

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
May 28, 2014

A Regular Meeting of the Warren Zoning Board of Appeals was called for Wednesday, May 28, 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
Henry Brasza
Jules Descamps, Jr.
Judy Furgal, Chairwoman
Roman Nestorowicz
Steve Watripont, Vice Chairman

Members of the Board absent:

Secretary Caren M. Burdi
Board Member Ann Pauta
Board Member Wally Bieber

Also present:

Roxanne Canestrelli, City Attorney
Lynne Martin, Chief Zoning Inspector

1. CALL TO ORDER

Chairwoman Furgal called the meeting to order at 7:43 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Secretary Burdi, Board Member Bieber and Board Member Pauta were absent.

Motion:

Board Member Watripont made the motion to excuse the absent members as each of them had informed the board members of their absence today.

Board Member Brasza supported the motion and a voice vote was taken on the motion. The motion carried (6-0).

4. ADOPTION OF THE AGENDA

Motion:

Assistant Secretary Becher stated item #7 for Roy Mills at 7552 Republic has asked to reschedule this item to a later date because he could not get his inspections until the beginning of June.

Chairwoman Furgal asked if the board would like to reschedule to the first meeting in July.

Assistant Secretary Becher said July 9, 2014.

Board Member Watripont supported the motion. The motion carried (6-0).

5. **APPROVAL OF THE MINUTES OF the Regular Meeting of April 23, 2014 and May 14, 2014**

Motion:

Board Member Descamps made the motion to approve the minutes of May 14, 2014.

Board Member Watripont clarified that the minutes to be approved should be April 23, 2014 that May 14, 2014 needed to be postponed.

Chairwoman Furgal said the May 14, 2014 minutes had been postponed because they needed some work done on them.

Board Member Descamps said that was correct to approve the minutes of April 23, 2014.

The motion was supported by Board Member Watripont. A voice vote was taken on the motion and the motion carried (6-0).

6. PUBLIC HEARING **APPLICANT: Sadier Abro**
(Rescheduled from 4/9/14)

REPRESENTATIVE: Michael Zacks/Bright Star Signs/Sadier Abro
COMMON DESCRIPTION: 7221-7255 9 Mile
LEGAL DESCRIPTION: 13-28-480-021
ZONE: C-2

VARIANCES REQUESTED: Permission to:

1. Install a ground sign with an LED message center as per the plan. The 5 ft. x 10 ft. = 50 sq. ft. tenant spaces, 3 ft. x 8 ft. = 24 sq. ft. LED reader board (74 sq. ft. total), 20 ft. in height, 12 ft. under clearance with 20 ft. setback from 9 Mile Property line.
2. With a 10 ft. setback from the Peters property line.
3. Waive three (3) required parking spaces where the sign will be installed.
4. Waive 4 required off street parking spaces; 74 parking spaces were on the approved site plan April 6, 1998.

ORDINANCES and REQUIREMENTS:

Section 4A.14, Paragraph (a): Prohibited Signs. Signs that utilize flashing, blinking, intermittent or moving lights or exposed incandescent light bulbs.

Section 4A.11, Item (7): Changeable Copy sign. A sign whose informational content can be changed or altered by manual, electric, electro-mechanical or electronic means.

Section 4A.17 Paragraph (b): Setbacks. All freestanding signs shall be setback from the right of way lines a minimum distance equal to the height of the sign.

Section 4.32 Paragraph (h) Item 22: Required Off-street Parking. One (1) parking space required for each 150 square foot of floor space and outdoor sales areas combined.

Michael Zacks from Bright Star Sign 13300 Foley, Detroit Michigan appeared before the board and stated what the board had before them was an application to install a pylon sign to replace an existing low profile ground sign on the west end of the property. The application entails construction of a 20' foot high pylon sign which the ordinance does allow. It was total of 74 sq. ft. and the ordinance allows 75 sq. ft. The top section was 5 x 10 which would include capacity for six tenants and a 3x 8 LED message board of 24 sq. ft. totaling 74 total sq. ft. There was a 12' foot under clearance that meets City code as well. The purpose of the sign was to replace a small older ground sign and allow the tenants to be represented. In a tough economy anything they could do to help market and help the tenants was something they wanted to provide. He feels the sign is aesthetically pleasing and feels it does not impede the ordinance with the use of the three spaces. There are approximately 74 spaces there so he would need about three spaces to construct that sign. These are small local area businesses that at any given time might have two or three visitor's to each space. The most he has ever seen occupied in there was 10 to 15 spaces at any given time. Even with the deduction of the spaces needed for the sign there was still be about 70 spaces left to serve the five tenants that were located in the center. The owner of the sign does understand that the City has specific requirements to the operation of that sign, the messages and frequency of the message and he would sign an affidavit if there was one provided by the City indicating that he understands the frequency of the message and the time allotment for the messages. If anyone has specific questions he would be happy to answer them.

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 Nestorowicz asked the petitioner since the plaza had multiple tenants and there was only one LED sign, would they all share it equally or how would the sign work then.

Michael Zacks stated the thought was to share it proportionally with the tenants and also to allow some community sponsored messages like lost or missing children things like that. The owner has agreed to provide that at his expense

Motion:

Board Member Nestorowicz made the motion to approve the petitioner's request to install an LED message center as per the plan with the 10' foot set-back from the Peters' property line and to waive the 3 required parking spaces and to waive the four required off street parking spaces. 74 approved parking spaces were on an approved site plan from April 6, basically with the condition that the message

does not change more than once every five minutes and there is no flashing, blinking or scrolling of the messages on the sign.

Reasons being: lack of identification and not a detriment to the area.

Board Member Brasza supported the motion.

Board Member Watripont stated what the petitioner was saying that there was another sign allowed before, in looking through his packet it he did not have the previous variances that would have the waiver of previous parking or the previous sign packages in it.

Chairwoman Furgal stated that was the reason it was postponed because the other sign was there but it was supposedly legal and he did not have the variances and that was why they were waiving the three required spaces.

Board Member Watripont asked if the variances were in the originals.

Lynne Martin Chief Zoning Inspector said there were no variances on those. The reason was because the sign that was on the west side was a legal sign and the parking was enough for the plaza and now parking was being taken away by moving the sign to the east side.

Board Member Watripont stated so the 74 parking spots were legal. So the sign that was there was coming down?

Michael Zacks answered yes.

Board Member Watripont questioned and it was a legal sign before and it did not need a variance.

Michael Zacks answered correct.

Board Member Nestorowicz asked to amend his motion to make the note that the existing sign on the west end would be removed.

Board Member Brasza agreed to support that amendment.

Roll Call:

A roll call was taken on the motion and the motion carried (6-0).

Board Member Nestorowicz	Yes for the reasons stated in the motion.
Board Member Brasza	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.
Chairwoman Furgal	Yes for the reasons stated in the motion.
Asst. Secretary Becher	Yes for the reasons stated in the motion.

ted and locked at 10:00 p.m. Events on Friday's and Saturday's would not last beyond 11:00 p.m. and the rear parking lot would be emptied and locked by 11:30 p.m. on Friday and Saturday's. The Wedding Chapel management would require approval from the Burberry Place Condominium Association Board in the rare circumstance that an event would last longer than the above specified times and days and the process for the approval request would be determined. Failure to obtain Burberry Place Condominium Board approval for an event lasting longer than the above specified times and days was a breach of this agreement. The Burberry Place Condominium Association would respond to those requests within 48 hours. If no response was received from the Condominium Association board by the end of 48 hours then concurrence for the event shall be assumed. The Wedding Chapel management will not expand the Wedding Chapel building from its current size or add additional buildings which could increase the number of occupants. The number of occupants allowed would not increase from the current number of 125. Events at the Wedding Chapel remain primarily indoor events. Tents or large gatherings in the parking lots where food or alcoholic drinks are served will not occur. The parking lots front and rear would not be used to host outdoor events. Future rezoning and subsequent parking lots would not be rezoned to something other than residential. This agreement stands while the Wedding Chapel holds a valid Liquor License from the State of Michigan or until a future agreement between the White House Wedding Chapel and the Burberry Condominium Association supersedes this agreement. There is no expiration date for this agreement.

Chairwoman Furgal asked if that was all that he had to say.

Michael Gordon stated that at this time the proposed change would not change the venue, it was an enhancement of what was already being done so the programs that were being run, primarily a wedding chapel that would not change if this moves forward.

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

Ken Satchfield 30969 Cousino Drive Warren, MI appeared before the board and stated he represented the Burberry Place Condominium Board Members and per that agreement they were in support of the liquor license.

Eilene Burns 30972 Cousino appeared before the board and stated she was not part of the Burberry Complex. She lives on Cousino that faces the White Chapel. There was a large area that was not part of the condo complex that was effected by all of this. If he was asking for a land use variance according to what was on the website there are two specific types of variances, a non-use variance or a use variance. A use variance requires and unnecessary hardship standard and she does not see any evidence at all of there being an unnecessary hardship standard. It specifically states that the property could not be used as zoned, it can be, and it is being used as zoned. It further states that it was not self-imposed. The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner. This was something she was sure would be more profitable for Lavdas

Enterprises if he could serve liquor there but she does not see it as being something that was beneficial for the community. She has concerns about safety, she has concerns about parking and concerns about property values all of which are very valid reasons for prohibiting this. The property is unique it has physical features or characteristics due to its unique circumstance however, it was a residence before it became a wedding chapel on all sides except one for one by a residential area. This is not a strip mall it is a neighborhood. It states here that they need to demonstrate that all the following criteria in order to establish this unnecessary hardship and she has not seen one of the five listed things that was part of this. She does not see it as an issue. It was not necessary, the land use variance was necessary for the preservation and enjoyment of the property? Absolutely not. Back to the functions of the Zoning Board. The board was to act in the best interest of the City of Warren and the residents of that community and this board needs to do that and not allow this to occur.

Mike Satchfield 30981 Cousino Drive appeared before the board and stated he was probably the closest residents to the Wedding Chapel. He was the first house as you turn right onto Cousino. He was curious if this was tabled if a new letter would be sent out to the residents would be sent out to inform them of the new date.

Chairwoman Furgal stated no.

Mike Satchfield continued and said his only concern was and he appreciated Mr. Lavdas trying to work with the neighbors and they were trying to be good neighbors as well and he understands the board's decision has to be made on what was not only right for the citizens but also the businesses of Warren too, people have to be able to make a living. His concern was how valid was it reading this into the minutes and was the agreement binding by some type of law or did they have to the police officer if the rules were not followed. He was not sure how this was done this was only his second time here as he was at the last meeting. If that could be explained by the board members the citizens would appreciate that or there was some resource they could point them to in order to look that up.

Chairwoman Furgal stated she would have the attorney speak to that in a second.

Victor Sanchez 4876 Burberry Drive Warren, MI appeared before the board and he has two year old son and he lives behind the chapel and joins the lady that spoke before as he was concerned about the safety and this was because the second parking lot entrance was to the neighborhood and not to 13 Mile Road. With it being there the people that enter to the chapel when there is no liquor license. If they get the liquor license and they are told to get out they are opening the door for those people to drive around the neighborhood. He was concerned about the safety and how those people were going to drive and get out and many may be getting out while kids are sleeping but it was not clear what other times they would go out. Other concerns were the size of the chapel. If they are going to do this kind of activity do they have enough room for this kind of activity while celebrating a wedding. He was not understanding how they were going to achieve this. Those were his concerns right now.

Mike Pinkos 30948 Cousino he was not part of the Burberry Association he was across the street and his biggest concern was that he has a 14 month old daughter and there was going to be a liquor license and people drinking a couple of drinks like it had been said before the parking lot that they do leave from was in a subdivision. People leave at 8:30 and they have been drinking and coming through the subdivision. He was more concerned about his daughter because there was already a speeding issue on the street so having people leaving a party after drinking it was a whole other mix into the situation. He was also worried about property values and having a liquor license at the end of the street.

Beverly Miller 30965 Burberry appeared before the board and stated it was her understanding that people were right now bring in alcohol to the wedding chapel and drinking in their cars in the parking lot and she sees this as him having the license as a way for him to police to make sure people are not over drinking and leaving. She feels him having the license would actually hinder the alcoholic driving.

Chairwoman Furgal said the letter that Asst. Secretary Becher had was from Mr. Sanchez. She further stated seeing and hearing no one further she turned the matter over to the board. She instructed Mr. Gordon that he may request the tabling at this time or if he would like to answer some of the board's questions at this time it might be helpful.

Michael Gordon stated he would be happy to answer any questions.

Chairwoman Furgal stated the woman that made the comments regarding the legal requirements of a land use permit was totally accurate and she has not really heard anything from him about how he meets those requirements. She would suggest that he come up with that if he was going to proceed with this.

Michael Gordon stated he would take that under advisement. Under the current zoning it was advised to them to go for a rezoning to get property classification was not a good choice. To keep the residential zoning under it so that any special land use would run with the ownership so that was the reason they chose this approach.

Chairwoman Furgal stated it was still a land use permit.

Board Member Watriont asked if any banquets were being held there currently, it was just a wedding chapel at this time.

Michael Gordon stated there have been a few other events held there but according to the management it has been almost a year since the last event was held there as far as banquet facility.

Asst. Secretary Becher was curious about the event that was not a wedding about a year ago and she asked if he could clarify what that was.

Christy & Kevin McDonald 25105 Tecla appeared before the board and stated if the board where to view the property they would see that they do not have a back yard and this was the larger area of the yard that they would like to fence off to give their kids an area to play. The six foot was for privacy and to stop the everyday trash from flying through the yard from people throwing glass bottles, garbage and many other items out of the windows of vehicles and into their yard. If there was a fence there at least it would be up against the fence and he could clean it up quicker rather than searching the yard to find everything there is. The other reason was he thinks it would look more pleasing to the county as well as the safety for the kids. The other reason he wanted the six foot was there is a bus stop out on Ten Mile and in that case he does not want people standing around while his kids are playing in the yard, this way they cannot see them. Part of the plan is that they would stay a foot and a half to two feet inside the property line so that it did not create a space for bums to hang out for someone to hide behind and jump people from.

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 Descamps stated the board has approved this type of situation before along a major mile road for specific reason such as he has and the majority of it was the fact that they do have children and a bus stop right in the area and the board does like to protect children.

Board Member Watripont stated that he had a concern with this being right on the corner of Ten Mile and if someone where were to be riding their bike along the side walk he would like to cut the corner a little. In the past they have gone 10' feet x 10' feet and he was not asking that he would like 2 feet each way on a diagonal. With the trees there he does not know what that would allow at the point. He would like some line of site for coming down Ten Mile and Tecla otherwise they have no problem with it. He does not know how to put that into the motion no knowing.

Chairwoman Furgal asked Lynne Martin if the ordinance was ten feet.

Lynne Martin stated that was only at drive ways.

Board Member Watripont stated this was in the front yard and that was why it was before the board.

General discussion took place from Lynne Martin but was inaudible relating to the newly revised ordinance for fencing.

Board Member Watripont stated he was talking about a bicycle or someone walking along the side walk.

Kevin McDonald stated there was also a stop sign right there so for in order for that to happen someone would have to blow through the stop sign.

Board Member Watripont said if someone was riding a bicycle or walking they may step out around the corner. He has seen sidewalk to sidewalk accidents and they can be very traumatic. Just a couple feet a person walking could get some idea that someone else may be coming. That was his request but he does not know how to put it into the motion.

Board Member Descamps said he took two feet on each corner and put it on the angle he thinks it would bring enough of a line of site.

Kevin McDonald agreed.

Motion:

Board Member Descamps made the motion to approve the petitioner's request to install a 6' foot wood fence on the corner where the house faces Tecla toward the rear of the lot and the front yard was on Ten Mile as per the plan with the condition that the sight line would be pushed back two feet in each direction on an angle and that the area issue of the front property was lined with 75 linear feet and 25 linear feet on the east side and west property lines total of 125 linear feet. The rest of the fence was allowed by ordinance.

Reason being: Needs approval of the board, size and shape of the lot and 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 (6-0).

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

10. PUBLIC HEARING

APPLICANT: Mr. Robert Naeyaert/Lunar Garages & Modernization

REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	11308 Darla Ct.
LEGAL DESCRIPTION:	13-22-276-030
ZONE:	R-1-C

VARIANCES REQUESTED: Permission to:

Construct a detached garage 24 feet x 24 feet = 576 sq. ft. in addition to an existing attached garage 21.9 feet x 21.5 feet = 470.85 sq. ft. for a total of 1,046.85 sq. ft. of

accessory buildings. They do not want to put in a driveway to the new garage and the structure is 8 foot to the eaves.

ORDINANCES and REQUIREMENTS:

Section 5.01 Paragraph (i): ...All garages and/or accessory building shall not contain more than seven hundred (700) square feet of floor area. Only one (1) private garage for each residential lot is allowed.

Robert Naeyaert of Lunar Garages & Modernization 13491 E. 8 Mile Road representing the homeowner at 11308 Darla Court. The reason for the petition was because he has a relatively standard garage that was only 471 sq. ft. and he has a lot of people that live in the house and there is family there and the garage id full of stuff all the time and he has no place to put his cars in the winter time. He was looking for basically a shed garage that would go in the back corner. It was a huge lot and it was taking up the whole yard so that he could use it for storing all his stuff and be able to use the existing garage for cars. If you look at the size and shape of the lot on this it was really a pie shape, cul-de-sac different sided lot. It was 148 feet in the back, 85 feet on one side and 140 feet in the middle. Where the building would be put was way in the corner and of course he would stay one foot off the easement. There is an easement on the back and on the side. This was why he was looking to for the petition so he can store all his stuff and be able to use his attached garage for his cars.

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 stated the way he looked at this was that it was an over-sized shed because it was 8 foot at the eaves and it would not have a garage door opening door on it would it.

Robert Naeyaert said they were hoping to put a garage door on it. He could make it a standard 8 foot minimum size garage door.

Board Member Descamps stated due the unusual shape of the yard he would be in favor of making a making a motion unless anyone else had questions.

Chairwoman Furgal asked what he did for a living.

Robert Naeyaert stated the petitioner was an engineer at the 18 Mile and Van Dyke Ford Plant.

Chairwoman Furgal asked what type of hobbies he had.

Robert Naeyaert stated ATV's.

Chairwoman Furgal said so he wants to put the ATV's in there. She just wanted to make sure he did not want to run a wood shop or something out of there.

Board Member Brasza asked how tall it would be at the eaves.

Robert Naeyaert said 8 foot max at the eaves. If was a four twelve pitch going on here so it would not be over 10 foot tall. It would be standard garage size.

Board Member Becher asked if he planned to put his ATV's and lawnmower and stuff like that there. He was not going to be parking care because he does not want to put a driveway in.

Robert Naeyaert stated no.

Motion:

Board Member Nestorowicz made the motion to approve the petitioner's request to construct a detached garage 24' x 24' for a total of 576 sq. ft. in addition to his existing attached garage which measures 470.85 sq. ft. for a total of 1,046.85 sq. ft. of accessory buildings.

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

Board Member Becher supported the motion.

Roll Call:

A roll call was taken on the motion and the motion carried (6-0).

Board Member Nestorowicz	Yes for the reasons stated in the motion.
Asst. Secretary Becher	Yes for the reasons stated in the motion.
Board Member Brasza	Yes for the reasons stated in the motion.
Board Member Descamps	Yes for the reasons stated in the motion.
Board Member Watriont	Yes for the reasons stated in the motion.
Chairwoman Furgal	Yes for the reasons stated in the motion.

11. PUBLIC HEARING **APPLICANT: Mr. Brian Quinn**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 3455 Thirteen Mile Rd
LEGAL DESCRIPTION: 13-06-477-005
ZONE: R-1-A

VARIANCES REQUESTED: Permission to

Construct a second garage 30 ft. x 40 ft. = 1,200 sq. ft., with a lean-to 15 ft. x 40 ft. = 600 sq. ft., in addition to an existing attached garage 21.5 ft. x 19 ft. = 408.5 sq. ft. Total 2,208.5 sq. ft. of accessory structures.

ORDINANCES and REQUIREMENTS:

Section 5.20 Paragraph (i): Uses permitted. Only one private garage for each residential lot... All garages and/or accessory buildings shall not exceed a total of seven-hundred (700) square feet floor area.

Brian Quinn 660 Baker Rochester Hills, MI appeared before the board and stated he had provided to the board a document that he had created that he thinks identifies

the points for usage that had been mentioned earlier in a previous item. The second page represents a much larger barn than what he would like to put back there and the page after that shows where he was asking for an area variance and basically this would be storage as the existing home has minimal storage and this would be for lawn equipment, snow equipment, season items, holiday items, travel trailer and utility trailer and he has hobbies, he was a wood maker and he makes furniture just for himself and his family and he was a home brewer. The garage that he has currently was a minimal size 19.5' x 21' size garage barely allows for the size of two small cars. He has that packed with a bunch of this stuff and he has a storage locker that he rents. The property was unique in that it was 100' feet wide and 370' foot deep. His intent was that the house was set back off of 13 Mile by 100' foot and the proposed structure would be approximately 300' foot off 13 Mile and about 100' foot off the back property line. The pages after that show an approximate location of where that structure would be on the property and his intent was not to have vehicles in there and he would have trailers in there and he would get his garage back for the vehicles. There was another image that shows a little larger view of the area where most of the properties along 13 Mile are 100' foot wide and 376' foot deep. This property was just down from Halmich Park if they were familiar with the area. As far as being a detriment to being to property or homes in the area he thinks there was sufficient enough room and the smaller properties that are behind the property on the north side of the property he has a whole wall of mature pine trees that would prevent them from seeing it back there. The property was and his whole purpose was from a lack of storage. It was a four bedroom home almost 2,400 sq. ft. and he has in the home about 75 sq. ft. of closet space and that includes the room for the hot water tank and again the garage was quite small. He does not claim to have any knowledge of how other individuals would be using their property or necessary scenarios. He has owned the property since 1980 and it had been turned over to his ex-wife and he has had it returned to him and his intent was to refurbish it and move back into it. He works at the Tech Center and it would be nice to have a five minute drive instead of a 25 minute drive. That was his whole purpose for trying to start this.

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

Marvin Kijor-Jones 31221 Carion Court, Warren, MI appeared before the board and he was the vice-president of Parkview Estates Condominiums Association that was directly north of Mr. Quinn's property. In speaking with Ms. Kamp earlier he understands that the board was presented with a petition that was signed by 18 members of the homeowners association in opposition to this particular construction. Their concerns are many, one of them being that they were not quite sure what Mr. Quinn was going to do with the operations with that property. It was also their concern that the neighbor's directly to the north of that property would be having a little bit of a problem with the architectural integrity because they do not want to look at that type of structure. He was hoping that the board would choose to deny this particular structure.

Joseph Novak 31226 Carion Court appeared before the board and stated this was a residential area and he was wanting a very large detached structure like this was not keeping with Warren's code and could have an adverse effect on the surrounding properties. He opposes the granting of this variance.

Chairwoman Furgal asked if there were any others that wished to comment on this item. Seeing and hearing none she turned the matter over to the board.

Asst. Secretary Becher stated there was a letter from the Condominium Association and 18 signatures that due oppose this. The cover letter was from Mr. Kijor-Jones and he has already spoken to cover what was in this letter.

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

Board Member Nestorowicz stated the property was unique it was a very deep property and he agreed with that and very often he has been in favor of giving people additional space especially when a house was on slab and all that sort of thing however, he does have a problem with the size. Once this was built there would be over 2,200 sq. ft. of storage space. The previous petitioner that was granted earlier today was only going to have 1,000 sq. ft. of storage space that the board gave him and he was going to have 1,200 sq. ft. more than that previous petitioner. He personally thinks 2,200 was too much no matter what size and shape of the lot was.

Brian Quinn stated that the lean too that he has on there was just a want to have and he would be willing to reduce it by the size of the lean too and that would be 600 sq. ft. less.

Chairwoman Furgal stated that she agreed with Mr. Nestorowicz in that the board ordinarily approve something this large. It depends on what was happening but most of the time about a 1,000 sq. ft. was the limit. Sometimes maybe 1,200 sq. ft. if it were a really unique property and she does not disagree that his property was pretty unique. Even giving up the 600 sq. ft. for the lean too she thinks he needs to reduce the size of the garage as well.

Brian Quinn stated about 15 years ago he put an addition on the back of the home and it was a 30' x 24' addition directly on the north side of the home. At that time and he intended and his plans were to put a basement underneath that. He began that process and got to a point where they hit ground water and were not able to go into a basement so that turned into a crawl space. He thinks that was an extreme uniqueness of this home to not have a basement to have a clean storage.

Board Member Watripont asked what the square footage of the house with the addition.

Brian Quinn stated approximately 2,400 sq. ft. 2,393 sq. ft.

Asst. Secretary Becher stated that up until two weeks ago she was pretty close to being a neighbor of Mr. Quinn's and she also lived on a large lot there on Girard. She had an acre and she thinks he was asking too much especially with the neighborhood behind him. She does not think that they should have to look at that and she does realize that he has all those trees but she also understands the nature of pine trees because she had them on her property also. She thinks he needs to come down in size because it was just too large. Especially after he had given this little packet and he was planning to put in something that looked like a red barn.

Mr. Quinn stated that was just an image of the style with a gambrel roof which was a style rather than more space.

Asst. Secretary Becher said he could store more with that type of roof and she wanted to know why he had to store more than he lived in. Those were her thoughts.

Board Member Watriont stated he believed this was a case of over building and believes that the size requested here of 30' x 40' was extreme, especially with going with the size of the roof and he asked what the peak would be at the roof. What would the height be?

Mr. Quinn stated that it was an approximate 22' foot and he understands that there was a 35' foot limit. Could the board give him an idea of what they might be willing to allow. The point was he could not use the home the way it was. He would not move back to that home the way it was because it does not have the storage that he needed. He has hobbies and he wants to enjoy them. This was the first item that he has had on the agenda to refurbish that home to move back into it. So from that point he was stuck with a garage that he would not be able to use and his hobbies take up his garage. He agrees the size was over sized with the assumption that he does not want to have a storage issue. He would be willing to reduce that but he was not sure what the scale was on this but if he went to 24' x 30' maybe that would be acceptable.

Board Member Brasza stated the other thing he should consider with the neighbors with a gambrel roof like that it was really going to have a more visible profile for the neighborhood but if he just had a regular pitched roof he thinks it would blend in more like a house so he might want to consider that as well. For him it was too large and he thinks something more in the 20' x 20' range was closer to or maybe even something less than that but 30' x 40' was too large but that was his personal opinion.

Chairwoman Furgal stated if he paid attention there was a 24' x 24' garage and the board approved that.

Mr. Quinn stated that was a little larger than what he had now and he would be curious as to whether or not they had a basement. He was very spoiled with his basement where he was at right now and it was quite a detriment not to have one.

Chairwoman Furgal stated she knew, her was a storage facility. She was just trying to explain to him what might be acceptable to the board.

Mr. Quinn stated he appreciated that.

Board Member Nestorowicz made the suggestion and maybe the petitioner would want to think about it, but if the board was only looking at a total of only 800 sq. ft. more so whether whatever dimension would work he would be willing to go up to 800 sq. ft. and he could maybe come back to the board and say what kind of structure would work for that.

Mr. Quinn proposed to reschedule and he would re-evaluate and he would come back with a smaller size within or less than 800 sq. ft. with a more conventional roof.

Board Member Descamps stated he could tell he was an engineer and it was very well thought out but his suggestion would be to take the neighbors out in the hall and get their input.

Mr. Quinn stated he was not here opposing their property when it was originally put in because they had to have much smaller property sizes at the time.

Board Member Descamps stated he would not have said that since he still had to go talk to them.

Mr. Quinn stated it was just the nature of appointments right.

Board Member Descamps stated the board tries to keep the peace and make sure everyone was happy.

Motion:

Board Member Watriont made the motion to reschedule to June 25, 2014 and the motion was supported by Board Member Descamps. A voice vote was taken on the motion and the motion carried (6-0).

12. PUBLIC HEARING

APPLICANT: Ms. Andrea Anderson

-SPECIAL EXCEPTION-

REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

Same as above.
11451 Garbor Dr.
13-15-426-025
R-1-C

VARIANCES REQUESTED: Permission to -SPECIAL EXCEPTION-

Run a state licensed group day care for up to 12 children, having a caregiver ratio to children of one (1) for six (6) and two (2) for twelve (12) children. With the following requirements:

1. A four (4) foot chain link fence around the rear yard.
2. The home is located more than 1500 feet from any adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act.

Ms. Popovich stated she believed he called and they said that he could send a representative as he was working this evening.

Chairwoman Furgal stated since they were a church she would allow it.

Ms. Popovich stated she was with festival committee and he was working this evening with the Macomb County Correctional facility.

Board Member Watripont asked that he fax something over tomorrow.

Chairwoman Furgal asked that he fax something over to the Council office or to Lynne in building so it could be in the file that it was ok for them to present this item.

Ms. Popovich stated they were asking permission to hold their second annual Serbian Festival for the purpose of promoting their culture and food to the residents of Warren and the community. The church has been located here since the sixties and they held a festival last year and it was quite nice, many of the neighbors and people from the community came. They were having to have parking at the Warren Woods Tower High School as they did last year.

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 Descamps stated that the representatives mentioned that this was to promote the culture and food. What Culture was that?

Ms. Popovich stated it was Serbian and the church has been there since 1960 something.

Chairwoman Furgal stated that the board was familiar with the church and the fence around the church because that the board did grant variances for.

Motion:

Board Member Nestorowicz made the motion to approve the petitioner's request to conduct the annual parish festival on Saturday, September 13, 2014 from 10:00 a.m. to 11:00 p.m. and on Sunday September 14, 2014 from 10:00 a.m. to 10:00 p.m. With removal of signs from the community after the festival and none of them are to be placed in the right-of-way.

Reason being: needs approval of the board.

Board Member Watripont supported the motion.

Chairwoman Furgal also mentioned that all music and rides must stop by 10:00 p.m.

Board Member Watripont	Yes for the reasons stated in the motion.
Asst. Secretary Becher	Yes for the reasons stated in the motion.
Board Member Brasza	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.
Chairwoman Furgal	Yes for the reasons stated in the motion.

15. PUBLIC HEARING

APPLICANT: 14 Mile Storage LLC, A Michigan Limited liability co.

REPRESENTATIVE: Mr. Ken Neiman/Representative
COMMON DESCRIPTION: 2420 14 Mile
LEGAL DESCRIPTION: 13-06-126-004
ZONE: M-2

VARIANCES REQUESTED: Permission to:

Add 25,800 sq. ft. of outdoor storage as per the plan; in addition to the 41,400 sq. ft. of outdoor storage along the west and south property lines. Total of 67,200 sq. ft. of outdoor storage areas as per the plan.

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.

Motion:

Board Member Watripont made the motion to send a letter and reschedule this item to June 25, 2014 and if they are unable to attend they can remove it from the agenda at that time. The motion was supported by Asst. Secretary Becher. A voice vote was taken on the motion and the motion carried (6-0).

Edward Wozniak 32511 Hawthorne Drive appeared before the board and stated that his house abuts the storage facility buildings and he would like to know where the 25,000 sq. ft. they were going add on was going to be. No one said anything to him about it.

Chairwoman Furgal stated it was going to be located on the west side.

Edward Wozniak asked if they were planning to touch the berm or anything in the back.

Chairwoman Furgal said no.

Edward Wozniak continued and said that storage facility wants the extra space, he lives right behind that building that faces there and they have the property that was right in between his fence and the buildings that were terrible. The City talks about blight, they have nothing but weeds in there and they never cut the grass. He has been there since 1971 and he knows what has gone in there and the Council probably would remember some of the woods that used to be there, they tore that down and in ten years they never built one. This was built and they are not taking care of it. That was his thought.

15a (previously item 12)
PUBLIC HEARING

APPLICANT: **Ms. Andrea Anderson**
-SPECIAL EXCEPTION-

REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

Same as above.
11451 Garbor Dr.
13-15-426-025
R-1-C

VARIANCES REQUESTED: Permission to **-SPECIAL EXCEPTION-**

Run a state licensed group day care for up to 12 children, having a caregiver ratio to children of one (1) for six (6) and two (2) for twelve (12) children. With the following requirements:

1. A four (4) foot chain link fence around the rear yard.
2. The home is located more than 1500 feet from any adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act.
3. The home is located more than 1500 feet of any substance abuse treatment facility as licensed under Article 6 of the Public Health Code.
4. The home is not within 750' any other licensed group child care home in existence on the date the application for special exception approval was submitted.
5. Off Street parking is provided in front of the attached garage for up to 2 vehicles.

ORDINANCES and REQUIREMENTS:

Section 4C.07 Group child care homes; districts allowed with approval: Paragraph (a) special exception approval required. A state licensed group child care home which meets all the standards listed below and receives approval of the Zoning Board of Appeals as a special exception pursuant to Article 20, Division 6, Special Exceptions Upon Approval of the Zoning Board of Appeals, shall be permitted in One Family Residential Districts, R-1-A, R-1-B, R-1-C..... Item 1: A mortgage survey, Item 2: Residency, Item 3: Locational criteria, Item 4: Off-street parking requirements.

Section 20.35 Special exceptions defined.

A special exception is where the zoning ordinance permits certain uses that are authorized by the ordinance upon the Zoning Board of Appeals determining that the

use meets the stated conditions for the specified use of the property. Outdoor retail sales, circuses, fairs and carnivals are examples of special exceptions. Special exceptions are not variances and may be temporary, seasonal or permanent in nature as provided by the applicable ordinance provision.

Motion:

Asst. Secretary Becher made the motion to send a letter and reschedule this item to June 25, 2014 and if they are unable to attend they can remove it from the agenda at that time. The motion was supported by Board Member Watripont. A voice vote was taken on the motion and the motion carried (6-0).

Norbert Theisen lives on Garbor, 13337, now she was not here and there are all kinds of different cars in front of that house all the time. Now she has not showed up here. She came into the neighborhood just about a year ago or so into that vacant house and runs a daycare center there but who knows what it would be after that, he does not know. There are all kinds of cars there half the time of people coming and going. What guarantee does he have that she would show up if the board sends them another letter? He would have to come down and go through this again. His time doesn't mean nothing but she can do what she wants to do. He pays high taxes in the neighborhood but he gets nothing to say, he has to put up with what comes. Was that it? That was what it seemed like.

Chairwoman Furgal said no, the board would have to give her a public hearing that was required by law. They need to be here for the public hearing and if she does not show up she would not get her daycare.

Norbert Theisen said she does not care about her public hearing. She does not need a daycare because you do not know what would be in there after, there are no guarantees.

Board Member Watripont this would be rescheduled to June 25, 2014 and if he was unable to attend he could write a letter and it would be read in the public.

Chairwoman Furgal stated she could not promise anything but if she was not here they would probably remove it from the agenda.

Peter Rhinehart 27534 Gilbert Drive at the corner of Garbor asked that the record reflect that there are three people here from the neighborhood that are against this daycare.

16. New Business:

Chairwoman Furgal said there is some new business. She wanted to announce that Caren Burdi called her today and told her that she resigned from the Zoning Board. That was all she knew.

Motion:

Board Member Watripont made the motion to adjourn and the motion was supported by Asst. secretary Becher. A voice vote was taken on the motion and all "Ayes" were recorded. The motion carried (6-0).

The meeting adjourned at 9:12 p. m.

Jean Becher/mmk
~~Caren M. Burdi~~
Asst. Secretary of the Board

APPROVED