 144 sq. ft. does it create a problem?

Secretary Burdi stated it was not posted as 144 sq. ft. it was posted as 1,147.98 sq. ft. and the fact that the board was going smaller than that they were still able to hear the item tonight. She asked that the maker of the motion adapt his motion to be 147.98 sq. ft. and she was asking that he also adapt the motion to state that there could be no use other than storage for the second floor of the garage.

Board Member Bieber stated so adapted and changed his motion as follows:



William Shawl 14693 Horning Avenue appeared before the board and stated if the board was familiar with the Warren Woods Tower Football Field his house was the closet to that football field. His property was up against the south and east end of Horning Avenue the very last house. His garage was right up against the athletic fields. He has lived in this home for 20 years and has never had any difficulty with any activity at Warren Woods Tower High School. He was attending the meeting to tonight to ask a question about this particular activity. He was not opposed to it but since the other activities that take place at the high schools do use the parking lot for the visitors and participants to park their cars and this activity was going to occupy the parking lot he was concerned about the parking. He lives right against the athletic fields and there was no way to enter or exit the Warren Woods Tower Property from his street. He was concerned that people would still park on his street and Gloede Street because they are adjacent and may even try to enter the fair through his property. He was also concerned about people parking in his driveway when he was not there and the additional traffic in the area. He would like to know if the concerns have been addressed by the parties that are involved with this particular festival.

Chairwoman Furgal stated the board would ask that question when the public hearing was over. She asked if there was anyone else present that wished to comment on this item. Hearing and seeing none she turned the matter over to the board.

Secretary Burdi stated she had several letters the first one from a James McGee on Horning. The fair has been held at the same location for 30 plus years in full view of the public passing and he would think that increases sales. He understands the concern about the construction on the corner of 12 Mile but he does think it justifies a move. The grounds area was contained to the corner area making it easy to police. By moving it to a residential neighborhood it puts a new area at risk of crime and drugs. One big concern was the open area at the end of Gloede Street. It was too easy for people to disburse or gather onto Horning Avenue or Gloede as it is not completely fenced off. He has spoken to several neighbors and they agree. He asks that the board keep the fair where it has been for years and well contained and not subject my neighbors to the noise and traffic a fair brings.

Secretary Burdi stated the second letter was also signed by Mr. and Mrs. Robert Ephall which says moving of the spring fair of Tower High School. They are concerned about the area right behind their house, yes home. She does not want to have to put up with all the noise, traffic, crowds of people of anything that makes a fair successful. This is a residential area where families live and not where a big fair should be. There was nothing wrong with where it has been for past 30 plus years, yes there is construction on 12 Mile and Schoenherr but that does not affect where the fair was located. It is in an area that was more visual and easier to access and people know the area. Because Tower High School is in her backyard there is trash to pick up from the teenagers when they do not know what to do with their pop containers, fast food wrappers, school papers, receipts, you name it she has picked up the trash and she throws it out herself. Having the fair located at Tower High School is a bad idea and she begs the board not to move the fair to her backyard. She

would hate to see crime more trash and noise ruin the quiet neighborhood. There are some youngsters on the block as well that would be impacted by the cars driving around looking for a parking space and cutting across the grass to get to the fair. There are three families that do not have fences along their property which would cause a huge problem, one that she does not think the board has considered.

There was another letter that was not signed and it says to the Zoning Board of Appeals, They live directly across the street from Warren Woods Tower High School and would like to express concerns regarding the above request from the Warren Woods Tower Booster Club. The neighborhoods are normally very quiet and they are concerned about the intrusion and impact this event will have. They understand that due the construction at 12 Mile and Schoenherr the Booster Club opted to change the venue from its usual location. They do not understand why the event has to be moved and have listed their concerns and questions below. #1 What about the increase in crimes against property and petty offenses that occur and are blamed on the carnival workers. #2 Will there be extra police patrols provided for the residents and at who's expense? #3 Will the Booster Club be providing extra security as well? #4 Who will be responsible for the collection of trash left on the streets and sidewalks of the surrounding properties not owned by the school? #5 If the fair was held in the school parking lot where will the people attending park? Would parking in residential neighborhoods be restricted? #6 Regarding the noise level that accompanies this type of event the City ordinance states that it was unlawful to amplify sounds that can be heard for more than 30 feet in a residential neighborhood and that excessive noise was unlawful between the hours of 10:00 p.m. and 8:00 a.m. as well as several other noise restrictions. Since the booster Club was asking that the fair be allowed to operate until 11:00 p.m. on Friday and Saturday this appears to be in violation of the ordinance, why would a time exception be considered? #7 If the event was cancelled due to inclement weather the entire weekend would they be allowed to operate on an alternate date and time? #8 Was the possibility of renting space at Macomb Community College ever considered as an option? Thank you for considering these concerns.

Secretary Burdi asked the petitioner if he was using the large parking lot for the carnival then there is only the small parking lot of parking. The concern was that it was not adequate and she wanted to know what the back-up plan was.

Norbert Coles stated arrangements have been made with Macomb Community College to use lot three and to bring people over there so they would not bother the neighbors or park on the streets and stuff.

Secretary Burdi asked if they were going to have a transport or how do the people get back and forth?

Norbert Coles stated they could walk or they were working on getting a bus to shuttle people back and forth.

Secretary Burdi said she did not know what parking lot he was referring to. Norbert Coles stated lots two and three reside on Bunert.

Secretary Burdi stated that was not close to the High School, that was quite a ways in that it was almost to 12 Mile. She said he needed a better plan.

Norbert Coles stated due to commencements going on the college was utilizing the back part of the parking lot that was closest to the High School.

Secretary Burdi stated she understood but he could not maybe have a bus to transport those people because what would happen was they would park in the neighbors parking on the street and do exactly what the letters said. She does not know what it is but people get crazed when they are excited about a carnival and they will park where ever and disturb the neighborhood. An example where there have been some difficulties and it has taken years to get under control is the St. Anne Festival. What has been finally worked out is that they have a security staff. They go around the street by them and block off parking on the streets with cones and with horses so that the neighbors do not pay the price for their festival. The other thing was they do not go to 11:00 p.m. and on Sunday they do not go to 10:00 p.m. because that was not really fair to the neighbors. Have to remember this was at 12 and Schoenherr there was no one to really bother, now there are people that back-up right there and now it was not that easy and it needs to be more compromise if they really want to be there. She thinks the only way he was going to make this happen was if he actually has a bus to transport people from the parking lots. She also thinks he will need a security force and going to have to meet with the neighbors and address the concerns.

Norbert Coles stated there would be people driving around in cars to secure the area.

Secretary Burdi said that was good but the neighbors were concerned about people coming along and parking along their street or blocking the driveways etc. and cutting through to the carnival. She would put out a flyer to the people on Horning and have a small meeting at the school and ask them if they want cones in front of the property, what could they do to make this work better for them? They might have to have some security patrolling that street.

Board Member Descamps stated in connection to what Ms. Burdi was saying was the St. Anne festival actually gives out street parking permits to the neighbors and blocks the street so that only the neighbors can get in.

Secretary Burdi stated that was smart and then all they had to do was have someone at end of Horning and there would be no parking problem. He really needed to take care of that for those residents. The other question she had for him was the time of 11:00 p.m. on Friday and Saturday and 10:00 p.m. on a Sunday was kind of late. Although Ms. Becher once pointed out if the music was stopped on the rides and in the tents by 10:00 p.m.

Norbert Coles stated in years past they had always had the ride music minimized by 10:00 p.m. even over at the other location at 12 Mile and Schoenherr.

Secretary Burdi stated he needed to remember that when the kids ride the rides they all scream. She would hate to be at her house and have to listen to all that screaming. She would say to him to close down at 10:00 p.m. on Friday and Saturday and 9:00 p.m. on Sunday. Try and give these people a little respect.

Norbert Coles said sure respect is a two way street.

Secretary Burdi said to pay attention to the music thing after 9:00 p.m. because they will ride it no matter what. She asked if he had talked to the Warren Police about having the fair at this location this year.

Norbert Coles stated there was a letter over to the police like they do every year to actually hire them in to patrol the area.

Chairwoman Furgal said she was going to say what Mr. Watriont normally says, that this is a very tight time frame and since he was changing the venue it would have been a good idea to get this in earlier.

Norbert Coles stated most of the objections they had run into were mostly the construction and the safety issue that would cause having it at 12 Mile and Schoenherr. Not to mention some of the parking issues with one way and the construction going down the center.

Secretary Burdi stated Mrs. Furgal was talking about turning the petition in earlier.

Chairwoman Furgal said because this was just one month out and not even a whole month and if the board had turned it down he would have just been done. It would have been a wise idea to think about it a little earlier.

**Motion:**

Secretary Burdi made the motion to approve the petitioner's request to have the annual spring fair in the school parking lot of the Warren Woods Tower High School. Friday June 6, 2014 to Sunday June 8, 2014 as follows: Friday 4:00 p.m. to 10:00 p.m. with music on the rides stopping at 9:00 p.m. on Saturday from 12:00 p.m. to 10:00 p.m. with music stopping on the rides at 9:00 p.m. and on Sunday 12:00 p.m. to 9:00 p.m. with music on the rides stopping at 8:00 p.m. With the following conditions: Make sure the public knows there is parking at Macomb Community College with signs and that there is transportation for those people back and forth to the parking lot and that the people in the neighboring areas especially on Horning that the neighborhood be secured with a Police Officer and the parking pass concept as described by Mr. Descamps so that no one is parking on the streets in that neighborhood or cutting through the backyards etc.

Reasons being needs approval of the board and not a detriment to the area.

Board Member Nestorowicz supported the motion.

**Roll Call:**

A roll call was taken on the motion and the motion carried (8-1).

Secretary Burdi	Yes for the reasons stated in the motion.
Board Member Nestorowicz	Yes for the reasons stated in the motion.
Board Member Descamps	Yes for the reasons stated in the motion.
Board Member Brasza	Yes for the reasons stated in the motion. Trusting him to enforce all of the conditions because it would be difficult for the board to enforce any of these conditions post event. Please.
Board Member Watriont	No, believes it is a detriment to the area and he thinks it needs more time to get things all straightened out.
Board Member Pauta	Yes for the reasons stated in the motion with all the conditions.
Board Member Bieber	Yes for the reasons stated in the motion.
Board Member Becher	Yes for the reasons stated in the motion and good luck with the fair she hopes it works out.
Chairwoman Furgal	Yes for the reasons stated in the motion.

Secretary Burdi stated the petition has been granted but she wanted to tell him that if they do not follow through and next year when he applies all the neighbors will come and tell the board and it would be a problem. So, petition early and make sure to stand by what was said this year so that there are no unhappy neighbors next year.

Norbert Coles said it would not be a problem. Thank you!

12. PUBLIC HEARING

**APPLICANT: Our Lady of Redemption Church**

REPRESENTATIVE:	Mr. Ghassan Khalil
COMMON DESCRIPTION:	29293 Lorraine Ave.
LEGAL DESCRIPTION:	13-10-376-004
ZONE:	R-3 & R-1-C

**VARIANCES REQUESTED: Permission to Permission to conduct a church festival as follows:**

Thursday September 25, 2014 4:00 p.m. to 9:00 p.m.

Friday September 26, 2014 12 noon to 9:00 p.m.

Saturday September 27, 2014 1:00 p.m. to 6:00 p.m.

**ORDINANCES and REQUIREMENTS:**

**Section 4.35:** Festivals require the approval of the Zoning Board of Appeals.

This item was withdrawn at the adoption of the agenda.

13. PUBLIC HEARING

**APPLICANT: Warren Lions Club**

REPRESENTATIVE:	Al Lindsey
-----------------	------------

COMMON DESCRIPTION: 3001 Thirteen Mile  
LEGAL DESCRIPTION: 13-06-402-002 & 13-06-451-001  
ZONE: R-1-A

**VARIANCES REQUESTED: Permission to:**

- 1) Conduct the Warren City Fair as follows:
  - Wednesday June 11, 2014, 3 p.m. to 11 p.m.
  - Thursday June 12, 2014, 3 p.m. to 11 p.m.
  - Friday June 13, 2014, 3 p.m. to 11 p.m.
  - Saturday June 14, 2014, 12 p.m. to 11 p.m.
  - Sunday June 15, 2014, 12 p.m. to 11 p.m.
- 2) To operate the video game tent the same as operated for the last 25 years.

**ORDINANCES and REQUIREMENTS:**

**Section 4.35:** Carnivals, fairs, circuses, and similar uses require the approval of the Zoning Board of Appeals.

Mark Wyer 24508 Blackmar appeared before the board and stated he was representing Mr. Lindsey the president of the Lion's Club because he was out of town. He was asking permission from the ZBA for the 55<sup>th</sup> annual Warren City Fair to take place on the dates stated and the hardship was getting approval from the board.

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

Secretary Burdi pointed out that every year since 2007 on the Lion's Club has said to operate a video game tent the same as operated for the last 25 years. He could add a year every year, just so he knows. It has actually been like 32 years.

Board Member Becher stated her husband was a member of the club and does quite a bit of work for on the fair and she was very proud of these men. She wanted the board to know that she was very partial to them and maybe she should abstain.

Board Member Watripont stated he did not believe that board member Becher has a financial interest and should not abstain from voting.

Board Member Becher stated she has no financial interest.

Board Member Descamps stated she should not have to abstain.

Secretary Burdi stated there was one letter submitted from Grainger Goodman that simple ask that the Warren Lion's Club continue to use the parking lot on 13 Mile for the fair. Thank you for the consideration.

Secretary Burdi asked if that was the location.

Mark Wyer stated yes and all music from bands and rides would be shut off at 10:00 p.m.

Secretary Burdi stated this location was a bit different from Warren Woods Tower as it was not right next to residential. There is residential in the area but not right next to this location.

Mark Wyer stated that was correct and there was the rest of the Halmich Park for parking. He also has a security company hired for parking and to clear traffic off of 13 Mile.

**Motion:**

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

Reasons being they have done a good job in the past, needs approval of the board and no one was present to complain.

Board Member Pauta supported the motion.

**Roll Call:**

A roll call was taken on the motion and the motion carried (9-0).

Secretary Burdi	Yes for the reasons stated in the motion.
Board Member Pauta	Yes for the reasons stated in the motion.
Board Member Becher	Yes for the reasons stated in the motion.
Board Member Bieber	Yes for the reasons stated in the motion.
Board Member Descamps	Yes for the reasons stated in the motion.
Board Member Nestorowicz	Yes for the reasons stated in the motion.
Board Member Brasza	Yes for the reasons stated in the motion and get the petition in earlier next time.
Board Member Watripont	Yes for the reasons stated in the motion.
Chairwoman Furgal	Yes for the reasons stated in the motion.

14. PUBLIC HEARING

**APPLICANT: Patrick E. Sulaka/Mr. Harold Sullivan, Owner**

REPRESENTATIVE:	Mr. Patrick E. Sulaka, Mgr.
COMMON DESCRIPTION:	2300 Ten Mile Road
LEGAL DESCRIPTION:	13-30-126-008
ZONE:	M-2

**VARIANCES REQUESTED: Permission to:**

- 1) To operate a **seasonal** outdoor sales operation from June 7, 2014 through June 6, 2015.
- 2) To waive 123 required off-street parking spaces required in conjunction with the outdoor sales operation.

**ORDINANCES and REQUIREMENTS:**

**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 4.52 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.

Patrick Sulaka 5223 Bush warren Michigan appeared before the board and stated he needed the approval from the board to get a variance for the parking and size and shape of the lot because he could not get as many cars as he was supposed to have out there.

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

Board Member Watripont asked if he used the lot all year for outdoor sales.

Patrick Sulaka said believe it or not there are a couple people that set up in the winter time, at least one a weekend.

Board Member Watripont said he goes by there a lot but not usually on the weekends.

Chairwoman Furgal said maybe not this past winter.

Patrick Sulaka said no, they did. Maybe one weekend they did not set up but every single weekend there is at least one person out there.

**Motion:**

Board Member Brasza made the motion to approve the petitioner's request to operate a seasonal outdoor sales operation from June 7, 2014 through June 6, 2015 and waive 123 required off street parking spaces.

Reasons being size and shape of the lot and not a detriment to the area and needs permission of the board.

Board Member Watripont supported the motion.

**Roll Call:**

A roll call was taken on the motion and the motion carried (9-0).

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

Chairwoman Furgal

Yes for the reasons stated in the motion.

15. PUBLIC HEARING                      **APPLICANT: Den-Man Contractor**  
REPRESENTATIVE:                      Mr. Robert J. Tobin  
COMMON DESCRIPTION:                14700 Barber  
LEGAL DESCRIPTION:                    13-13-476-020  
ZONE:                                        M-2

**VARIANCES REQUESTED: Permission to:**

- 1) Waive 11,015 sq. ft. of required hard surfaced off street parking in addition to the 5,000 sq. ft. of parking waived 5/11/88.
- 2) To allow 18,653 sq. ft. of outdoor storage.
- 3) To allow 15,261 sq. ft. of gravel for outdoor storage.

**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... Lumber, including wood pallets or other combustible material, shall not be store less than twenty (20) feet from any interior lot line. An open driveway shall be provided that has a graded roadway, is hard surfaced and maintained from the street to the storage area in order to permit clear access for fire trucks at any time to the open storage areas.

**Section 4.32 Paragraph (h) Item 23:** One (1) square foot of parking area required for each sq. ft. of floor area for manufacturing buildings.

Robert Tobin 2201 12 Mile Road appeared with the owner of Den-Man Mr. David Holman 19952 East Oil Place Grosse Pointe Woods, MI and stated that Den-Man Construction was a large construction company which purchased a 2.13 acre site because they are expanding their business. The large warehouse building would house construction supplies, tools, scaffolding, and other related equipment. The site has large grass areas and large trees on Gloede and Barber Street. The western portion of the site 35 x 375 feet was an existing Detroit Edison easement that is the only access to the Detroit Edison property in the south.

Mr. Tobin pointed to a drawing and stated that easement was in place and he could not do anything about it and they could not use it. It was the only way from Barber Street they could get to the Edison Easement. He could not use or disturb the easement. The rest of the site had been identified as customer and employee parking and the storage of construction equipment. He has a very large building of 26,541 sq. ft. which requires 100% of off street hard surface parking. He has provided 10,522 sq. ft. of hard surface parking along Barber Street and along the west side of the building. This 10,522 sq. ft. plus the 5,000 sq. ft. which was waived on 5/1/1988 equals 15,522 sq. ft. which was about 60% of the required off street park-

ing requirement. He therefore, requests permission to waive the shortage of 11,015 sq. ft. of required off street parking. The main purpose of the owner was to purchase a large site where he could safely store his building supplies and construction equipment. This is allowed in M-2. The balance of the site excluding the employee parking and the Detroit Edison easement would be outdoor storage for construction equipment shown on the plan in yellow.

Robert Tobin continued and stated the owner planned to store about 30 pieces of equipment in this area. The equipment consisted of 5 tractors, 10 trailers, 3 dump trucks, 3 bulldozers, 2 front end loaders, 4 bobcats, 3 excavators and 1 backhoe. That was about 31 items that would be stored on the yellow area of the plan. About 30% of the area has existing concrete paving which the smaller wheeled vehicles would be parked. The balance of the outdoor storage area would store construction vehicles on existing gravel. The gravel was a better suited material for heavy off the road equipment and track equipment that would destroy asphalt or concrete paving in a very short time. The area would be completely fenced with 6 foot chain link fencing and no construction debris would be on site as it was directed by law to a legal land fill. There would also be no junk cars or any trash of any kind. He therefore requested permission for the following:

#1) Waive 11,015 sq. ft. of required off street hard surface parking. He has provided about 60% of the requirement and are asking to waive the final 40% of the requirement. #2) Allow 18,653 sq. ft. of outdoor storage for construction vehicles. #3 Allow 15,261 sq. ft. of gravel for outdoor storage to store heavy construction vehicles. The hardship was the intended use of the property was permitted in an M-2 zone and the site was completely surrounded by M-2 zone properties. Granted this variance would not result in a detriment to nearby properties and would not impair adequate air and light to the adjacent properties and not impair property values in the area or alter the essential character of the area and not cause public safety concerns.

Chairwoman Furgal stated this was a public hearing and asked if anyone would like to comment on this item.

Jackie Lynne Katara, her mother Marilyn Palco, and Ronald Katara whom all live at 14671 East 11 Mile Road appeared before the board and stated their property was on the 11 Mile Road side and five acres on the Barber side which is down the street from this factory. They live on the property and are totally against all the equipment.

Ronald Katara stated there are horse on their property and just from the little bit of construction that has been going on the horses have been frantic and there are kids that ride the horses. The trucks coming up and down the street would be a problem and the other thing was that they have gravel trains and at 1.35 ton per cubic yard it was about 120,000 pounds going up and down the street pulling that gravel in and out of the yard. It was a 24 foot street so those gravel trains are pivoting and who would pay for the concrete. It was dirt as of right now on the property that was being talked about. Mud would be carried in and out with the gravel trains plus Den-Man's equipment he thought DOT would put that equipment out, they would not allow that on and they do not even have annual inspection stickers on some of the equipment. There is a piece of equipment on the property as of right now that does not have an

annual inspection sticker and DOT would put it out of service. Tires on bald on the trailer and obviously they are using it on the road. There are flat spots from brakes that have been locked up on those wheels so they have no concern whatsoever for the safety and the board could see in the quality of the equipment. He has pictures of the yard as of right now that would be under violation and he was surprised that the City does not go there. Trash was built up on the back of the lot and there are fuel storage tanks with the handles just lying on the ground. There are cables thrown about and piles of culvert and scaffolding and misc. that are about 12 feet high hidden behind the back of the building which was safety problems. Even the advertisements on the website showing the previous developments and work sites it shows employee without hard hats and without safety glasses and plastic gas tanks which are a total OSHA violation. He does not need the vehicles coming up and down the street for the safety of the kids riding the horses and the noise. Really commercial vehicles should not be going down Bunert anyway, there is a sign that states no commercial vehicles and now there was going to be gravel trains, it makes no sense to him. This is a two lane road on Barber and there are couple factories that are already on Barber that have expanded greatly in the last couple years that park all their vehicles along the side. That location early in the morning is loaded up with vehicles and hours in the evening is loaded up with vehicles. It was a 24 foot road and the road would be limited with gravel trains coming down with cars on one side and factory employees leaving work it was going to be a traffic problem.

Marilyn Palco said it would be a traffic problem and there are children coming in and out with the horses and all the dirt and everything she just does not want it.

Ronald Katara asked who was going to sweep up all the dirt and when it was swept up it created an excessive amount of dust all the factories vehicles and in any construction there would be a need for street sweepers constantly maintaining the roads. The dust was going to be a problem for the people during the summer having BBQ's, just the kids outside playing, he cannot see it.

Dr. Beverly Tuzek appeared before the board and stated she does not live at Bunert but she has horses on the property that was just spoken about. The question that she has was about when the gentleman said that all the area around there was zoned M-2. This was a residential area directly across from the factory which is a residence. The whole street back there was residences and the place where the horses are kept was a residence that they allow them to use the barns that are on the preexisting grandfathered in property. To access the area they are going to was surrounded by residence right next to the high school and the college. There are kids that come around and look at the horses because it was such a unique experience of country within the City. There are little children that are brought by and the animals have gone erratic with high noise. The big vehicles and equipment go by and the horses get erratic and they are responsible for the children that come around there and this makes it real difficult for us. According to the plan they are supposed to be blocking any sight from residential areas and she was not sure how they could that with the proposed fencing since the house was right across the street from the area.

Jenny Ritz appeared before the board and stated she also boards here horse at the stables. Her concern was all the loud noise and debris. The other day they cleaned out the driveways and the troughs were caked with debris in them and it was unsafe and not good for the horses to be drinking that. The other was the loud noise. Her son and nieces and nephews come up and ride and the loud noises with all the construction they have been doing on the property and who would be responsible for all the construction noise and debris that was her concern.

Frank Shriner 27295 Gloede in a residential house that he has and there are more houses on that street along the same edge toward the east side heading down toward Horning Street. His concern was all the gravel they were going to be storing. He was talking about 15,261 feet of gravel. That was a large amount of gravel that was going to contain a large amount of sand and grit that would be blowing in the air. The other day he was outside and he thought there was a building on fire but it was not a building it was the company working over there and he could not see across the street and he figured that if it was like this now what would it be like once all the equipment and gravel and sand was in there? It was blowing from every direction and he had it on his cars the other day and there were other people that told him the same thing in the factory area. People are scared they cannot even open up their windows and doors if this was the case. If they were going to take and have off-site parking then that should be paved and it should not be varied just because they want to bring in their equipment and make it better for them and not the rest of the neighborhood. To drive in all these big gravel train trucks off of Bunert from 11 Mile Road into that area was going to be a detriment to all the paving that has been done on that street when it was put in. All the homeowners on Bunert Street do not allow trucks and the board was going to allow these people put semi-trucks, tractors just like they just said how many would be moving in. This was a very bad thing for the City of Warren to allow them to put this in and if they do it was going to ruin that neighborhood and all the businesses in there because people cannot live in an area like that. That was his only concern right there. He hopes the board understands what he was trying to tell them, this was not good.

Julie Lanovich stated she lives in Clinton Township and she also has a couple of horses that reside over at Palco's. Her two concerns and a clarification on what the intended purpose of what the gravel was for and just clarifying if the gravel was going to be stored as in periodically or after upgrades are done to the property or the proposed upgrades and gravel was laid on all the green space that was there was this company going to continue to store gravel, dumping gravel, removing gravel and doing activities like that. The concern that she has there was the environmental impact and the respiratory impact that gravel contains predominantly with crystalline silica as it a carcinogen and causes cancer. It is airborne and it was smaller than 3.5% microns so that means it impairs the oxygen lung capacity and if that was chronically in the air it was going to effect the horses and the residents. That could be a problem going down the road and the other issue was the travel. The noise level and the impact level and what that would do to the roads. Those were her two primary concerns.

Ron Lavay appeared before the board and stated he owned the bay display across the street from the property and he understands what everyone was saying about the farm and all that but there were about 300 semi's a day that drive past his shop and go up Barber and they do not go down Bunert they go right out to 696. It was an industrial area and that was why they moved in there. He did not move his shop to have all this and he appreciates what they are doing but they have to make a living too. He pays \$25,000.00 a year for taxes and they guy was doing a hell of a job fixing up that building. All the mess over there, he tore all the debris out, it was junk yard back there and people were dumping stuff there. He has straightened all that out and he thinks the guy was doing a very good job and thinks everything would be fine if people let him finish his project. If there are some dust problems or whatever then deal with it with water or whatever is needed to deal with it but do not stop progress. The guy took the building that was generating no money and he was going to turn it into a money making thing and he thinks that was what the bottom line was. This is an industrial area for doing industrial things.

Mike Hellebuck 27080 Bunert Road appeared before the board and stated he lives between Horning and the 696 service drive so he was a recipient of all the semi's that go through the area. He asked if the board could see on the monitor what was going on in the picture he had to display. He has a very nice home and a two year old daughter and another on the way and he would like to walk down the sidewalk and go down and visit the horses at the stables. The challenge with that road was that there are not sidewalks all along that road. It was concerning because cars are not always doing the speed limit and obviously more traffic was more concern. Yes, there is a lot of large vehicles going through and he visits Home Depot and Lowe's often to by patch to put out front of the road because it was definitely deteriorating the road and also cleaning up item off his lawn and right now he was replacing the sod from the salt and everything that was sitting in the potholes has been spraying up on the lawn. Yes businesses need to run and continue to work but he does not believe that there was a need to add more traffic as far as large vehicles to the area because it is a residential area and he was concerned about his family and if this was case he would be leaving the City of Warren.

Chairwoman Furgal asked if there was anyone else to comment on this item. Hearing and seeing none she turned the matter over to the board.

Secretary Burdi mentioned that everyone on the board was given a protest petition that was signed by 16 neighbors on Gloede and Barber Street and one on 11 Mile that do not want the heavy trucks, the equipment stored there and are concerned about not having it paved with the blight and dust in the neighborhood. She wanted to make sure that everyone saw that.

Secretary Burdi continued and said she had some other questions and asked Mr. Tobin if it was accurate that Gloede does not go through.

Robert Tobin stated it does not, it dead ends right at 11 Mile Road service drive.

Secretary Burdi stated there was no question that Bunert Road does not allow trucks. She has represented people that have been ticketed like people would not believe for driving trucks on Bunert Road. She was a little surprised at how this was going to work. What was concerning to her was that he was very clear that the equipment would tear up the parking lot if they have to pave so what would it do the streets of Barber and Bunert which are not meant for heavy, heavy traffic and not meant for this type of heavy equipment.

David Holman stated the sign on Bunert was just north of Barber Street and that was where the road turns to asphalt. So when the trucks come off the freeway they are on a concrete road and when they turn east onto Barber they are still on a concrete road so it was his understanding that it was no trucks north of Barber.

Secretary Burdi stated that was not her understanding or the understanding of clients of hers that have gotten tickets, but maybe that was one interruption. She was curious to understand if he was tearing up the Bunert Road and its concrete. If it was not tearing it up then why couldn't he put concrete on his site for the equipment?

David Holman stated the equipment that he was storing was steel track equipment and he does not drive that on the street. The people are concerned about the heavy trucks and they are rubber wheeled vehicles that are legal by law and carry a legal load and he has not run a lot of truck through there. There are trucking companies on Gloede and like the man before said there are 300 trucks a day through there. He is a fraction of 1% of that traffic on a daily basis. To blame it all on him was not fair. He has bent over backward to improve the property and he was going to continue to do so and he can try to address the dust issue because he does not want to have enemy in the neighborhoods with the horses.

Secretary Burdi said her best suggestion for him was that he meet his neighbors and have a conversation eye to eye. The board could reschedule this item so he could hold a meeting, hear what the neighbor's concerns are and attempt to address those concerns because right now it was not looking good when things are this bad in a neighborhood. She would suggest a meeting with them and see if he could address some of these things because anytime there is a project like this it was always a good idea to meet with the neighbors.

Chairwoman Furgal stated it was obvious that they did not understand what he was doing there.

Robert Tobin stated there was a misunderstanding that he was hauling gravel.

Secretary Burdi stated she understands and the board understands but it was clear to the board that the people in the neighborhood do not understand. Maybe a meeting between the two parties was the best solution because the board knows they are not hauling gravel.

David Holman stated he would be fine with that but that meeting would be chaos just by the anger displayed here. Who would control the meeting like that and for him to

try and meet with everyone it would be him against the world. He agrees with the idea but he does not think there would be a solution that could come out of that without a mediator.

Secretary Burdi stated that right now they do not even understand the plans. If nothing else he would be able to explain the plans and discuss the plans some of the people might go Oh. Did he understand what she was saying? Anyway he sliced it everyone had to act like adults so no one would be beating on each other and if people were just going to come there and scream then he could come back here on his reschedule date and tell the board that they were out of control and all they did was scream but she had a funny feeling that they would act appropriately at the meeting. She had faith in people and she suggested he try because otherwise ask the board to vote now.

David Holman stated he did not want to do that because he thinks it would be a bad idea.

Robert Tobin stated the people that were here tonight are at least half a mile away from this site. It was M-2 in all directions.

Secretary Burdi told Mr. Tobin not to go there as the people were all residents of the City of Warren and they had a right to be here and voice their opinions. She did not care if they were two seconds from it or fifteen minutes from it.

Board Member Watriont stated one of the things he heard in the discussions was something about fueling and he wanted to know if there were fuel pumps there.

David Holman stated no that person was referring to his other facility that had approval for a current site plan that was on Groesbeck. There was not going to be any fuel tank storage at this facility. It was not on the site plan and it was not going to happen there. He does blight removal for the City of Detroit and other areas and he understands a lot of the issues and concerns and he was trying to improve his operation and by getting site correct he could operate more efficiently, effectively and comply.

Board Member Watriont asked if he would mind giving him the other sites address.

David Holman stated 22772 Groesbeck.

Secretary Burdi said if he wanted he could send a notice to the Council Office and the Council office would let the board members know and maybe some would show up and observe.

David Holman asked if the meeting should be held at a conference room at City Offices, would that be a good venue.

Secretary Burdi stated she thought that could happen as the City Attorney was saying that could happen. That was a possibility. She would reschedule the item to June

25<sup>th</sup> which would give him time to change anything if it needed to be changed and get back.

David Holman stated once again he was just trying to improve the property and he hopes the board members would come by and see the progress he has made since November over there.

**Motion:**

Secretary Burdi made the motion to reschedule this item to June 25, 2014 to allow the petitioner's to meet with the neighbor's and discuss their concerns. The motion was supported by Board Member Bieber. A voice vote was taken on the motion and the motion carried (9-0).

Board Member Watriont said he wanted to make sure that it would not be reposted so this was their notice.

David Holman asked if he could leave paper on the stage so if people wanted him to contact them they could leave a name or phone number.

Secretary Burdi said the Council Office has a list of all the people that were contacted regarding this hearing within 300 feet and if he contacted Mary at the Council Office she could fax him or whatever a full list and he could do his invitation and coordinate to use a City Conference room and mail it to all the address that way he knows he has reached everyone.

Robert Tobin asked if all the people had registered he did not see them otherwise the minutes take two weeks.

Board Member Watriont told Mr. Tobin that it had nothing to do with the minutes of the meeting.

Secretary Burdi told Mr. Tobin that he would get all the addresses within 300 feet.

Chairwoman Furgal stated anyone else that wanted to be on the list should check with Mary Kamp and have their names added.

Secretary Burdi stated if you received the prior notice you would get another notice. She also said that the City Attorney indicated that she would contact him on how he could use a conference room.

Again a voice vote was taken to reschedule and all "ayes" were recorded (9-0).

- |                     |                                   |
|---------------------|-----------------------------------|
| 16. PUBLIC HEARING  | <b>APPLICANT: Mr. Jeff Babbie</b> |
| REPRESENTATIVE:     | Mr. Jeff Babbie                   |
| COMMON DESCRIPTION: | 32806 Ryan                        |
| LEGAL DESCRIPTION:  | 13-05-101-039                     |
| ZONE:               | C-1                               |

**VARIANCES REQUESTED: Permission to:**

Permission to allow one (1) signs on the west elevation as follows:

1. One (1) sign 44 inches x 179 inches = 54.69 sq. ft. In addition to a second wall sign 30 inches x 117 inches = 24.38 sq. ft.

(There are two separate businesses in this location.)

**ORDINANCES and REQUIREMENTS:**

**Section 4A.35 (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.

Eddie Babbie 1183 Concourse Drive, Troy Michigan appeared before the board and Jeff Babbie the business owner appeared and stated that Eddie was the property owner and that 32806 Ryan Road was the business.

Eddie Babbie stated he was requesting two signs and he wanted to make a correction when it was stated that there were several businesses here. It was just one business Compass Graphics and they offer the other services so he was just here because of lack of representation for the business and that was why he was asking for additional square footage for the signage but it was just one business. Compass Graphic was the owner of the business and these were the services they provide which was design print and marketing.

Chairwoman Furgal clarified that he already had the sign for Compass Graphics and he wanted to add design print and marketing.  
Eddie Babbie answered yes.

Chairwoman Furgal said this was a public hearing and asked if there was anyone that would like to comment on this item. Hearing and seeing none she turned the matter over to the board.

Board Member Descamps said he was not against the Compass Graphics in fact he liked the logo in there what he was against was the signs in the window because they bring down a neighborhood. He was looking at a picture.

Jeff Babbie said those signs were put up before he opened and are no longer there.

Chairwoman Furgal asked Mr. Tobin if he could take his meeting outside it would appreciated.

Board Member Descamps stated if there were no other comments he would like to make a motion.

**Motion:**

Board Member Descamps made the motion to approve the petitioner's request to have one sign 44" x 179" for a total of 54.69 Sq. ft. in addition to a second wall sign of 30" x 117" for a total of 24.38 sq. ft.



to the planning department but they were not included in these packets and they would give a visual of what was being requested. She was sure all were familiar with the Tech Plaza Shopping Center at 12 Mile and Van Dyke next to the Wal-Mart location that has been recently renovated. She wanted to state from the beginning that the developer has no connection with Wal-Mart they are two separate parcels so this building was completely separate from the Wal-Mart development. Right now as the shopping center stands it was in a state of disrepair and an eyesore and they want to change that and make it a vibrant neighborhood shopping center. The developers that she was working with have other shopping centers in Michigan as well as other states. One of the things that they were very good at was not making the typical big box shopping center. Want to make this a lot of smaller store fronts and a community shopping center. There is a history of success in doing this and they believe it will be a success here as well. One thing they are doing that is unique was that they were not doing any pre-leasing for this site. There is a kind of a stigma attached to the center currently because of the way that it looks. They see it for what it can be and want others to see it for what it will be and not for what it is now. Because of that they had to keep the design of the center pretty flexible since they do not know what tenants will be in there. One of the hardships that they had was coming up with a way to pay tribute to the Tech Plaza history. With the Tech Plaza and the GM Tech Plaza right across the way they wanted to keep the Tech Plaza designation and with the Wal-Mart approvals the two existing pylon signs one that was on the developers property lines, Wal-Mart controls both of those and the designs for them so she does not have use of those pylon signs.

Secretary Burdi questioned that Wal-Mart had control of both signs, even the one on the petitioner's property.

Kimberly Nakluhly answered both of them including the one on their property on 12 Mile Road. When she was coming up with the elevation designs one of the things they wanted to do because they want this to be a neighborhood center, was unify the two buildings and open it up. It was kind of a dark space and they want to utilize the parking at the back of the entry and they wanted people to feel safe doing so and they wanted to unify the buildings to make it look like on development. The design they came up with was an architectural element. When someone says 40' foot pylon sign it was really an architectural element to the building that was 40' foot high and it has a Tech Plaza designation on it. That would be the focus and that would be what people would see. The building is so far back that making it any shorter or smaller they ran into problems with that. What she has now she feels works and has provided them with a solution. The other request they were asking for was to place a monument sign at a possible 26' foot drive that was coming from Town Center. If they look at the site plan that they have they would see it drawn in there. This is not something that they were looking at in the beginning but it was something that the City had requested of them. In the Master Plan of the City they want to be able to connect a development like this to Town Center Drive and have people be able to access the center without having to go through the intersection at 12 Mile and Van Dyke. They had no objection to putting in a 26' foot drive there and they are in the working with the owner of the drive. It was her understanding that Town Center was never dedicated public it was currently private and it would be shown as future when

they submit for the permits however, it was their intention to install the 26' foot drive they would like to put a proposed monument sign there in order to facilitate better use of the parking. With the parking that Wal-Mart left them on their site there was some in the front and a lot in the back and they do not want the parking in the back to go under-utilized. So she has proposed the structure that 22,554 sq. ft. where the entrance would be on the north side to utilize that parking. That monument sign would be placed there in order for that business to be able to advertise there to patrons coming in and the possibility of a second business being back there that would advertise as well. The owner/developer was present with her if there were any other questions.

Chairwoman Furgal said this was a public hearing and asked if there was anyone that would like to comment on this item. Hearing and seeing none she turned the matter over to the board.

Chairwoman Furgal asked how tall the building was.

Kimberly Nakluhly replied the maximum height of the building, what they had done was two arched elements if she looked at the elevations and that was something that kind of part of the Wal-Mart design. They did not want to get away from their design completely but did not have the same ideas as far as materials as Wal-Mart so they borrowed the architectural element and those two arches that mimic that at 35 feet in height so they do meet the requirement for that but in order to get the height they needed for the Tech Plaza signage they were proposing four foot high letters and they have some space below there, eleven feet because when people walk through there people will actually walk through into a plaza. There would be benches and planters and paving materials. They want people to feel open and not closed in so at that point they want to raise that to eleven feet to make it feel really welcoming. They were also leaving room for two signs there. She understands that there was a 40 sq. ft. requirement in the ordinance for tenant signage and if any of the tenants that eventually come in here want larger signage they would have to get that approved at that time. So in designing with some flexibility without knowing the tenants and where they were going to go they wanted to leave room for two 40 sq. ft. signs there which would advertise for the possible buildings that would enter from the north side. They would not have any signage on the front except for underneath except for where that Tech Plaza sign was.

Chairwoman Furgal asked if she had told her that the building was 35 foot tall.

Kimberly Nakluhly said the two tallest elements were 35 feet but the majority of the building was around 22' feet, between 22' feet and 18' feet.

Chairwoman Furgal stated that the board doesn't usually like for things to be that tall but the 40' foot tall sign was inside the property and not on the street.

Kimberly Nakluhly stated that was correct it was set back from the property. If she looked at the site plan sheet she would see that it was at least 400' feet away from 12 Mile Road. It was in the corner where the two buildings meet.

Chairwoman Furgal stated where JCPenney used to be. She may not know that but the board did.

Kimberly Nakluhly stated in order for it to be seen from that distance, they have done some studies on the size and they feel this is the proper size. A lot of the typical tenants they do anywhere from three to four feet sometimes for their signage and they feel is the right scale and the right proportion for the design.

Secretary Burdi stated there was kind of a problem here because in the negotiations with Wal-Mart they gave away the 12 Mile sign.

Kimberly Nakluhly stated that was before they had even purchased the property.

Secretary Burdi said here is what happens. This was one piece of property and the signs were granted based on it being one piece of property. When whoever gave away the two largest signs on the site there it gave Wal-Mart off-site signage which was against the ordinance so that 12 Mile sign if Wal-Mart gets to use it and Wal-Mart was going to use it, #1 it was not approved by the City and it was an illegal sign.

Kimberly Nakluhly said no it was approved by the City as Wal-Mart received an ordinance as they presented it to the Zoning Board of Appeals and received a variance.

Secretary Burdi stated but what was happening now was they were saying they needed even more signage. What happens was that the site gets overrun in her opinion, because there are two huge signs already and now they want a 40' foot sign. She would not vote for a 40' foot sign under any circumstances.

Kimberly Nakluhly asked to clarify that it was not actually a 40' sign. The signage area itself was 200 sq. ft. that she was asking for.

Secretary Burdi said she was not worried about the content she was worried about the height.

Kimberly Nakluhly stated the height was the actual building was 40' feet the sign would not be up that 40' feet but the building was at 40 feet which was just five feet above what the actual requirement was.

Secretary Burdi asked if the petitioner had a picture because she did not understand.

Kimberly Nakluhly said she should have actual elevations in her packet.

Secretary Burdi said yes and she has looked at them and it was sign not a building.

Board Member Becher said it was on top of a building.

Board Members clarified the location as being in the corner of the two buildings.

Secretary Burdi questioned, how much higher was the sign, than the roof.

Kimberly Nakluhly clarified if she meant the roof above the sign.

Secretary Burdi stated the picture showed the sign higher than the roof yet she was telling her that it was below the roof line.

Kimberly Nakluhly said she understood she thought she was talking about the arch above that as the roof. If she looked at the arched metal element above the Tech Plaza signage, that was the 40' foot height. What she was actually requesting the way the variance was written was one a variance for the building height to be 40' feet and two they are requesting a variance to place an additional 200 sq. ft. sign on the building. The approval would not be for a 40' foot sign it would be for that portion of the building where the two buildings meet and the sign.

Secretary Burdi stated the petitioner was interrupting the zoning ordinance differently than the zoning director. The zoning director was asking to construct a large pylon sign 40' foot in height. Here question for her was if she was telling her that the building was 40' foot high and they are showing a picture where the sign was higher than the building roof line.

Kimberly Nakluhly said if she would look at the areas immediately adjacent to that area the actual building height there was 18' feet. The 40' foot was the very top of the arch which was above where the signage was.

Secretary Burdi asked if she took 40' feet and subtracted 18 feet she would get the answer to the question she kept asking. So it was 22' feet higher than the roof at that area.

Kimberly Nakluhly said yes at the area but what they were trying to create was a monument. She asked if the elevation sheet was in their packet.

Secretary Burdi questioned why the petitioner was talking about a monument when she was talking about a pylon.

Kimberly Nakluhly said she was calling the monument where the two buildings meet because they really want to create that as kind of the focal point.

Secretary Burdi said ok it was a term of art the City that when someone says monument that meant monument sign which was a lower sign.

Kimberly Nakluhly apologized.

Secretary Burdi said the petitioner was trying to create

Kimberly Nakluhly interrupted to state a focal point and architectural feature there and one of the things that was tricky in working with the arches was because of the

steel and the amount they can bend it they there has to be very large radiuses so they were really limited. The 35' foot height that the other two metal arches were at that was the highest point on the building and it was as low as they could go with the radiuses so what they were trying to do if they noticed on the north building the arch goes from left to right.

Secretary Burdi said she was focusing on the signs and she understood what she was saying about the building and she likes the idea that there different heights and that, but that was not her concern she was trying to talk about the signs.

Kimberly Nakluhly said she was just trying to explain where they came up with the 40' foot in height and why the sign was placed there because one arch was going from left to right and another from right to left and then that central point was completely arched because that was where the two meet.

Chairwoman Furgal stated it kind of matches.

Secretary Burdi said ok, so this was what the City was calling the pylon sign. That was the first sign. The monument sign if she was understanding the petitioner was back by the 26' foot driveway.

Kimberly Nakluhly stated that was correct.

Secretary Burdi stated that monument sign would not be more than 7.5' feet.

Kimberly Nakluhly answered 7' foot maximum and that would be the case if they had two businesses going there and would need to accommodate two logos.

Secretary Burdi stated there are existing signs that have been approved. It says in addition to the existing monument sign on 12 Mile so where was that sign because this was a pylon sign not a monument sign the 12 Mile one that was now Wal-Mart's.

Kimberly Nakluhly said that the southeast entrance along 12 Mile Road there was an existing pylon sign, the car wash sign, and that was approved a long time ago with a variance.

Secretary Burdi said she had to take into account what signage was already there because the hardship was lack of identification the board has to get an idea of what identification was needed and what was not needed. She did not want to just add signs and add signs. What was the goal for the car wash pylon sign?

Kimberly Nakluhly responded and said if she looked at the proposal for the 26' foot drive monument sign they wanted to do something similar to that just to dress it up but without knowing the tenants at this point she was not really sure what that would be utilized for. If they find that it was not going to serve a purpose they would remove it.

Secretary Burdi asked why they were coming for sign now then.

Kimberly Nakluhly said the Tech Plaza sign in order to make it work they needed the height variance of 40' feet and this would be part of the existing construction. The rest of the signage besides the monument signage that would need to be done at this time. The rest of the signage would be completely up to the tenants and they would have to come for variances as the spaces are filled. The Tech Plaza sign was going to be an architectural part of the design and the building height was integral to the overall design.

Secretary Burdi stated so there was the north entrance on Van Dyke which was a Wal-Mart sign and the 12 Mile sign was Wal-Mart also except for the car wash sign. She was just making sure that she had the information correct.

Kimberly Nakluhly stated the existing car wash sign was pretty much beyond their site from anyone traveling on 12 Mile Road or Van Dye approaching that corner it was there and it was an existing sign but it definitely was not ideal and the size of it doesn't really allow them to do a whole lot. They feel the Tech Plaza sign and the architectural element would really help the design and development of the property.

Board Member Descamps stated that looking at the drawing he thought architecturally it was fabulous for the area. He thinks it would be a big improvement over what it used to be. Where that sign was going to be located was far enough back from Van Dyke and 12 Mile not to make it big impact yet make it stand out from the actual building. He likes it.

Secretary Burdi said she likes it too but she got confused when they kept calling it a monument sign.

Board Member Watripont stated that he too likes it and he thinks it will add to the area. His recollection when Wal-Mart came before the board was that they were going to leave some of the spots open on their signage for some of the stores that were going to go in there.

Kimberly Nakluhly stated that would be separate from what was being requested here. What she was requesting here was not store names it was for Tech Plaza.

Board Member Watripont stated he understood and he was all for that and the monument sign at the 26' foot drive made sense but he thought Wal-Mart was allowing some use for that within that sign so that it would be off-site for both sides was how it was presented. That was just some clarification for some of the board members.

Board Member Brasza asked about the Tech Plaza sign or architectural element whatever it was going to be called, what was the lighting going to be like for that and would it have an impact on the neighbors that were not too far behind there.

Kimberly Nakluhly said there was no lighting within it and he would see on the elevations there were a couple of wall sconces that would be very low and what they were doing with the lighting with the signage, there was a company they found that actually makes the sign appear dark bronze during the day and at night it was perforated

so that it was illuminated and there was no light that spills back and it was not super bright. It was bright enough to be able to see it be it was not super bright and there would be no foot candles that extend from the property line.

Board Member Brasza said he could only speak for himself but he thinks it was a great idea to revitalize of refresh the plaza itself because it has deteriorated over the years that he has driven by it.

Kimberly Nakluhly stated one of the challenges she was working with too was getting rid of the facade but in order to minimize waste and costs they were keeping a lot of the structure so they were limited on what they were able to do with the design and she feels like they have come up with a great solution to keep most of the existing structure and be able to add to it and make it look like a brand new shopping center.

**Motion:**

Secretary Burdi made the motion to approve the petitioner's request to construct a large pylon sign as follows: 40' feet in height, 20' feet x 10' feet = 200 sq. ft. and to construct a monument sign as follows: 7' feet in height, 4' feet 2" inches by 6' feet 0" inches = 25.2 sq. ft. to the east property line per the plan. So the first sign is the architectural design where the two buildings meet far back off 12 Mile and the second sign would be back by the proposed drive way by the back of the buildings.

Reasons being size and shape of the lot and lack of identification.

Board Member Brasza supported the motion.

**Roll Call:**

A roll call was taken on the motion and the motion carried (9-0).

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

18. NEW BUSINESS

19. ADJOURNMENT

**Motion:**

Board Member Descamps made the motion to adjourn and the motion was supported by Secretary Burdi. A voice vote was taken on the motion and the carried (9-0). The meeting adjourned at 10:39 p.m.

Caren M. Burdi  
Secretary of the Board

APPROVED