

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
June 11, 2014

A Regular Meeting of the Warren Zoning Board of Appeals was called for Wednesday, June 11, 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
Wally Bieber
Jules Descamps, Jr.
Judy Furgal, Chairwoman
Roman Nestorowicz, Secretary
Ann Pauta
Jennifer Vigus
Steve Watripont, Vice Chairman

Members of the Board absent:

Board Member Henry Brasza

Also present:

Roxanne Canestrelli, City Attorney
Everett Murphy, 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

Board Member Brasza were absent.

Motion:

Board Member Watripont made the motion to excuse Board Member Brasza and it was supported by Board Member Descamps.

A voice vote was taken on the motion. The motion carried (8-0).

4. ADOPTION OF THE AGENDA

Motion:

Asst. Secretary Becher made the motion to adopt the agenda and Board Member Watripont supported the motion.

A voice vote was taken on the motion. The motion carried (8-0).

5. **APPROVAL OF THE MINUTES OF the Regular Meeting of May 14, 2014 and May 28, 2014.**

Board Member Becher said there was correction needed for the item on Ten Mile represented by Mr. Tobin. On the first paragraph of Mr. Tobin when he was explaining the location it was typed in as Nine Mile Road and it should say Ten Mile Road. (A review of the audio shows that Mr. Tobin incorrectly stated Nine Mile Road when he was speaking of Ten Mile Road.) This is on the second page of the minutes.

Chairwoman Furgal asked Mr. Watripont if he had another correction.

Board Member Watripont said he did but he could not find it right now. He had it highlighted on his computer screen. He believed it was in the May 28, 2014 minutes.

Motion:

Asst. Secretary Becher made the motion to approve the minutes of May 14, 2014 as corrected.

The motion was supported by Board Member Watripont. A voice vote was taken on the motion and the motion carried (8-0).

Chairwoman Furgal said now the minutes from May 28, 2014.

Motion:

Board Member Watripont made a motion to postpone the minutes from May 28, 2014 to the next meeting.

Asst. Secretary Becher supported the motion. A voice vote was taken on the motion and the motion carried (8-0).

6. **PUBLIC HEARING** **APPLICANT: Zahler Enterprises**

(Rescheduled from 4/9/14 & 5/14/14)

REPRESENTATIVE: Robert J. Tobin
COMMON DESCRIPTION: 3519-3461 Ten Mile
LEGAL DESCRIPTION: 13-19-477-028
ZONE: M-2

VARIANCES REQUESTED: Permission to:

Waive 10,540 sq. ft of hard surfaced off street parking for 3461 Ten Mile.

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (h) Item 23: Required Off-street Parking requirements.

Industrial establishments, including manufacturing, research and testing laboratories shall provide sufficient parking, and in no case shall the area allotted to off-street parking be less than one hundred (100) percent of the total floor area.

Robert Tobin appeared before the board and stated they had attended the ZBA meeting on the 14th of May and now they were back again to represent what he was trying to get approved tonight.

Robert Tobin continued and stated the property was 2.5 acres on Ten Mile Road and zoned M-2. It was a very tight site. The property contains three buildings and there are eight separate tenants in the building. Building A fronts Ten Mile Road was a warehouse of 15,932 sq. ft. the other seven tenant's auto repair shops occupies the other two buildings. His task was to provide outside storage for vehicles to be repaired and vehicles that are repaired and provide separate parking spaces for customers and employee parking. Working with Lynne Martin and Ron Wuerth a solution was created to accomplish this challenge. In the plan an outdoor storage area of 22 x 270 feet along the west property line to store 30 vehicles. Each auto repair shop has been allocated their specific parking spaces by alphabetical letters assigned to their businesses so they know where to go. Therefore, there will be none of these vehicles in spaces allocated for customers or employees parking. The balance of the parking spaces required for customer employee parking has been positioned next to their existing businesses including seven handicapped spaces. He attended the Planning Commission meeting and received approval on February 3, 2014. He has solved the problem of seven auto repair shops by providing outside storage for their vehicles. He has also provided adequate parking for customers and employees parking and has designed a large special dumpster enclosure to clean up having dumpsters all over the place. He designed a very large dumpster enclosure approved by Mr. Wuerth that contains eight required dumpsters for the eight different businesses that are on the site. For the warehouse building A he was only able to provide three spaces in front of the building for customer parking and seven spaces behind the building for employee cars. A total of ten spaces that the owner said were adequate for his warehouse but he did not meet the requirement of the M-2 zoning which of course required him to provide an additional 10,570 sq. ft. Therefore, he was requesting the board to grant permission to waive 10,540 sq. ft. of the balance of the required parking. The hardship was the size and shape of the lot.

Robert Tobin continued and said when he was at the May 14th meeting, during his presentation one of the board members mentioned driving by the site and seeing one of the auto repair shops at 3519 repairing a car in the front yard of Ten Mile Road. He took notice of that and it was also noticed that cars to be repaired were scattered in the employee parking spaces all over the lot. As the site plan showed he has recognized these problems by providing an outside storage area along the west property line for cars to be repaired and have provided adequate parking for employees and customers cars. Since the last meeting Mr. Howard Secora the property manager for the owner has initiated two very important documents that would alleviate all future problems. He introduced Howard Secora the building manager to come and explain to the board what would be done in the future to solve some of the problems that were brought up by the board at the last meeting.

Howard Secora, 37820 Amber Drive, Farmington Hills, MI appeared before the board and stated he was the property manager and has been for the last 25 years. This particular property has encountered some issues that created problems for the

tenants and even the surrounding neighbors. He has taken where one of the specific tenants at 3519 East Ten Mile Road that was the major problem out there, there lease allowed them to do automotive repair and interior auto sales. They took it upon themselves to fill the lot up with vehicles where it was specifically indicated in their lease and zoning was to be inside. Their lease expires on August 31, 2014 and they have a letter of termination for them, which copies were provided to the board. Also he went to all the existing tenants there and had an attorney prepare an attachment to the lease an acknowledgement and compliance agreement that the board also has copies of that first of all recites what was in the lease and that they would comply with zoning and all the ordinances and that they would not do this. Honestly, seven out of eight of them they have never had an issue with. They have been there for ten years. He went around to each one of them again and again there are copies provided that identify with the site plan that Mr. Tobin has with the identification of their specific parking to their agreement that they would park their vehicles in those slots if they have to be stored. The rest was for common area of employees and customers and that was attached to each of their leases. The one serious offender has been terminated by lease and hopefully by adding the thirty spots that were specifically identified for the storage he could accomplish that. He also per doing all this again moved all the dumpsters and they are providing a \$50,000.00 plus dumpster containment area at the rear of the property with a brick poured wall enclosure so that they would all be in one spot. He thinks they have done everything that has been asked of them that they could possibly do to accomplish this, it is a tight site. It is difficult for them as landlords because the bulk of the requests today for leases and he was sure the board probably already knew that when he has a property for lease 95% of the calls are automotive related. When he sits and tries to hold a building for another use which he has done on several of the properties trying to have different stuff, he could sit there for two years. It was a very difficult situation and he has done very thing he could to try and accomplish this and try to make work for everyone.

Robert Tobin stated the young lady that was here tonight that lives behind the property and had requested that two of the parking spaces be removed from along the wall, he has done and has it marked on the revised plan. There are individual signatures of each one of the auto repair shops that has signed it and agreed to that part of their lease.

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. Hearing and seeing none she turned the matter over to the board.

Chairwoman Furgal stated she was looking at the minutes and one of the things that the board asked was that he has the area that says trailer parking removed.

Robert Tobin asked if there was a question about trailer parking at the last meeting, he did not remember that.

Chairwoman Furgal said yes there was and the board has the same site plan as the meeting before but it does not have the two parking spots in the back so it was

slightly different. One of the things was the minutes were very long and there were a lot of things discussed but one of the things discussed was the trailer parking in the back.

Howard Secora asked to clarify and stated back on 4/22/09 he was here and had an approval, it was not for trailer parking, that particular client has a storage container dropped off overnight that they unload and it was agreed at that time that they would remove within 24 hours if not the same day because the trucking company had to come back and get it.

Chairwoman Furgal said she remembered that. The business was an importer of some sort.

Board Member Becher stated she had gone back out there on Monday, just to look again because she had mentioned the people fixing the cars in front of the one place, 3519 and now the big warehouse that was west of 3519 has a handicapped parking space in front of it. There was a car parked in the handicapped parking space with the hood up like someone was working on it.

Howard Secora said he was there simultaneously or directly after her and he saw that vehicle and he went in and found it was customers that opened that hood and went in to have someone look at it. He told the customer he must close that hood and that they could not work on it in that location, but yes, he did see that.

Board Member Becher also asked one of the questions from the last meeting regarding this property was the warehouse and she thought there were five or six employees in the warehouse. The board asked what was being handled at the warehouse and the only answer given was that they had a lot of boxes could he explain the business there.

Howard Secora said that was Michigan Shelf Distributors and they have been a tenant in Warren prior to leasing from him over ten years ago, they specifically install for builders interior shower doors, mirrors and what is called the vinyl shelving that goes in all the closets. They fabricate and install.

Board Member Becher said they fabricate and install, so there was some manufacturing there it was not all warehouse.

Howard Secora said they fabricate being they cut mirrors and counter tops but they do not make them but they fabricate them to size.

Board Member Becher thanked him for his answer.

Chairwoman Furgal said she thought the other question that was in there was regarding the calculations on the parking.

Robert Tobin said that he again came up with, he had seven spaces in the back 63 x 44 making it 2,772 sq. ft. He had three spaces in front which was 31 x 40 therefore

the total was 3,912 sq. ft. and if that was subtracted from 13,923 sq. ft. building A and it leaves you with 10,020 sq. ft. so he was under what he was asking to be waived. The calculations are correct.

Chairwoman Furgal said she thought all of the questions were answered.

Motion:

Board Member Nestorowicz made the motion to grant the petitioner's request to waive the 10,540 sq. ft. of hard surfaced off street parking for 3461 Ten Mile Road and he also wanted to reiterate the condition that all the auto repair businesses were to only use the spaces identified in the plan for their storage of the cars waiting to be services and that no auto servicing was to take place anywhere else on this property other than those spaces as marked.

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

Board Member Descamps supported the motion.

Roll Call:

A roll call was taken on the motion and the motion carried (7-1).

Board Member Nestorowicz	Yes for the reasons stated in the motion.
Board Member Descamps	Yes for the reasons stated in the motion.
Board Member Bieber	Yes for the reasons stated in the motion.
Board Member Pauta	Yes for the reasons stated in the motion.
Board Member Watripont	No, he believes the parking will be a hazard in the future. He thinks it is very tight with the spots that they have.
Board Member Vigus	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.

Chairwoman Furgal said she missed something at the beginning of the meeting in approving the agenda. (Please see Adoption of the agenda for vote results).

7. PUBLIC HEARING **APPLICANT: Mr. Nicholas Lavdas-USE-**
 (Reschedule from 4/23/14)
- REPRESENTATIVE: Mr. Michael Gordon RA
 COMMON DESCRIPTION: 4860 Thirteen Mile
 LEGAL DESCRIPTION: 13-08-126-028
 ZONE: R-1-C

VARIANCES REQUESTED: Permission to -USE-

Expand the Wedding Chapel to include catered receptions that includes liquor license in an R-1-C with a variance for Office.

ORDINANCES and REQUIREMENTS:

Section 5.01 thru 7.01: Uses Permitted in Residential Zones: liquor establishments not permitted or banquet facilities.

Section 13A.01: Uses in "o" Zones: Liquor establishments not permitted or banquet facilities.

Michael Gordon, 4351 Delemere Court, Royal Oak, MI appeared before the board and stated he was there representing Mr. Lavdas who was also present this evening.

Michael Gordon continued and said he wanted to introduce a letter from Wayne Miller the Burberry Condominium Association President and previously he had submitted an agreement between the association and Mr. Lavdas, this was the updated version with corrections. The history of the site as discussed was the underlying zoning being R-C with the Office District. Mr. Lavdas was allowed to be in this district to have the wedding chapel. The other option for the applicant would have been to request a rezoning for the property to zoning that was compatible to the proposed use. However, as in the past the zoning was granted all uses under that zoning would be allowed on this site and would run with the property in perpetuity. The hardship was therefore in serving the best interest of the community was not in going for a rezoning but rather a land use variance. This tool allows the board many options which includes restrictions place upon the hours and days of operation and the capacity of the facility. The land use variance would run only with the present owner and the land use could be subject to period reviews and any violation of the agreement would rescind the variance. This allows for the protection of and for the community beyond what was usual. The property he thought everyone could agree was unique. He would further say that in general has not been detrimental to the community and even with the change would not affect its position in the community. The chapel has had a good track record for a number of years and the proposal would not change the principle function of the facility. It was primarily a wedding chapel first and foremost and it was currently booked almost fully through the year. This proposal would not affect the size of the facility and it would be restricted by the fire code and by practical limitations of 125 in the main space. The change would allow weddings, anniversaries, parties, reunions, committee meetings, and showers with adult beverages. Currently it has been express to the team at the chapel there has been drinking observed on site. As a private facility alcohol can be allowed: wine, champaign, liquor and it was not expressly not allowed there. Even in the rental agreements it states that alcohol will not be present at the events, it is hard to enforce and keep completely off the premises. By allowing the site to have the capacity for banquets, receptions and liquor license the site would have several levels of monitoring and control. The site must be inspected by the health department, the liquor control commission and must be in compliance. On site during receptions a staff member must be present that was TIP certified. If the board was not familiar with what TIP certification was it means those people are trained to manage patrons, monitor behavior and intervene when necessary. Further the police department was only allowed on the site by invitation. Once a liquor license was established the police can conduct random sweeps during events and check the facility to see that it was properly staffed, licenses are on site and properly displayed and they can check ID of both staff and patrons. This really affords a great deal of control and security for

all including members of the community. Further in conjunction with and with several meeting with the Burberry Condominium Association, Mr. Lavdas has agreed to limit the hours Sunday through Thursday: 9:30 p.m. with the gates locked at 10:00 p.m. Friday and Saturday would be limited to 11:00 p.m. with the gates locked at 11:30 p.m. These are the 17 people that are the most affected by this change. Or as included by special notice to the association in agreement those hours could be extended for example on New Year's Eve when they want to run until midnight. Mr. Lavdas would have to get permission from the condo association and they would have to sign off on any rental that would run beyond those hours. Mr. Lavdas has agreed that the wedding chapel would not be physically expanded, there would be no tents or outdoor receptions that would occur in the parking lot. The underlying residential zoning would remain in place and the allowed use would continue only under his present ownership. Again he believes that this property was unique, it is unique that it was an asset to the City, unique that it exists with the cooperation with private individuals and the creative input of the planning and zoning departments and the boards willingness to consider a very unique set of circumstances to allow this chapel to exist. He believes that pursuing any other options would not create the kind of win, win and that granting this use variance would create a win, win situation. A win for the owner, a viable venue servicing the community and expanding service to its neighbors. A win for the community, again a secure regulated site that would be structured and reviewed by several levels by state and local agencies and regulated control and the added level the agreed to provisions that Mr. Lavdas has negotiated with the Burberry Condominium Association. This is a win for the City. A board that was willing to use the tools allowed it to create a unique asset for the City that was tightly controlled and regulated and allows for future use and flexibility down the road. He hopes the board will look favorably upon the request and he would be happy to answer any questions.

Nick Lavdas 3671 E. 12 Mile Road appeared before the board and stated that he was a developer and has been in business in Warren now for almost 40 years. He takes great pride in the city, he grew up here everything he has done he has taken 90% of what he has developed was shut down closed properties or condemned properties. So he takes great pride in what he does and this chapel to him was very, very important. It has won a number one landscape award in the state. He maintains it impeccably. When he heard some of the neighbors had concerns he welcomed them over, anyone that was concerned not only did he notify but also the people live in the association behind the property claim to have gone around and placed notices on mail boxes so that anyone that had a concern would come over so they could talk about it. He wanted to talk about so that he could relieve any concerns. Once they saw the facility, he was not changing the business. He does about 300 wedding a year now and do not hear a peep. He has had occasional private little parties and again no peep. He cannot have wild crazy things there, if anyone here has visited or the association members that did visit can see that it was very pristine and he would never want to have mess in this place and they are very, very meticulous and again it was a wedding chapel. What this was, nothing was going to change than what was going on now. People are allowed, just like your home people can bring beer, wine, liquor to your home for a private party. When they are there they can bring it but he wants to be able to police it. This was not a money issue, there are 300 weddings in

a year and the weekends are jammed for sometimes two years in advance. So it was not like he was going to have big parties. The occasional weekday he was not even sure they would get a party. It was to fill a void but talking to the neighbors that sometimes tell us they are finding liquor bottles in the bushes even though everyday his people go out there inspect the property and make sure everything was clean. If there is gum he makes them take it off the walk. He was redoing the landscaping now in the back and have put in gazebo's and fountains and more waterfalls. His point was he would never do something to hurt the city. This was where he has been and grown up and to hear comments that he was doing this for extra money, if they knew the finances of this, it was not a money maker. Separate from that this was more to police it because even in the contracts it will have it on there if someone gets caught bringing their liquor or sneaking it in that wedding would be terminated. Even with the limousine company, he does not care if you pay for the run if there is a minor and they get caught he terminates the contract on the spot, the same thing would happen here.

Mr. Lavdas continued that this would control him and the neighbors that was why the people living right behind them would have great concern and he totally respects that. They are concerned about having a big party but there was no room. There is no room to expand an inch. He would never expand this place and he was willing to put everything on the record. He did not go for a full rezoning because that would not protect, if they were approved, that wouldn't protect the neighbors and this protects them and all he was doing was tightening up the ship so that now if someone does bring it, it was terminated. He would absolutely patrol it, nothing was going to change it was no different than what he has been doing and what was really troubling was a couple of neighbor's that spoke last week, well if they are so concerned then why didn't they come to the meeting like the other concerned citizens that came to the meeting, spoke their peace. Everything that was requested of him he has given them so that it was on the record and now that the condo association can be enforced by the police. Again he would not, his track record with the city, with is projects he takes great pride in it and he would never ever affect the beauty or the citizens of the community with this wedding chapel and therefore that was why he was willing to put in on the record all the requests so that they were protected and he would have to keep his word and the police could enforce him or the board if he crosses the line anywhere. Thank you for the board's consideration.

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

Mike Satchfield, 30981 Cousino Drive, appeared before the board and stated if the board looked on the map he was probably the closest house to the actual wedding chapel. His back window for his house was about the distance from the podium to the boards desks was where the wall was on the property that people would be walking by at the party or the wedding or anything just to give the board some perspective. He wanted to point out that when talking about the association board, there are only a couple house there, he thinks maybe 17 or 18 properties, there is not really this formal association. There literally is only an association because of the little road that goes behind the place is not owned by the city so the association has to

insure it and the association was there to collect a few bucks a year to plow the road. The letter that was agreed too and was signed, it was appreciated that Mr. Lavdas was willing to work with the neighbors but originally his concern as a citizen was that business as usual that nothing was going to change, Mr. Lavdas said it himself. The business was currently was weddings and they are typically done, he does not spy out his back window but again he can see when they are going on and when they are not, they are done by 7:00, 7:30 p.m. maybe 8:00 p.m. at the latest. His concern was some of things that were written into the minutes talk about things being done at 11:00 p.m. and gates closing at 11:30 p.m. past even 10:00 p.m. which the noise ordinance holds for the City. As a young first time homeowner with a wife that was expecting a baby and more on the way he concerned about possible noise. The other thing that he does not quite understand being a logical person, Mr. Lavdas mentioned his limo business, and how he has strict policies if they are caught with liquor or underage they are booted out of the thing. What he does not understand was why a liquor license was necessary to do that on his own property currently? Currently it is zoned residential and his home is zoned residential, if he has a party at his house and there are people there drinking under the age he was responsible, he would get a ticket or he would go to jail for that. He does not see how having a liquor license or not, that was an independent issue to him at least from his understanding. He is not a lawyer and he was not a police officer but that was something that he would consider. He thinks the liquor can be controlled with or without a liquor license. The other thing that he wanted to state the Mr. Lavdas did state that was true was that it was a very nice facility, he keeps it looking very nice and he appreciates that and he believes that does help all of the home values in a way. He was not sure what having a liquor on an adjacent property does to his home value but he could not think of any reason why it would increase his value, if anything he thinks it would lower it and he does have concerns with that. He walked around one day and talked with all the different neighbors on Burberry, across the street on Cousino, across the street on 13 Mile and there are a lot of families there that are immigrants that maybe they do not understand the zoning and they all got the letter to come but the original date for this meeting was April 23, 2014 and then it was tabled to May 28, 2014 and then it was to tonight. The board was only going to hear from a hand full of people but the people he has talked to there was at least more than four or five that were a little bit concerned with this, he does not know if they were dead set against it or for it but there was nothing and one of the things that struck him in Mr. Lavdas' speech was that this was a win, win for everyone well it was a win if obviously he does not get it rezoned to something commercial and then he could do whatever he wanted but in terms of having a liquor license at receptions that would do nothing beneficial for the neighbors at all. Now the chapel would be open later and people closing their doors and crowds of people coming in and out. He understands that Mr. Lavdas does not plan to expand the wedding hall or anything like that and he appreciates but if it can already fit over 100 people in there, to him that was a pretty big party. He could not fit 100 people into his house, so it was just something else to think about. He also had a letter from one of the neighbors, he does not know what it says they had asked him to deliver it to the board this evening, and it is sealed so he does not know what was in it but he would like to hand it off to do his neighborly duty. He was not dead set against Mr. Lavdas trying to make some money and the board has to look out for businesses and citi-

zens but just him and his wife and kids would not want this at all. Nothing against Mr. Lavdas and he knows he was just trying to business and he thinks he runs a pretty good place over there. There was no plus or pro in it for the neighbors. He thanked the board for their time.

Eilene Burns 30972 Cousino, Warren, MI. appeared before the board and submitted two letters from other neighbors. She continued on and stated she was in opposition to this proposal. The request was for a land use variance with an unnecessary hardship standard that allows the property to be used for a specific use that would otherwise be prohibited in this zoning district. There are five specific criteria: the property could not be used as zoned, that it was not self-imposed, that the property was unique, that it was not a detriment and that it was necessary. She was going to read through the whole thing as she created a little pamphlet and distributed it to the neighborhood so what the board was seeing was a bunch of form letters starting to come through. Property could not be used as zoned. The characteristics of the property were such as it could not be used for any use permitted in the zoning district or could only be used at a prohibited expense and therefore would yield a reasonable rate of return or the characteristics of the property render it valueless or to have distress value for any of the uses permitted by the zoning or the article applies to the property as reasonable and arbitrary or confiscatory. This property is being used as zoned and it has been since it was converted from a residents into the wedding chapel which also required a zone variance and at that time Nick Lavdas promised that would not even ever ask for a liquor license yet here we are. Most weekends, it is a beautiful place, it really is, and most weekends there are weddings hosted sometimes multiple weddings in a day. She does not think it was not being used as zoned so number one it does not apply. With regard to condition two not self-imposed, that says: the condition was not created by the applicant or a previous owner of the property or was reasonable discoverable by the owner. It was completely created that way. The property condition was self-imposed as a residents it turned no profit at all yet Mr. Lavdas insisted on converting it from his residents into the wedding chapel. Upon the conversion into a wedding chapel Mr. Lavdas promised again that he would never pursue a liquor license for this establishment but here we are. It seems to have been a long standing plan. She understands that he was business man and in the business of making money but there are tons of other ramifications here. Regarding condition three that the property was unique, it certainly was unique and has unique physical features and characteristics or the plight was due to unique circumstances of the property and was not due to general neighborhood conditions. The neighborhood around there was lovely and there are brand new condominiums behind the wedding chapel and it fits nicely into the rest of the neighborhood so certainly the property was unique. As unique as each of the other homes in free standing condominiums that border it. The surrounding neighborhood was completely residential on all sides. White Chapel by Lavdas was converted from a residents into a wedding chapel at the insistence of Lavdas and several land use variances were granted at that time to establish the wedding chapel as it is now and the Burberry on site Condominium Complex which comprises the rest of the land of the original residence. Condition four: not a detriment. Granting the variance would not result in a detriment to nearby properties, would not appear an inadequate supply of light or air to the adjacent properties, will not impair property values in the sur-

rounding area, will not alter the essential character of the surrounding area and will not cause public safety concerns. Those last three items are huge. Granting the variance would undoubtedly result in detriment to the surrounding properties. Adding a liquor and catering facilities will not only impair the values of the surrounding area, will only impair the property values of the surrounding area. The character of the serene residential neighborhood would be altered by the increase in traffic and cause public safety concerns associated with parking as well as the serving of alcohol on the property. Additionally, if this were granted there was no safe guard limiting expansion of the wedding chapel by Lavdas. Condition five in order to grant the unnecessary hardship standard was that it was necessary. The land use variance was necessary for the preservation and enjoyment of the property. It was absolutely not necessary. Clearly this property was being enjoyed most weekends, booked how many weddings a year he just stated whatever that number was. It is booked sometimes multiple times in a day. It meets none of the required criteria to establish an unnecessary hardship standard for this land use variance. All five criteria must be met for this zoning ordinance to be approved. According to the preamble of the Warren Zoning Board of Appeals it states a lot of other things but it states that the board's job was promoting and protecting the public health, safety, peace, morals, convenience and general welfare of the inhabitants of the City of Warren by protecting and conserving the character. So, the board is charged with safe guarding the neighborhoods by promoting and protecting the residents. She finds it really difficult to believe that anybody in that surrounding area would voluntarily diminish their property values for the sake of a bottom line of a business. She finds it very hard to believe that anybody would put their loved ones lives in danger at the risk of a drunk driver on the corner every weekend at least for the sake of the bottom line of a millionaire. Do the right thing.

Rich Burns 30972 Cousino, Warren, MI 48092 appeared before the board and stated he lives right across the street from the Lavdas wedding chapel, he moved there in February of 1993 right around the same time that Mr. Lavdas did in fact he believed he was renovating the house at that same time that they moved in. He thoroughly enjoyed the landscape and architecture of the original house and he would like to see it preserved as is and he was grateful for that and the upgraded landscaping. However, Mr. Lavdas came to the board and asked to convert the house to a wedding chapel and at that time the neighborhood said no. He does not remember exactly what year it was but the neighborhood did indeed band together and were very opposed to it. Mr. Lavdas came back and said instead of a wedding chapel what if he asked for light commercial or light office or whatever the exact wording was and the neighbors agreed to that and from there it suddenly became a wedding chapel so he was not confident in Mr. Lavdas' ability to keep his word. He was very concerned about an establishment going right in the neighborhood, right across the street surrounded by residents on every side with a liquor license. He understands that Mr. Lavdas will have TIP certified staff as he believes every bar and restaurant was required to do but he images that every bar and restaurant lets drunk drivers loose at some time they cannot watch everyone. He met a neighbor yesterday that was putting up flyers for a hit and run driver that had run over her brother just down the block from his house just over the past weekend. He can only image with a liquor license that kind of thing might happen even more, he was concerned. He was con-

cerned for property values, safety and as it was now he says he books over 300 weddings a year and many of them spill out onto the streets even with the expanded parking in back. It is often difficult for his teenage children to park in front of their own house the block tends to fill up. He says he would have staff out there to direct traffic and he does not see any changes on that. Bottom line was as a resident living in that neighborhood he has been a Warren resident for 21 years, he just does not want an establishment with a liquor license right across the street from him and he was very opposed to it and he asks the board to consider that.

Victor Sanchez appeared before the board and stated that he was fortunate to live here in Warren Michigan and basically he was an immigrant he came from a Latin country as did his wife and they are fortunate to have young children living here in Warren, Michigan. The issue that worries them was like many of the previous people have said was not the chapel because he thinks it is a great chapel and they are pleased with what Mr. Lavdas was doing but do not favor going for the liquor license. The reason he was worried about the recourse of this was putting this in perspective, let's say something happens like any children get injured or something worse it does not matter the laws that are available, it doesn't matter that Mr. Lavdas would go jail or lose all the money. It doesn't matter anything, nothing going to bring our kids back or cure them or recover them and the only way to avoid that was to stop this in the first place. They say that by having the liquor license they could control better so it really creating crime now in front of the people that he could not control, image in what the liquor license there would be less control. He was a surprised by the fact that a businessman would pursue when it was more of an issues than a gain. He does not think it was a gain for Mr. Lavdas as a business man, he does not think it was gain for Warren and he does not believe it was a gain for the neighbors. It is very important the safety of the children and that was what he wants to make sure. He was opposed definitely to allow that liquor license.

Steve Herrick, 4828 Burberry Drive, Warren, MI appeared before the board and stated he lives in the Burberry complex and he does not want to get the words of condominium twisted they are single family homes, detached. He lives on the cul-de-sac lot and he experiences both traffic pathways within that private road as Mr. Satchfield mentioned earlier that was zoned as a private drive and the residents pay for the all the snow plowing and up keep of the road and the insurance. He experiences all the influx of Mr. Lavdas' business on the wedding days. Every person exits that property differently and they normally zoom around the corner with the combination of personnel coming from Cousino that Mr. Lavdas cannot control that try and cut the light at Cousino and 13 Mile Road. They try and make that L. As previously stated Mr. Lavdas cannot control his liquor situation as it is right now so he thinks a liquor license would impose that enforcement. He thinks it would only double the chances of even more binge drinking that was happening. Mr. Lavdas was already having enforcement issues with his party buses and most of the party buses supply the organization. Mr. Herrick said he was a younger gentleman and he has been part of several weddings and there was pre-drinking that happens on party buses before the weddings. Most people, some of the best men are already loaded before they get there. This was doubling the chances by proposing the liquor license that would continue to increase the alcohol consumption and the risk to the neighbor-

hood around it. Finally, he bought the house and built in 2010 when he came back from Afghanistan and he likes the City of Warren. He grew up in Richmond on 10 acres and he likes being in the City and close by. He loves the new home and the area, he works at TACOM and he would love to stay in the area but if this gets past he would have to double down and really think about selling and he knows there are several other people that live in that Burberry complex that have pretty decent salaries and business that the city would lose in that local vicinity. He asks the board for consideration and he has also mailed in his opposition to the project and hopefully the board has received that and he thanks the board for their time.

Richard Smith from Cousino Drive appeared before the board and stated he has lived there since it was paved and that has been 51 years. He stated there has been discrepancies of descriptions and in understandings as to what Mr. Lavdas intends to do. Unfortunately when there is an establishment that is a wedding chapel people come in and want to toast one another and toast the occasion or whatever, it is against the law and the man is trying to stay legal. If all the board members are familiar with Mr. Lavdas and the City of Warren and what he has done for it, he took that wedding chapel and incidentally my son, God rest his soul, was going to buy that house from Mrs. Hesse back when there was no basement even. Mr. Lavdas put a fortune into that house and made a beautiful addition to the City of Warren. Think, think very hard before you vote on this. Thank you.

Chairwoman Furgal asked if there was anyone else that would like to comment on this item, there were a few letters that needed to read into the record.

Asst. Secretary Becher began reading the letters: To Whom It May Concern, they were writing to officially state their opposition to the recent request for the land use variance by Nick Lavdas. They believe that the City of Warren should not grant the land use variance to expand the wedding chapel to include catered receptions that include liquor license in an R-1-C with a variance for office as requested by Mr. Lavdas which meets none of the stated criteria for the land use variance as clearly outlined in the code of ordinance. We feel this expansion would detrimental to the community surrounding the property largely due to diminished property values and increased concern for personal safety and property. Their home was adjacent to the chapel on the corner lot and have two young children, they are concerned about the increased traffic on the private Burberry subdivision and the concerned about intoxicated persons on and around the chapel property. They want to be able to enjoy their back yard with out loud parties and receptions occurring every weekend. Children should feel safe playing in a back yard. William and Mandy Pantuso.

Several form letters was submitted to oppose the land use variance and were signed by Richard Wilkerson, Richard & Elenore Bryons, Lillian Voss, Harold Stillman, and Helen Wycanziak. In addition another letter dated April 23, 2014 was submitted by Teresa Strong said she agreed that Mr. Lavdas was granted this variance for reception that includes a liquor license. Mr. Lavdas should be in control of the liquor on the premises. She lives at 4737 Bates Drive and her backyard allows a view of the White House Wedding Chapel. It is beautifully maintained and there have never been any problems or incidents.

Another Letter dated June 6, To Whom It May Concern, he was in favor of Mr. Lavdas zoning request including the request for a liquor license. He was the President of the Burberry Condominium Association. Mr. Lavdas has been very helpful in addressing any concerns he may have had and he believes Mr. Lavdas would be better able to regulate any drinking that happens on the since he would now be subject to all of the rules and regulations any establishment that holds a liquor license. He believes this makes the neighborhood safer for this reason. Wayne Miller.

Chairwoman Furgal stated hearing or seeing no other comments from the audience she would turn the matter over to the board.

Asst. Secretary Becher said that while sitting here listening to a lot of this she had a question for the City Attorney. The petitioner has requested that if the board grants this request that they approve it only for the time that Mr. Lavdas owns the property and runs the wedding chapel but if for some reason he sells the chapel or gives it to someone else she does not believe the board can restrict the approve to him because the vote goes with the land. It was not a valid argument would it?

Roxanne Canestrelli, Asst. City Attorney said that was correct it would run with the land.

Board Member Nestorowicz stated after listening to all the neighbors and the applicant he agreed it was a beautiful business there on 13 Mile, however he did not see where the applicant has demonstrated the criteria as needed to get this approved. Even as the applicant talks about can the property be used as zoned technically put it used to a residential house and it could be a residential house, it was used as a wedding chapel and the applicant themselves said they have over 300 weddings, therefore they were able to use it. When they say it was not self-imposed, they did actually impose it themselves, when the property was a large property he subdivided it and built the condo's there and brought the business there and indicated that he would never ask for a liquor license and started running a business and now he was back here. Was the property unique? There is nothing actually unique about this property compared to any of the residential properties in that neighborhood. Talk about it being a detriment, having an establishment with a liquor license with no buffer zone nothing separating them from the subdivision that would be considered in his opinion at least to be a detriment to the neighborhood. Was it necessary? He did not think it was necessary for the enjoyment of the property. They use it as the wedding chapel and they said they book over 300 weddings there so it would seem a liquor license was not necessary. He is not in favor of this.

Board Member Watripont stated one of the items he heard from those that were in favor of it was the fact of controlling the liquor. As the owner of the property that was his responsibility anyway to control the liquor. He agreed with everything that Mr. Nestorowicz said and he had all of that written down on his notes as well and he was not in favor of this.

Board Member Pauta stated that Mr. Lavdas has always been a professional law abiding business person in this city and she has never seen him go out of line for any reason whatsoever and she was very familiar with the property and thinks he was trying to get it better organized and under control for the safety of the neighbors and she would not condemn him for that. She thinks this should be granted because it would be a benefit to everyone. He would be able to like he said call the Warren Police Department and they could come in and correct any wrong doing that may happen. She has never seen or heard of any wrong doing on this property and she does not think there is. Mr. Lavdas was a very honorable man.

Board Member Watripont said he did not know if the record shows that Mr. Brasza showed up at 8:03 p.m. just as the presentation was starting and he would like clarification from the City attorney whether or not Mr. Brasza should vote on the item.

Roxanne Canestrelli stated it was her understanding that he was also present at the first time this item was on the agenda was that correct?

Board Member Brasza said he was here when it was postponed previously.

Roxanne Canestrelli asked if he heard the entire item at this meeting.

Board Member Brasza said he had not heard the entire item that was the question. He came in at the point that Mr. Lavdas was speaking at that time.

Roxanne Canestrelli said no he should not vote because he had not heard the entire conversations that were on the record.

Motion:

Board Member Nestorowicz made the motion to deny the petitioner's request.

Reasons being the petitioner did not demonstrate all the following criteria to establish the hardship needed for a use variance. 1) The property could not be used as zoned. This property was currently being used as zoned and has been for many years. 2) Being not self imposed. The applicant did impose the conditions upon himself when he started the business and the way he developed the property. 3) The property being unique. The unique property was not any more unique than any of the surrounding homes in the neighborhood. 4) Not a detriment. Having a use variance granted would be a detriment to the neighborhood and would impact the surrounding neighbors negatively and 5) that it was necessary. By the applicants own admission of how successful the wedding business was this liquor license would not be needed to actually be able to enjoy for the preservation and enjoyment of the property.

Board Member Watripont supported the motion.

Roll Call:

A roll call was taken on the motion to deny and the motion carried (6-2).

Board Member Nestorowicz	Yes for the reasons stated in the motion.
Board Member Watripont	Yes for the reasons stated in the motion.
Board Member Bieber	Yes for the reasons stated in the motion.
Board Member Descamps	No, he thinks it would be beneficial to the area.
Board Member Pauta	No, she believes this should be approved for Mr. Lavdas because he was not changing anything except to get housekeeping done.
Board Member Vigus	Yes for the reasons stated in the motion.
Chairwoman Furgal	Yes for the reasons stated in the motion.
Asst. Secretary Becher	Yes to deny she thinks it is a definite detriment to the area and self-imposed hardship.

8. PUBLIC HEARING
REPRESENTATIVE: **APPLICANT: Mr. David E. Zakrzewski**
COMMON DESCRIPTION: Same as above.
LEGAL DESCRIPTION: 30527 Dell Lane
ZONE: 13-07-202-020
R-1-B

VARIANCES REQUESTED: Permission to:

Construct a 8 foot x 12 foot = 96 sq. ft. shed to no less than two (2) feet of the side (west) property line into the side yard.

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.

David Zakrewski 30527 Dell, appeared before the board and stated he wants to build a shed in his back yard and when he went to the building department they told him that the shed has to be even with the back of the house and he would like to put it as far back into the southwest corner of the lot to maximize the use of his back yard. Eventually he has an idea where he would like to put a pool in and having a shed in the middle of the yard would block any chances of doing that.

Chairwoman Furgal stated this was a public hearing was there anyone in the audience that would like to comment on this item. Hearing and seeing none she would turn the matter over to the board.

Board Member Becher said she noticed that he was right behind Pearl Lean School and that there was a utility pole in the back corner of the lot.

David Zakrewski said there was a mistake on the paperwork here, it would actually be 2 feet from the south and about 11 feet from the Pearl Lean fence.

Board Member Becher said ok, but he drew this and he did not give the board a survey like the mortgage survey.

David Zakrewski said he does not have a mortgage survey because he paid cash for the house and that was why he drew it. He was a landscape architect.

Board Member Becher said she was try to go with this since there was a light pole back there, an Edison pole back there she was assuming there was an easement in his back yard. The thing of it was even if the board gave permission for this was he sure he was not on the easement for the utility company.

David Zakrewski said he was not sure but it was eleven feet from the fence and two feet from the neighbor's fence.

Board Member Becher said she was not worried about his fence line she was worried about the easement line that she does not know where it is because he did not give her that information. If he builds it there and for some reason they come in to do something Edison can tear the back of the shed down or tear the whole thing down if he is on their easement. That was the point she was trying to make. She has no problem with him putting the shed there but she wants him to be aware of the easement.

David Zakrewski said ok, four doors down was the exact same shed existing that he wants to put in, that was where he got the idea and it is in the same location in their yard as he was requesting for his.

Everett Murphy, Zoning Inspector said that Lynne Martin said there was a six foot easement in the rear and he was beyond the easement by four feet.

Board Member Watripont said for the record he would like to correct what was read as it was 96 sq. ft. not 97 sq. ft.

Motion:

Board Member Watripont made the motion to approve the petitioner's request to construct an 8 foot by 12 foot shed no less than 2 feet from the south property line and 11 feet from the west property line.

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

Board Member Brasza supported the motion.

Roll Call:

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

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.
Board Member Descamps	Yes for the reasons stated in the motion.
Board Member Pauta	No because the plan was incomplete and the board does not know what the size and shape of the lot was.
Board Member Bieber	Yes for the reasons stated in the motion.
Board Member Vigus	Yes for the reasons stated in the motion.

residents that have reserved parking. The residents do not have garages or drive-ways they simply have parking lot with reserve for spots for the residents. If people travel south on Lorraine before they get to the church she was concerned that they would pull into the association, there are two parking lots there and that those attending the festival will use it as overflow parking. She wondered how this could be controlled to keep the fair people out of their parking lots.

Chairwoman Furgal said hearing and seeing no one else she would turn the matter over to the board.

Chairwoman Furgal asked the petitioner if he could make arrangements to make sure that the festival people did not use the condo's parking.

Mr. Khalil said yes, they have in excess of 300 parking space on the parking lot and the area that he was using was very small so all the parking was available for the people that come to the festival and he would make announcements and see to it that no one goes to the condominiums next door.

Chairwoman Furgal said it would be wise to have someone there to make sure there was no festival parking.

Mr. Khalil said he would do that.

Board Member Descamps said the petitioner requested the festival to 11:00 p.m. and the thought pattern on that was the music must stop at 10:00 p.m.

Mr. Khalil said the music would start about 3:00 p.m. in the afternoon but around 9:30 to 10:00 p.m. there would be no more music. It was being done at certain times like a couple hours of music and then a long break by the time he reaches 9:00 - 10:00 O'clock the music was no longer needed.

Board Member Descamps said the board's request was that the music end at 10:00 p.m. for the neighbors. He did not have to end the festival until 11:00 p.m.

Board Member Watripont stated his concern was the way it was laid out on the plan, would that conflict with the parking?

Mr. Khalil said no it would not. The booth and activates are being placed on the west side of the church and all the parking is on the north side and the east side and the south side and like he said before it was in excess of 300 places for parking.

Motion:

Board Member Nestorowicz made the motion to approve the petitioner's request to conduct a church festival as follows: Saturday July 26, 2014, 11:00 a.m. to 11:00 p.m. with the music stopping at 10:00 p.m. and Sunday July 27, 2014, 1:30 p.m. to 9:00 p.m. and that one of the church volunteers patrol just to make sure that no one parks in the condo association parking lot.

on trucks. He would repair and change tires with an iron tiremen and replace air filters and repair and replace alternators, diagnosis replace and repair electronics, install communications equipment and install safety equipment required by the state of Michigan in his trucks and he would vacuum and clean the cabins of the trucks. He presently has business arraignments to get the six trucks to the property and he would construct the building according to the drawing that the board has that shows that it was to be purchased from Lowe's. It was a self-constructed building that he could put on the property and put up very easily. Mr. Cehajic could describe what he operation was.

Asim Cehjic appeared before the board and stated he was the property owner of 21329 Groesbeck and right now he was located in Chesterfield Michigan and he wants to build a pole barn 34 x 34 and do minor repairs in it and not do anything major in it and in the next five years he would install the sewer and electrical and all the stuff that needs to be properly installed.

Kerm Billette stated there was electric available to the building that was the only utility. The electric pole was right in back of the building that was proposed.

Chairwoman Furgal asked him to talk about the outdoor storage. He requested two things, put up a pole barn and have outdoor storage.

Kerm Billette said the outdoor storage would be for the six trucks on gravel. At this time the entire lot has been gone over one time with gravel and it needs to be reconstructed because there are some holes and lumps there have to be ironed out and some fill brought in but the building would be constructed seven feet from the west property line and he believes five feet from the north property line. There is an easement on the west side that serves the furniture company next door.

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

Everett Murphy, zoning inspector appeared before the board and said he was a little concerned as he did not know that this would be on the agenda until he read it tonight. He wants to do an automotive repair in a building that had no sanitary or water or sewers. He has been told that he would not get an occupancy permit so he can't. He was not sure what he wanted to do with the building in the mean time because he would not be able to use it. He just sees this as an enforcement issue and he wanted to make the board aware of that.

Chairwoman Furgal asked if there was anyone else that wished to comment.

Asst. Secretary Becher said she had a letter from a neighbor. Regarding property at 21329 Groesbeck Highway Zoning Appeal. The property listed was adjacent to his property and business and his concern was water run-off. The previous owner of 21329 raised the property without permits and a crushed concrete yard was a few hundred feet away. By bringing in crushed concrete years ago so they could drive vehicles on the property. This made the property higher than his causing his proper-

ty to have water almost constantly under and in his parking lot which causes damage. He has e-mailed complaints to the building department regarding the crushed concrete raised lot and non-conforming lot usage several years ago. The building department eventually came in and hauled away all the junk cars and cut down all the weeds. The property to the south Gardner White floods badly whenever it rains. The water travels through the alley, utility easement out to Groesbeck. It was so bad the last several days it actually looked like a small creek with a 6 to 10 mph current. The creek flowed for more than 24 hours the last rain fall we had. Some of you may or may not know the water makes it way to the Northwest corner of Groesbeck and 8 Mile Road which has standing water, sometimes disabling one and two lanes of traffic right turn lane every time it rains. The water table being high in this area and lack of proper development by the City of Warren to address the problem it seems to only get worse. His only hope was this appeal process has required the petitioner to submit a topographical survey and has submitted properly engineered plans to drain his property properly into storm drains and that the current storm drains are designed to handle the increase capacity. Rich Bewick.

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

Chairwoman Furgal said the board occasionally lets people have gravel parking lots however, they are always required to have proper drainage. Which would mean that he would have to put the sewers in and that sounds like that was not what he wanted to do here.

Kerm Billette said he really did not know the history of the property or the amount of the run off there was from the property.

Chairwoman Furgal said no, he does not even want to put a sewer in for the building so why would he put one in for the parking lot.

Asim Cehajic said he would do that in the future, five years or sometime.

Asst. Secretary Becher said she would like to know if this has been to the engineer's office at all.

Kerm Billette said no he has not talked to the City Engineer.

Asst. Secretary Becher said she did not think they could do anything without an engineer's approval.

Board Member Brasza said perhaps he would like to withdraw it and talk to the Engineering Department.

Chairwoman Furgal asked if he would like to reschedule or withdraw because he needed to figure out how he was going to do this because the board could not grant variances for drainage. They could allow parking and gravel but they could not grant variances for the drainage he would have to have that.

all at one time. His request was to allow the parking to move out toward 10 Mile and to allow less parking than the square foot requires. The building needs to be higher than the requirement of 30 feet and he would like 35 feet because some of the equipment was tall and the way the equipment was packaged it puts it on a mezzanine like. Those there the requests and he worked with Planning Director Ron Wuerth on the parking and the whole project. He thinks it is a good addition to Warren because they are staying here and adding employment and adding building space. This allows them to also make different products. He would be happy to try and answer any questions.

Chairwoman Furgal stated this was a public hearing was there anyone in the audience that would like to comment on this item. Hearing and seeing none she would turn the matter over to the board.

Board Member Watripont asked on the largest shift how many employees would be there at any one time.

LeRoy Stevens said his largest shift would be during the day time and there would be about 75 employees in the plant and about 15 in the office. There would be about 90 employees there and there are about 112 parking spaces there.

Board Member Watripont said there would be no customers coming in groves or anything.

LeRoy Stevens said no, there was no sales there at all. The process was since they were really building more production you can see the loading docks on the side. All the products are frozen and goes to a cold storage building in different areas around the country.

Board Member Watripont asked if any of the cold storage buildings were in Warren.

LeRoy Stevens said no but the product could be purchased at Gordon Foods.

Board Member Vigus asked for a point of clarification, on the application paperwork it says the height requested was 36 feet. On the agenda it says 35 feet and he spoke 35 feet could he confirm that it was 35 feet and not 36 feet.

LeRoy Stevens said no he would like 36 feet.

Chairwoman Furgal said that was a problem.

LeRoy Stevens said on the City paperwork it says 35 feet. He thinks in the application it said 36 feet.

Board Member Vigus said correct but he spoke 35 feet so she needed to clarify for herself.

LeRoy Stevens said to be very honest he did not know if a foot one way or the other made a huge difference so if it was published at 35 feet then he would go with 35 feet. He would just note on his paperwork and when they submit the drawings to building department he would submit them at 35 feet.

Motion:

Asst. Secretary Becher made the motion to approve the petitioner's request to waive 48,346 sq. ft. of required hard surfaced off-street parking, to hard surface to no less than 15 feet of the front 10 Mile property line and allow a building addition with an overall height of 35 feet.

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

Board Member Bieber supported the motion.

Roll Call:

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

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

LeRoy Stevens asked if he needed over 35 feet could he come back and ask for just that one, he thinks it would be ok but just in case.

Chairwoman Furgal said yes and it would just need to be published.

12. PUBLIC HEARING
REPRESENTATIVE: **APPLICANT: Sitto Building & Engineering-USE-**
COMMON DESCRIPTION: Mr. Larry Merogi
LEGAL DESCRIPTION: 6767 8 Mile & 6760, 6768 and 6776 Rivard
ZONE: 13-33-457-013 & 13-33-457-003, 004, 005
 M-2 & R-1-P

VARIANCES REQUESTED: Permission to -USE-

1. Allow outdoor storage for trucks and equipment on R-1-P lots to the front property line on Rivard as per the plan.
2. Allow hard surfacing to the front property line on Rivard for parking and outdoor storage as per the plan.
3. Waive 7,176 sq. ft. of required off street parking as per the plan.
4. Allow a 6 foot high fence in the front setback on Rivard as per the plan.

5. Waive required and greenbelt/wall.

ORDINANCES and REQUIREMENTS:

Section 8.01 Paragraph (b): Uses permitted. In all R-1-P Districts, no building or land, except as otherwise provided for, shall be erected or used except for one or more of the following specified uses: (a) residential dwellings (b) Parking of private passenger motor vehicles as prescribed in Article XVI.

Section 17.02 Paragraph (s): Open storage other than junk. All open storage shall be located in a designated area approved by the Planning Commission, shall be screened from the public street and any residential zones area, shall not be in any required parking.. Further, shall not be closer than seventy-five (75) feet to the front property line.

Section 17.02 (c) Greenbelt: Along all zoning district boundary lines which border on a more restrictive zoning district.

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

Section 8.05 Front setback: Each lot in R-1-P Districts shall have a front yard of not less than twenty-five (25) feet.

Section 4D.39 Wall/fence location non-residential: Shall not extend closer to the front lot line than the established building line or front setback line.

Section 2.26 Greenbelt (a): An 8 foot greenbelt shall be required and a decorative masonry wall may be substituted for required greenbelt.

Mr. Sitto, 19255 Red Maple Court, Southfield, MI appeared before the board and stated he was purchasing the property as a warehouse and he was asking permission to be able to use the parking area in the back that was zoned now R-1-P for periodic storage of his construction bobcat, trailer and truck. Once in wile he would need a place to keep them and that was all that he was asking. The other items like the hard paving he did not have to do if it was requested. It was a well graded stone parking lot and he does not mind keeping it like it is. There is an existing chain-link fence that was in very good shape with a gate, and automatic gate and he would like to keep that if possible also.

Chairwoman Furgal stated this was a public hearing was there anyone in the audience that would like to comment on this item. Hearing and seeing none she would turn the matter over to the board.

Chairwoman Furgal said he had asked to allow hard surfacing to the front property line but he did not ask to use gravel. He put hard surfacing so the board could not grant gravel if he did not ask for it.

Mr. Sitto said the planning department had told him if they were granted they would have to do the hard-surfacing so either way was fine, if he has to he has to that was fine.

Board Member Nestorowicz said when he saw the property had no problems with most of the items he was asking for but the one item that was one of his pet peeves especially was where he was asking to waive the greenbelt or wall. He knows there is a chain-link fence there but there are homes on the other side of Rivard and even

though the homeowners might not be here, a homeowner he does not think wants to look through a chain-link fence looking at the storage of the vehicles he had. He has no problem with #1-4 but the greenbelt/wall was the one he was having a hard time letting go.

Mr. Sitto said he agreed with him and had no problem with that.

Board Member Nestorowicz asked if he would have any problem putting a wall in.

Mr. Sitto said he would not have a problem.

Chairwoman Furgal stated the board was removing item #5.

Motion:

Board Member Nestorowicz made the motion to approve the petitioner's request as follows:

1. Allow outdoor storage for trucks and equipment on R-1-P lots to the front property line on Rivard as per the plan.
 2. Allow hard surfacing to the front property line on Rivard for parking and outdoor storage as per the plan.
 3. Waive 7,176 sq. ft. of required off street parking as per the plan.
 4. Allow a 6 foot high fence in the front setback on Rivard as per the plan.
- But the board was removing the request to waive the greenbelt/wall.

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

Board Member Bieber supported the motion.

Roll Call:

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

Board Member Nestorowicz	Yes for the reasons stated in the motion.
Board Member Bieber	Yes for the reasons stated in the motion.
Board Member Pauta	Yes for the reasons stated in the motion.
Board Member Descamps	Yes for the reasons stated in the motion.
Board Member Vigus	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.
Asst. Secretary Becher	Yes for the reasons stated in the motion.
Chairwoman Furgal	Yes for the reasons stated in the motion.

13. PUBLIC HEARING

REPRESENTATIVE:

COMMON DESCRIPTION:

**APPLICANT: Mr. Avian Yousif –
A & J Cycle Shop**

Mr. Aivan Yousif/Mr. Paul Saad
Mr. Kerm Billette PCP
3731 Ten Mile

LEGAL DESCRIPTION: 13-19-477-036
ZONE: M-2

VARIANCES REQUESTED: Permission to

Operate a used motorcycle business inside of an industrial building that is too close to an auto repair facility to the east of the property and an auto repair/used car sales 513 ft. across Ten Mile as per the plan.

The business works with bank owned, repossessed motorcycles that will be sold on the internet with the motorcycle being picked up at this location. There will be detailing of the motorcycles inside the building. No display of motorcycles will be outside the building.

ORDINANCES and REQUIREMENTS:

Section 15.01 (e) (2): Location criteria shall be 700 feet from the property line of any other site with an existing used car lot or the site of a proposed used car lot subject to review for approval. The site must be located more than 200 feet from the nearest lot line of a site being used for the following purposes: auto repair....

Kerm Billette appeared before the board and stated that he was here representing A & J Motorcycle Apparel and Shop but the property was part of a larger number of shops he believes ten units in the Ryan Road development that this was one unit of the ten. The rest of them he thinks there were five of them occupied and four vacant. This proposed use would be for a motorcycle shop that would not repair but only take new motorcycles and fit them with inspections for sale to people. There is no outdoor advertising and no outdoor repair, no repair on the property. The only advertising was if they drive their own motorcycle and park it in front of the building. The proposed use was one of potential uses in there and he believes the requirements made by the planning department in the submission of the application to the planning commission for site plan approval, there were several item based on the drawing that he submitted that required improvements to the property. One of them was the elimination of the driveway that goes from 10 Mile Road on to the farm market produce stand and sales next door. There were about three other things, one was a one way drive around the property, elimination of parking by adjacent neighbor and the provision for the he thinks the north end would be one way toward the back of the property and the inside driveway would be for going north from 10 Mile around to the back of the building. Both petitioners are here to describe what their use was for the property.

Avian Yousif, 30415 Kelsey Drive, Warren, MI and Jennifer Fabriketich, 7511 State Park, Centerline, MI both appeared before the board.

Avain Yousif stated they would like to use the property for his business which he has been doing for a very long time but it has expanded so big that he needs a space to do this. He works with high end dealerships and cater to very selective clients. These are people that look for very specific motorcycles and he deals with banks and reprocessed motorcycles. The bikes that he brings in are pretty much turnkey and ready to go, the only thing he does to them are take pictures and advertise on the internet which all of the business was through the internet. The only thing that he would be doing at the shop was detailing, clean-up bolt on items if they need them

other than that it mostly just storing them there while being passed to the next owner. Not too many customers come over to pick up their bikes. He found out that he has to deliver them himself. The only thing that would be parked outside were their two vehicles and they have one trailer that is unmarked 6 x 12 size.

Chairwoman Furgal stated this was a public hearing was there anyone in the audience that would like to comment on this item. Hearing and seeing none she would turn the matter over to the board.

Chairwoman Furgal said Mr. Billette was talking about the driveway to the farm market and she did not think it had anything to do with him.

Avian Yousif said no it really didn't have anything to do with him it was just certain things that the planning department put on as a requirement for their approval if the board of appeals saw fit to approve the property for the motorcycle sales with respect to the repair shop that was out in front on 10 Mile and the used car lot down the street on 10 Mile Road that these are too close to the property and according to the ordinance it was to be separated by 400 or 500 feet.

Chairwoman Furgal said yes that was the variance he was asking for but Mr. Billette was talking about driveways and that confused her. She did not see any point in that personally.

Kerm Billette said those were only requirements that Ron Wuerth would put on the site plan.

Chairwoman Furgal said it was very inconvenient because the way this works now, and this was a personal opinion and it has nothing to do with his item but it was annoying because she shops at that little market all the time and it was a lot easier to go in there than the other place and then the traffic it is in and out and they only have one driveway for the farm market instead of two.

Kerm Billette said the farm market has three driveways one to the far west that goes to the house and the property. One that goes to the north and the industrial building in back of it and the front drive.

Chairwoman Furgal said the one in the back, people that shop there do not use it.

Kerm Billette said the back driveway to the north was about halfway across the property and goes into the industrial district.

Chairwoman Furgal said people that shop at that market do not use that driveway, the one in the back, anyway she was just complaining.

Board Member Watrion said it was his understanding that there are no repairs of motorcycles here.

Avian Yousif said no sir, just some minor bolt on or wheels replaced to custom wheels. Full inspection of the motorcycle before it was delivered to the customer.

Board Member Watripont said just tightening of bolts and stuff and he would not have customers in and out unless someone does come pick it up.

Avian Yousif said very rarely, he offers deliveries and everyone that was buying a \$40,000.00 custom motorcycle they are scared to even touch it. They just want to sit on it, he just delivered one Saturday and he had to put it in the guy's living room. Honestly he deals with Ducati's and Benelli's all high end motorcycles, Confederates which are \$130,000.00 motorcycles, people buy them just to look at them and the wives get very upset.

Board Member Watripont asked if they would be stored inside.

Avian Yousif said everything was stored inside he could not afford to have them outside.

Board Member Bieber asked the petitioner how many bikes he would have in his shop at one time, what was the most.

Avian Yousif said ten to twelve and half of them he owns. There was a turn over all the time, he could not afford to buy them all at once so he works with the banks he deals with put in orders and put them on hold if there are customers looking for them.

Motion:

Board Member Brasza made the motion to approve the petitioner's request to operate a used motorcycle business inside an industrial building that was too close an auto repair facility to the east of the a property and an auto repair used car sales 513 feet across 10 Mile as per the plan on the condition that there be no display of motorcycles outside of the building.

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

Asst. Secretary Becher
Chairwoman Furgal

Yes for the reasons stated in the motion.
Yes for the reasons stated in the motion.

14. PUBLIC HEARING **APPLICANT: A & J Properties LLC-USE-**
REPRESENTATIVE: Mr. Abdul Hijazi
COMMON DESCRIPTION: 11526 Ten Mile
LEGAL DESCRIPTION: 13-27-231-031
ZONE: C-1

VARIANCES REQUESTED: Permission to:-USE-

1. Allow a secondhand/resale store in a C-1 Zones tenant space as per the plan.
2. Allow a secondhand/resale store adjacent to residential at the south and west.

ORDINANCES and REQUIREMENTS:

Section 14.01 Uses permitted in C-2 (r): Pawnshops and secondhand dealers shall be permitted if the following locational criteria complied with:

1. The site for a pawnshop or secondhand dealer shall be located more than five hundred (500) feet from the following zoning districts: R-1-A, R-1-B, R-1-C, R-1-P, R-2, R-3A, R-4, or R-5; and
2. The site must be located more than one thousand (1,000) feet from a site having a pawnshop or second hand dealer designation under this ordinance or further than one thousand (1,000) feet to the property line of any public or private educational institution licensed by the State of Michigan to provide instruction for any grade level, kindergarten through twelve (12), inclusive...

Abdul Hijazi 13546 Braun Drive Sterling Heights, MI appeared before the board and stated he has been in business in the City of Warren for 34 years and finally started getting a little better at commercial retail and Mr. Novak has been in the business for 20 years doing office help and internet so he decided to open a space at 10 and Hoover for a thrifty store and he was surprise when he applied of an occupancy permit and they said he would need C-2. He keeps his plaza in a good condition, fix-able condition and the business he was surprised himself really it was not like a garage sale or used stuff that was outside in a garage, it was very unique business and good condition stuff and organized. He provided pictures to the board. He was hoping to keep the business in the City of Warren and he needs people like Mr. Novak so he can stay in business too. Thank you for your help.

Chairwoman Furgal stated this was a public hearing was there anyone in the audience that would like to comment on this item. Hearing and seeing none she would turn the matter over to the board.

Board Member Nestorowicz asked the petitioner if he planned to put any items in front of the space outside like on the sidewalks or anything like that.

Mr. Novak said no sir, all in the store, nothing displayed outside at all.

Board Member Watripont said the one thing he saw and he knows most of the board have not seen the pictures yet, the one thing he noticed in the pictures was the posting in the windows and all the advertising and things like that in the windows he was

really discouraged by that part of it and he would let everyone else look at the pictures and give their opinion.

Mr. Hijazi said he believes he asked about that and that anything inside the store was allowed as long as it was not outside the window.

Asst. Secretary Becher said that was true.

Chairwoman Furgal asked if these were pictures of the current store.

Mr. Novak said yes ma'am.

Chairwoman Furgal asked if this was where he wanted to put it or where he wanted to move to.

Mr. Novak said this was the place that the store was at right now.

Asst. Secretary Becher noticed by reading the signs that he takes things on consignment. Was that all he did, he was not a pawn broker correct?

Mr. Novak said correct. Just consignment, 60 day consignment.

Asst. Secretary Becher asked what happens after 60 days.

Mr. Novak said after 60 days they call the customer and they can either come pick it up or he just donates to Good Will or something like that to remove it from the store.

Board Member Descamps said for clarification he would not be loaning money to anybody dropping things off.

Mr. Novak said no sir, nothing like that.

Chairwoman Furgal stated she was just reading the second ordinance requirement and told Everett Murphy she did not understand why the 1,000 feet from a pawn shop was brought up or the school.

Everett Murphy said he thought Lynne Martin was just publishing the ordinance itself because it was the whole ordinance.

Chairwoman Furgal said ok because she didn't see where those things applied to this.

Everett Murphy said he was not aware of any of those applying either.

Motion:

Board Member Bieber made the motion to approve the petitioner's request to allow a second hand or resale store in a C-1 zone tenant space as per the plan

if that makes any sense. He was not going to have a bar there they were going to have a religious center.

Chairwoman Furgal stated this was a public hearing was there anyone in the audience that would like to comment on this item. Hearing and seeing none she would turn the matter over to the board.

Asst. Secretary Becher asked the petitioner if the religious center would be holding religious services there.

LeRoy Stevens said it was really more educational but they would probably have some religious services during the education he would believe.

Asst. Secretary Becher said so it would be some sort of catechism or something like that.

LeRoy Stevens said yes.

Asst. Secretary Becher said and they want to extend the building north, when she was looking at the building the other day the back of it has a cooler and a storage unit and he wants to build around it, was he going to be taking those off the building.

LeRoy Stevens said yes those would be removed, it was an old cooler for the bar and some kind of bottle storage so that would be taken off and he would be building a permanent building.

Asst. Secretary Becher said ok so he was not going to incorporate those things in it.

LeRoy Stevens said no.

Asst. Secretary Becher said she was really, really curious about that. Outside of the fact that many, many years ago she had her first legal drink in that establishment.

LeRoy Stevens said he would be remodeling the existing building and those item would be removed before construction of the addition.

Board Member Watripont said Mrs. Becher could go get wine there now.

Motion:

Board Member Descamps made the motion to approve the petitioner's request to convert an existing commercial building into a religious center that was built to the east property line and no less than 20 feet from the front property line.

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

Board Member Bieber supported the motion.

Roll Call:

Section 4A.35 Paragraph (b): One freestanding on-premise sign or advertising display of a size not exceed seventy five (75) square feet shall be allowed.

Section 4A.35 Paragraph (c): Total wall signage of a size not to exceed forty (40) square feet shall be allowed.

Patrick Bell with Tim Horton's 565 East Grand River Ave, Brighton, MI appeared before the board and stated he was requesting a few variances for the proposed redevelopment of the former Dillard's Tavern into a Tim Horton's Café and Bake Shop. The first variance was to allow for a drive thru restaurant at the intersection with two curb cuts. The ordinance states that drive thru restaurants cannot be located within 200 feet of an intersection and only one curb cut was allowed for properties less than 150 ft. width. While the site was at the corner and only approximately 141 ft. in width he has combined the two existing and separate curb cuts on Mound Road into one right in and right out curb cut and pushed that as far he could from the intersection. He also pushed the curb cut on Elmgrove as far as he could from the intersection. This allows for maximum turning movements and traffic flow and he believes it meets the intent of the ordinance by pushing it that far. He also was asking that the requirement for a four foot fence be waived along the northern and eastern property lines, there is an existing fence along the southern property line and they would be constructing a decorative masonry wall to the west and he believes having the additional fence there was a little unsightly and really serves no good purpose at this site. The third and fourth variances are for the menu and presale boards, these items are critical to the operations as a drive thru restaurant which was similar to operations they run within the community in variances that he has sought at other locations such as 12 Mile and Van Dyke and 10 Mile and Ryan. There are two menu boards at the site because, a little bit of history he has worked very hard with Mr. Wuerth and his department as well as the Macomb Department of Roads and the Planning Commission to make sure that traffic flow was good on the site. That was why you will see two drive thru's on the site or what was called a double drive thru to get the stacking to keep the traffic moving on the site. He has also requested a wall sign on each of the facades he believes the properties with a single frontage were allowed 40 sq. ft. and the fact was that they had frontage on two roads and if you really look at the buildings he thinks that having the two signs really balances it out really well and it was intended to have signs on the front, east elevation and the northern elevation of the building. The final variance was for graphic lettering was a brushed aluminum script banner that runs on the eastern and northern elevations of the building at the entrance and what they do is apply graphics to that that talks about the items that they have like cappuccino and coffee and bagels or whatnot it really sets off the feeling they are trying to get to the customers of a coffee shop and he believes it really looks nice on the building and sets it off. With that he would be happy to answer any questions.

Chairwoman Furgal said this was a public hearing if there was anyone in the audience that would like to comment on this item, they may do so at this time.

Sanod Omich 5850 Elmgrove, Warren, MI appeared before the board and said he was first neighbor of the restaurant and he wanted to say he was happy that Tim Horton's was coming in rather than a bar being there. The reason he was there was

that it came to his attention was a four foot wall he believes was going to be between him and the Tim Horton's.

Patrick Bell said it would be a 6 foot wall.

Mr. Omich said then he could leave, that was his only concern because there was a 6 foot wall on the south side so his only concern was 4 foot he just thought it should be 6 as well so he was all set.

An unidentified resident asked when this would all take place and if the wall would go up first.

Patrick Bell said as soon as Tim Horton's achieves approval on the variances tonight they would probably be looking to start construction in August but he did not know the sequence of construction. Normally site work was done first, so it was kind of a combination and the building pad was done first, do the demolition, probably leave those walls up as long as they can to contain the debris and not bother the residents, do the building pad first, then start building the building then finish the parking lot.

Hearing and seeing no further comments from the audience Chairwoman Furgal turned the matter over to the board.

Board Member Watripont said he had one concern with the site, there was no parking next to the building, was that correct?

Patrick Bell said that was true, this restaurant only has nine seats in it, it was primarily a drive thru. This is the smallest restaurant that they build and they had to use that here because of the size of the lot. He would much rather have a much larger restaurant here.

Board Member Watripont said he understands and likes what he has done on all the Warren sites.

Chairwoman Furgal said except they do not put Cold Stone in all of them.

Patrick Bell said if he could answer that, they do have an exclusive licensing agreement with Cold Stone, However, Cold Stone has the option to come into the locations they would like to go into. Sometimes they do not choose some locations.

Chairwoman Furgal said this was irrelevant as well but on Schoenherr and 12 Mile Tim Horton's has the store right by Warren Woods Middle School, do they know that people cannot see that building or sign at all when heading north.

Patrick Bell said yes that was a concern they were very aware of and anytime they do not have the visibility they would like it gets talked about quite a bit in the office.

Chairwoman Furgal stated she just wanted to point that out.

Motion:

Board Member Vigus made the motion to approve the petitioner's request to

1. To allow a Drive-Thru Restaurant adjacent to the Elmgrove and Mound intersection.
2. Waive the required four (4) foot fence around the property.
3. Allow two (2) drive-thru menu boards as follows:
7' – 0 1/8" overall height, sign area 67 5/8" x 83 1/2" (39.21 sq. ft. each, total 78.42 sq. ft.), with under clearance of 1' – 4 1/2", located as per plan.
4. Allow two (2) drive-thru pre-sell boards as follows:
72 9/16" overall height, sign area 48 5/16" x 32 5/8" (16.44 sq. ft. each, total 32.88 sq. ft.), with 21 3/4" under clearance, located as per plan.
5. Allow two (2) wall signs as follows:
93" x 53" (34.23 sq. ft. each, total 68.46 sq. ft.), one (1) on the east elevation and one (1) on the north elevation.
6. Allow two (2) script banners as follows:
4.5" x 180.75" (5.65 sq. ft. of lettering each, total 11.3 sq. ft. of lettering). One (1) on the east elevation and one (1) on the north elevation.

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

Asst. Secretary Becher supported the motion.

Roll Call:

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

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

17. NEW BUSINESS

Chairwoman Furgal said the board needed to address the issue of a permanent secretary.

Motion:

Board Member Watripont made the motion that Mr. Nestorowicz become the permanent Secretary. Asst. Secretary Becher supported the motion.

Board Member Watripont asked if Mr. Nestorowicz accept the nomination.

Board Member Nestorowicz accepted the nominations.

A voice vote was taken on the motion. The motion carried (9-0).

Board Member Descamps stated the board would like to welcome the newest member Jennifer Vigus to the team.

18. ADJOURNMENT

Board Member Vigus made the motion to adjourn and the motion was supported by Board Member Watripont. A voice vote was taken on the motion and the motion carried (9-0). The meeting adjourned at 10:04 p.m.

Jean Becher
Asst. Secretary of the Board

APPROVED