

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
June 24, 2015

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, June 24, 2015 at 7:30 p.m. in the Warren Community Center Conference Room A, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

Steve Watriont, Chairman
Judy Furgal, Vice-Chairwoman
Roman Nestorowicz, Secretary
Jennifer Vigus, Asst. Secretary
Jean Becher
Jules Descamps
Henry Brasza
Sherry Brasza
Ann Pauta

Members of the Board absent:

None.

Also present:

Roxanne Canestrelli, City Attorney
Everett Murphy, Zoning Inspector

1. **CALL TO ORDER**

Chairman Watriont called the meeting to order at 7:31 p.m.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

All Board Members were present.

4. **ADOPTION OF THE AGENDA**

Motion:

Board Member Vigus made the motion to approve the Agenda; Board Member Descamps supported the motion.

Voice Vote:

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

5. **APPROVAL OF THE MINUTES OF the Regular Meeting of June 10, 2015.**

Motion:

Board Member Vigus made the motion to approve the minutes of June 10, 2015; Board Member S. Brasza supported the motion.

Voice Vote:

A voice vote was taken on the motion. The motion carried (7-0).

Secretary Nestorowicz stated he would like to abstain from voting since he was not present at that meeting.

Chairman Watriont stated to note for the record that...

Board Member Furgal stated that Board Member Vigus could not make the motion.

Board Member S. Brasza stated she would make the motion.

Chairman Watriont stated to go back; they had some members absent; Board Member Vigus is abstained and Secretary Nestorowicz and Board Member Becher.

Motion:

Board Member S. Brasza made the motion to approve the minutes of June 10, 2015; Board Member Descamps supported the motion.

Voice Vote:

A voice vote was taken on the motion. The motion carried (6-0).

6. PUBLIC HEARING

APPLICANT: Ali Jizzini-USE-
(Rescheduled from 05-13-15)

REPRESENTATIVE:

Mr. Ali Ralchouni

COMMON DESCRIPTION:

24660 Schoenherr Road (entire site)

LEGAL DESCRIPTION:

13-25-101-005

ZONE:

M-2

VARIANCES REQUESTED: Permission to: -USE-

1. Waive seventy-eight (78) required off street parking spaces for inside auto salvage.
2. Continue a six (6) foot chain link fence in the front setback as per the plan.
3. Continue hard surfacing in the front setback for parking as per the plan.
4. Allow a seventeen (17) foot maneuvering lane in the rear as per the plan.
5. Allow outdoor storage of 11,842 sq. ft. for salvage vehicles as per the plan. All salvage to be inside the building. (Open storage is less than ½ of the total building square footage.)

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (h) Item 23: One (1) square foot of parking area required for each sq. ft. of floor area for buildings in an M-2 District.

Section 17.02 (a): Front setback in M-2 is 50 feet along a major thoroughfare.

Section 17.02 (s): All open storage shall be located in a designated area approved by the Planning Commission as a part of site plan approval. The area shall be enclosed on three (3) sides by chain link fencing with metal/plastic slats used for screening as deemed necessary by the Planning Commission. The designated area shall always be hard surfaced and screened from the public street and any residentially zoned areas. The designated areas shall not be located in any area required for parking space and is necessary to meet the minimum requirements of Section 4.32 of this ordinance. Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site...Lumber, including wood pallets or other combustible materials, shall not be stored less than twenty (20) feet from any interior lot line. An open driveway shall be provided that has a graded roadway, is hard surfaced and maintained from the street to the storage area in order to permit clear access for fire trucks at any time to the open storage areas.

Section 17.02 (t): open storage of junk allowed in M-4.

Section 4.32 (i): Twenty-two foot (22) maneuvering lanes required.

Chairman Watripont asked if the Representative was present. He asked the individual at the podium to state his name and address for the record.

Ali Jizzini, 24660 Schoenherr Road, Warren, Michigan 48089; appeared before the Board.

Chairman Watripont asked Mr. Jizzini the reason for the petition.

Ali Jizzini stated he received his license to operate this business at the end of 2009, beginning 2010 for inside salvage yard.

Chairman Watripont asked Mr. Jizzini if the green light for the microphone was on; he could hear him pretty good and thought it was.

Ali Jizzini stated yes, it is. He could lean forward a little bit.

Chairman Watripont thanked Mr. Jizzini.

Ali Jizzini stated yes, as had stated he established his business at the end of 2009 and beginning 2010 as inside salvage yard and last year he was approached by Mr. Everett (Warren Zoning Inspector) concerning the cars that they parked outside. He did not know that there was a parking variance they need to get because they are getting the cars from auctions and are seen as inventory rather than parking spaces for those cars; they are complete cars, not junk parts or anything. He went along with what was recommended and they put together site plans and they looked to see what they would need to get everything up to code and it seems that these are variances they need to get in order to get everything according to be legally working. The need for this variance is as follows: in order for him to buy cars at the auctions, he needs to buy those cars prior to dismantling, so they park those cars outside in

an assembly lane and then according to the hold because he does wholesales more than he does retails, so they need about twenty-four (24) to twenty-five (25) cars for each customer and then when the order comes through they would start bringing the cars inside the building, take them all apart and then when the order is ready they fill up the container. They need to waive the parking spaces, so they would be able to park those cars as inventory. When they were doing the site plans there was the maneuvering lane in the back, which is short five (5) feet, there is a cut-corner to go around the building and that one needs a variance too; if the Board has any questions?

Chairman Watriont stated this is a public hearing, anyone wishing to speak on this item to approach the podium. He asked Mr. Jizzini to please step to the side.

Joseph Hunt, 8306 Stanley, appeared before the Board and stated he is a homeowner and taxpayer in the city in political district 2; he is in favor of the petitioner's request for the variance.

Chairman Watriont stated hearing and seeing no others, he turned the matter over to the Board.

Board Member Becher stated she does not see any problems with this business but she noticed a few things when she went out and looked that were a bit of a problem. He (*Mr. Jizzini*) has barb wire on the top of that chain link fence and she thinks that the barb wire needs to come down because he does not have a variance for it. She asked Mr. Jizzini if he knew what she was speaking of.

Ali Jizzini stated yes; this was existent when they bought the building, but he has no need for it and if it needs to be taken out then that was fine with him; it is a pretty safe area.

Board Member Becher stated they would very appreciative of him taking that down and also taking the extensions that hold the barb wire up off the fence, so that it would look like it was never there.

Ali Jizzini stated sure, it was just something that was in the building when they first purchased it.

Board Member Becher stated she understood that and also in his fire lane, he had cars parked in the fire lane; he has to be a little bit more diligent about not parking in his fire lane.

Ali Jizzini stated true.

Board Member Becher stated that was all she noted.

Board Member S. Brasza asked Mr. Jizzini, the cars he uses for inventory, how long is that inventory period.

Ali Jizzini stated the longest order withstands about four (4) to six (6) weeks from the time they buy the car; he could not speak of one car at a time because they go per wholesale customers, so the longest period of an order takes from one (1) day to six (6) weeks. If a car ends up being bought first and dismantled last that would six (6) weeks. Just to point out that most of these cars are fully operational; they are not like junk cars; they are new models 2010, 11, 12, Mercedes, BMW, not old or junk cars.

Board Member H. Brasza asked the description as far as any other junk as far as lumber or pallets or any such, they are not going to be storing any of that stuff outside, correct?

Ali Jizzini stated no; just the cars.

Board Member H. Brasza stated just the cars; no parts, no left over materials or anything like that; no tires?

Ali Jizzini stated no, sometimes if they were to go right now, there may be some tires because what he is doing right now is that he is trying to restructure everything; there are about ten (10) tires outside—being out front about it—but all of that is under control and it is just sometimes they get busy for one (1) or two (2) days but if it is something of an issue he could just keep it inside, they have plenty of space.

Board Member H. Brasza asked how often the tires are picked up.

Ali Jizzini stated they do not get picked up. Basically the operation after they dismantle the car when it is in the hoist as a shell, all of the garbage goes into it, so if they have not dismantled a car for two (2) days, then they would have three (3), four (4), five (5) tires on the side, but after they go inside the car, then that shell gets transported to scrap yard in a trailer to get rid of and to be shredded.

Chairman Watriont stated he has a comment regarding the tires. If they leave them out they do attract mosquitoes nesting and stuff like that and it is very bad for them and everyone around them. His suggestion is for the better safety of everything is to keep the tires inside, even though it may be temporary, if they are working on it quickly during that day, he understands that but try to keep it inside at night.

Ali Jizzini stated he could make an effort towards that, it was just something he needed to be straight forward about when he was asked the question.

Chairman Watriont stated he understands and he appreciates that. The other thing as far as the outdoor storage; he would like to put a limit on that if possible of not more than 120 days, which will be a lot longer than what he was saying of a vehicle, so it could not exceed that and that way they do not run into any problem that they are leaving scrap outside their yard as well.

Ali Jizzini stated usually for their kind of operations if it stays longer than that they tend to take a loss, so they will be really fighting that alongside the city.

Chairman Watripont stated he does not want it to see it become a junk yard is what he does not want to see.

Ali Jizzini stated it is not; that was clear to him when they were approved from the city, he signed a paper that they would stay inside and they did for three (3) years, but the parking space outside was something that he did not really foresee because for him it made only sense that he needs to bring a car in order to dismantle it, but when Mr. Everett brought it to his attention they went ahead and did everything necessary to be up and running in orderly fashion.

Chairman Watripont asked if there were any other comments from the Board.

Board Member Becher stated if there were no comments she would like to make her motion.

Motion:

Board Member Becher made the motion to approve the petitioner's request to:

1. Waive seventy-eight (78) required off street parking spaces for inside auto salvage.
2. Continue a six (6) foot chain link fence in the front setback as per the plan; **with the Condition to remove the barb wire and supports.**
3. Continue hard surfacing in the front setback for parking as per the plan.
4. Allow a seventeen (17) foot maneuvering lane in the rear as per the plan.
5. Allow outdoor storage of 11,842 sq. ft. for salvage vehicles as per the plan, with the **Condition that they are not to be there any longer than 120 days.** All salvage to be inside the building. (Open storage is less than ½ of the total building square footage.)

Reason being: Due to Size and Shape of the Lot and Not a Detriment to the Area.

Board Member H. Brasza supported the motion.

Chairman Watripont stated there is a motion by Board Member Becher; Support by Board Member H. Brasza with the understanding that petitioner is removing all the barb wire and extensions and the limit of 120 days on the outdoor storage. He asked for Roll Call.

Roll Call:

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

Board Member Becher	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.

Board Member Pauta	Yes, for the reasons stated in the motion; assuming he is going to keep as much as possible inside.
Board Member Descamps	Yes, for the reasons stated in the motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Board Member Vigus	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

The Petitioner's request has been **GRANTED** with **Conditions**.

7. PUBLIC HEARING

APPLICANT: St. Josaphat Ukrainian Catholic Church

REPRESENTATIVE:	Ms. Irene Maciborski, Secretary
COMMON DESCRIPTION:	26401 St. Josaphat & 26440 Ryan
LEGAL DESCRIPTION:	13-20-152-001 & 13-20-152-002
ZONE:	R-1-C

VARIANCES REQUESTED: Permission to:

Conduct the 19th Annual Sunflower fundraising festival on:
August 1, 2015, Saturday: From 12 noon to 11 p.m.
August 2, 2015, Sunday: From 12 noon to 7 p.m.

ORDINANCES and REQUIREMENTS:

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

Chairman Watripont asked the individual at podium to state her name and address for the record.

Irene Maciborski, 4515 Nathan West, Sterling Heights appeared before the Board and stated she is there to represent Saint Josaphat Ukrainian Catholic Church and to ask the Board to grant the approval so they could hold their annual Sunflower Festival on August 1st and 2nd of 2015.

Chairman Watripont stated this is a public hearing, anyone wishing to speak on this matter to approach the podium. Hearing and seeing none he turned the matter over to the Board.

Secretary Nestorowicz stated looking at the request it is the same as last year except for the change of dates?

Irene Maciborski stated yes.

Secretary Nestorowicz asked what time on Saturday would the music be cutoff.

Irene Maciborski stated at 10:00 p.m. The band goes from 6 to 10 in the evening.

Secretary Nestorowicz asked if there was any further discussion.

Motion:

Secretary Nestorowicz made the motion to approve the petitioner's request to: Conduct the 19th Annual Sunflower fundraising festival on: August 1, 2015, Saturday: from 12 noon to 11 p.m. with the **Condition of music stopping at 10:00 p.m.** and August 2, 2015, Sunday: From 12 noon to 7 p.m.

Reason being: Needs Approval of the Board.

Board Member S. Brasza supported the motion.

Chairman Watripont stated there is a motion by Secretary Nestorowicz; Support by Board Member S. Brasza, but he does believe there is one correction; he does not believe that this is the 19th?

Irene Maciborski stated no, it is not and she does not know where they got that from. The 20th was actually held in 2006.

Secretary Nestorowicz stated there were years that were skipped remember? *(Laughter)*

Irene Maciborski stated yes, they kind of did away with it for a while.

Chairman Watripont stated then it is to conduct the Annual Sunflower Fundraising Festival. He asked for Roll Call.

Roll Call:

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

Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Board Member S. Brasza	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 H. Brasza	Yes, for the reasons stated in the motion.
Board Member Becher	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Vigus	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

The Petitioner's request has been **GRANTED** with **Conditions**.

VARIANCES REQUESTED: Permission to:

Install a monument sign as follows:

1. Eight (8) feet in height from grade as per the plan.
2. Located to no less than three (3) feet from the front sidewalk as per the site plan.

ORDINANCES and REQUIREMENTS:

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

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

Chairman Watriont asked the individuals at the podium to state their names and addresses for the record.

Nasim Zaitona 2971 E. 8 Mile Road, Warren, Michigan 48091, appeared before the Board and stated he is the owner of Seasons Tires.

Chairman Watriont asked Mr. Zaitona the reason for his petition.

Eddie Sitto, 22907 Dequindre, appeared before the Board and stated he is with Global Signs and Awning.

Chairman Watriont thanked Mr. Sitto and asked for the reason for the petition.

Eddie Sitto stated because of the visibility of the sign; because if they keep the sign five (5) feet height, it will be too low for the season, such as snow and all and it would be covered completely, plus the sign is a laminate sign also and they would like to keep it clear and above the ground by about two (2) feet if it was possible.

Chairman Watriont stated this is a public hearing, anyone wishing to speak on this matter. Hearing and seeing none, he turned the matter over to the Board.

Board Member Becher stated she thinks the fact that they are getting a new sign is wonderful because the one they have right now is hanging over the sidewalk, and she does not think the size that they are asking for is unreasonable because they have a parking place for it and it is striped off and it would not affect their parking as it now. The only thing that she has a problem with is that they have a tendency of stacking tires up outside and there is some that are in front of the building also and in the summer months, they find that to be a very dangerous thing because if it rains like it is supposed to do tomorrow morning, they collect water and then they collect mosquitoes; she knows that these are brand new tires, so she is sure that they are not leaving them out there all night and they are keeping an eye on them. She thinks maybe that with this nice new sign with a big tire on it they should keep all the tires inside.

Nasim Zaitona stated yes for sure; once they put the sign, there will not be any more tires on there.

Board Member Becher stated okay. It is a dangerous thing because if a mosquito bites somebody and ends up getting sick because some bird got bit before they did or something.

Nasim Zaitona stated no problem; for sure they will remove the tires.

Board Member Becher stated but she has no problem with his sign and his business was nice and clean except all those tires stacked up.

Nasim Zaitona thanked Board Member Becher and stated they try to do their best.

Board Member H. Brasza asked where the sign would be located in that area because he sees a distance of how far it is going to be from the sidewalk, but how close will it be to the property line and to the driveway entrance itself; because there is no dimensions on that.

Nasim Zaitona stated the only reason why he wants the sign to be not more than three (3) feet close to the sidewalk is because if someone is driving on Eight Mile West, since his building is all the way, the property line, is on the sidewalk and if someone is driving Eight Mile West there is no way they are going to see his building. That is why that hanging sign it was put there before and it was not him it was the previous business and they put it that it hangs out over the sidewalk by about seven (7) or eight (8) feet and that is why...

Board Member H. Brasza stated he is good with the distance of the sidewalk, but he wants to make sure that it does not get too close to the driveway.

Nasim Zaitona stated oh no, it is at least about ten (10) feet away from the entrance.

Board Member H. Brasza stated right; he wanted to make sure that there would be no obstruction when people are coming in and out of the driveway from the sign itself.

Eddie Sitto stated he has the picture that shows that it is going to be from the edge of the sign to the edge of the sidewalk it is going to be setback three (3) feet.

Board Member H. Brasza stated right, but how far from the driveway.

Nasim Zaitona stated it is at least ten (10) feet; at least ten (10) feet.

Chairman Watriont stated the concern is with someone on a bike coming by and then someone leaving or...

Nasim Zaitona stated not in the way, it is not in the way at all. It is at least ten (10) feet; it is a big parking lot and they have the space.

Board Member H. Brasza stated then they would not mind if the Board said that it has to be at least ten (10) feet from the driveway.

Nasim Zaitona stated it is; he would say it is ten feet.

Chairman Watriont asked if the Board stipulates that, that would not be a problem right?

Board Member H. Brasza thanked the petitioner and stated that was all he had.

Nasim Zaitona stated that was the best of his knowledge, he thinks it is eight (8) to ten (10) feet easy.

Board Member S. Brasza stated going back to Board Member Becher's statement; there is permission that they need when they have tires outside of the facility; she is glad that they are bringing them in because that is considered outdoor sales.

Nasim Zaitona stated no; these tires the city knows about; they are allowed to put one stack of tires.

Board Member S. Brasza questioned one stack?

Nasim Zaitona stated he believes...

Board Member S. Brasza stated she does not see where that is; she does not think so.

Chairman Watriont stated he sees a head shaking there, no.

Nasim Zaitona stated Lynn told him he could put one stack of tires; only one stack.

Board Member S. Brasza stated no.

Nasim Zaitona apologized and stated he could quickly remove; he could remove these tires completely beginning tomorrow. He gives them his word.

Motion:

Board Member H. Brasza made the motion to approve the petitioner's request to: Install a monument sign as follows:

1. Eight (8) feet in height from grade as per the plan.
2. Located to no less than three (3) feet from the front sidewalk as per the site plan; with the **condition to be located at least eight (8) feet from the driveway entrance.**

Reason being: Lack of recognition and Not a Detriment to the Area.

Board Member Becher supported the motion.

(The letter was passed to the Board).

Chairman Watriont stated okay and asked for the reasons for the petition.

Amy Johnson stated they just purchased a building and they are adding to their pain center, right down the street and they just want to remove the old fence and put a brand new up; he (*meaning Dr. Bothra*) is going to a wood fence stained on both sides.

Chairman Watriont stated this is a public hearing; anyone wishing to speak on this matter to please approach the podium. He asked the individuals at the podium to state their name and address for the record.

Sheila Ali, 27272 Seyburn Avenue, appeared before the Board.

Derris Ali, 27272 Seyburn Avenue appeared before the Board.

Chairman Watriont stated the Mic is theirs.

Sheila Ali stated regarding the fence that they are going to put up, she has a gate that she uses for parking RV and a car and she put gravel and everything down there and they removed the pillars to stop the traffic from hitting the fence. She has pictures if the Board wants to see it; those are her two concerns; and the type of fence that they are going to put up is a wood fence and as far as snow removal, if they push the snow against that, without the pillars it is going to tear down the fence; but she has a gate. She has a picture if the board wants to see it.

Chairman Watriont stated he would like to see that picture. He asked if Mr. Ali wanted to add anything to that.

Derris Ali stated yes, in agreement with his wife of what she stated; he could understand the point of the plan they made as far as wanting to replace the fence because some of the other property fence is pretty bad and needs to be repaired but his fence is not falling down or anything like that; where they could see where the gate with the pillars did; his fence is pretty sturdy. Since they have an opening right there, they park a vehicle in and out. He does not have a problem with them replacing the fence; he just wants them to leave his opening there; that is all he asks and the pillars, to put the pillars back to protect the fence from traffic without running into the property.

Chairman Watriont stated okay. He stated to Mr. and Mrs. Ali that they may be seated again.

James Williams, 27332 Van Dyke, appeared before the Board and stated he does not know what the variance is going away from and he does not know which way to address it yet.

Chairman Watriont stated he does not know what the variance is going...?

James Williams asked what is required and what are they asking to change.

Secretary Nestorowicz stated they want to replace their existing wooden fence with a new wooden fence.

James Williams stated he would think that would be a permit item; there has to be something that says zoning does not comply and what is it not compliant with?

Secretary Nestorowicz stated according to the zoning, there should either be a greenbelt between the two or there should be a masonry wall, which would be a brick wall; that is actually what the zoning would be. Now when this was brought up a number of years ago, that brick wall was tabled but to be able to have wood fence, they need the zoning changed; they needed to ask for the variance because the zoning would say either a brick wall, or a masonry wall, or a greenbelt.

James Williams stated okay; that is what he thought. Other businesses around, his including the bank next to him, the gas station across the street from them, the restaurant next to him and the pain clinic itself, all have concrete walls; the problem that comes in when dealing in commercial, they have parking lots and they have a parking lot, it requires typically snow removal in the winter and wooden fences do not stand up well against snow and snow plows. There is also some issues which could be for the protection of the neighbors as far as possible rodents or something, which may come in to play and that going in that direction. Also it indicates that it is supposed to be on the property line; the way he looked and saw the wood fence, it is not on their property line, it is on the neighbor's property line on the other side of what would be an easement. Where exactly is the fence going, on their property line or on the neighborhood's property line?

Chairman Watriont stated the Board would have to ask those questions during their discussion with the petitioner.

James Williams stated but as a business owner he knows that he is opposed to seeing the neighborhood not being protected; he cared about the neighbors behind, they put up a concrete wall; and that is what is stating in the code that should be complied with because he has not heard any reasons why it could not be done.

Chairman Watriont asked if there was anyone else wishing to speak? Hearing and seeing none, he turned the matter over to the Board.

Board Member H. Brasza to Mr. Everett, he asked in one of the past variances there is a mention of an alley being vacated; do they have any evidence of that alley being vacated?

Everett Murphy, Zoning Inspector stated well it would not be listed in the variances because someone does not require a variance to vacate an alley; however, it looks

like they did not come back to the Board, because it looks like it was tabled by the Board until the alley was vacated, then they were supposed to come back—the previous property owner, whoever it was—and they never came back. They never had permission to waive the wall to begin with.

Board Member H. Brasza stated that what he wanted to make sure if it was cleared or not. What do they know about the property line that is in the picture that they have available to them?

Everett Murphy, Zoning Inspector stated that is where the architect says the property line is, but even if the Board were to grant that tonight, which they have not established that, the new fence ordinance that was written he believes in September 2013 now states that in order for it to be on the property line, they have to have a notarized letter from the neighbor agreeing; otherwise, it has to be completely on their property.

Board Member H. Brasza stated okay.

Everett Murphy, Zoning Inspector if the neighbor does not sign, it is not going on the property line anyway.

Chairman Watriont stated and at this point they do not know that the alley has been vacated and their property line could be short of that as well.

Everett Murphy, Zoning Inspector stated it could be but just to his knowledge off the top of his head, most of those alleys back there have been vacated. It is likely that it has been done—they would have to prove that—but...

Chairman Watriont stated he does know how the rest of the Board feels, but he would like to make sure that that alley has been vacated. How long would it take to verify that the alley has been vacated?

Everett Murphy, Zoning Inspector stated he would know by tomorrow morning.

Chairman Watriont asked if the board could reschedule for the first meeting in July.

Secretary Nestorowicz stated he absolutely agrees that fence needs to be replaced because it does look bad, but his question and unfortunately the other petitioner sent a representative and he does not want to put her on the spot, but he guesses that he would like to actually hear from the petitioner, why they cannot do the masonry wall and why it has to be a wood fence, because he has seen too many wood fences exactly, when snow removal; especially when the pavement goes all the way up to that fence, that a plow is going to come by, damage the wood fence and then in couple of years they would be in the same situation; one he has that concern and he would like to hear from Dr. Bothra as oppose to putting her on the spot; why...

Amy Johnson stated that is what they have at their existing pain center, they have the wall and she does not think that he (Dr. Bothra) would be opposed to putting one but he just wanted to do the wood fence over there.

Secretary Nestorowicz stated that was one of the things and of course then he has another question, because if a wall is being put up or even if a new fence is being put up, he is just wondering if the existing neighbors have any agreement to still have the gate in there in the future...

Amy Johnson stated well if the wall goes up then the gate cannot be put in there.

Chairman Watripont stated yes; he has the same concerns and he was going to address the neighbors here because he does not know where the property was, which is one of the reasons he would like to know if the alley has been vacated or not. If the alley has not been vacated then his assumption is that the fence line is on the residential area and it is their fence; which would require a wall setback leaving the alley.

Amy Johnson asked on their property line.

Chairman Watripont stated on their property line; which could cause other ramifications, but if the alley has been vacated and essentially it is their property or partially their property... he asked if it would be partially or would it all be the?

Everett Murphy, Zoning Inspector stated most of the time it is half and half.

Chairman Watripont stated half and half; it is possible that their property does not even go there; he knows the plans show it that way, which may take longer time than just having to find out where it is if they have to.

Board Member H. Brasza stated and looking at the plan if a wall is put in they may lose some parking spots in the back along there because it does not look like there is enough room for a wall and those ten (10) or nine (9) or eight (8) parking spots and have a safe thoroughfare through there; they need to consider that before they come back before the Board if they are going to lose parking, they better put that into the variance request.

Board Member S. Brasza stated just a thought on her behalf; she would definitely go for the masonry wall.

Chairman Watripont stated he is somewhat in agreement with Board Member S. Brasza but he does not know where it should go.

Board Member S. Brasza stated then they need to reschedule. Does he need a motion to reschedule?

Chairman Watripont stated the Board needs a motion to reschedule with a date certain.

Motion:

Board Member Becher made the motion to **reschedule** this matter to July 22, 2015; Supported by Board Member Vigus supported the motion.

Voice Vote:

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

Chairman Watriont stated the Board is going to reschedule this matter to July 22, 2015; go back and hopefully Everett will be able to contact them with the information on the alley. This will also then not be republished and if they want to come back to the July 22nd meeting to do so. If anyone else has other concerns that they know of, he believes in the past they have been good neighbors, so they are willing to listen and talk and he does not think that they are closed to anything here, he just thinks that she (Amy Johnson) is in a spot that she was not prepared for and he thinks they will have more answers coming forth after that. It is rescheduled to July 22, same spot and hopefully the Board will have more answers at that time as well. He thanked everyone.

11. PUBLIC HEARING

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

ZONE:

APPLICANT: Brose

Mr. Rob McConachie or Mr. John Crow

25295 Guenther Road

13-19-326-026

M-2

VARIANCES REQUESTED: Permission to:

Install three pylon/monument signs as follows:

1. One sign (A) 70.86" (5.9') in height x 50" with a sign area 1.25 sq. ft. as per the plan by lobby entrance.
2. One sign (B) 70.86" (5.9') in height x 50" with a sign area 3.3 sq. ft. as per the plans.
3. One sign (C) 70.86" (5.9') in height x 50" with a sign area 3.5 sq. ft. as per the plans.

ORDINANCES and REQUIREMENTS:

Section 4A.35 (b): One freestanding on premise sign or advertising display of a size not to exceed 75 sq. ft. shall be allowed in industrial zones M-2...

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

Chairman Watriont asked the individual at the podium to state his name and address for the record.

Rob McConachie, 25295 Guenther, Warren, Michigan 48091; appeared before the Board.

Chairman Watriont asked the reason for the petition.

Rob McConachie stated they want to install the three (3) signs to help direct foot and vehicle traffic to the correct locations. They have two (2) curb cuts, one for semi traffic and one for vehicle traffic; they also have two doors on the front of their building; one is an emergency exit door only and one is a primary employee and guest entrance door; they want to put one of the signs by the primary and guest entrance door and they want to put the other two signs by the curb cuts to make sure that semis go where they are supposed to go and employee and guest vehicles go where they are supposed to go.

Gary Ellis, ASI Signage Innovations, 2540 W. Hickory Grove, Bloomfield Hills, appeared before the Board and asked if he may interject one thing and stated on this ZBA documents it stated that the signs are fifty (50) inches wide and the signs are only 17.72" wide; he just wanted to make a note that they are very much skinnier than what is in that document and what is in the drawings.

Board Member S. Brasza asked 17.72" on all three?

Gary Ellis stated 17.72" on all three.

Secretary Nestorowicz stated smaller is always okay; it is only the bigger.

Chairman Watriont stated this is a public hearing, anyone wishing to speak on this matter. Hearing and seeing none, he turned the matter over to the Board.

Board Member S. Brasza stated everything seems to make sense to her; it only sure does direct traffic better. If there is no other discussion she will make her motion.

Motion:

Board Member S. Brasza made the motion to approve the petitioner's request to: Install three pylon/monument signs as follows:

1. One sign (A) 70.86" (5.9') in height x 17.72" with a sign area it will be different as per the plan by lobby entrance.
2. One sign (B) 70.86" (5.9') in height x 17.72" with a sign area as per the plans.
3. One sign (C) 70.86" (5.9') in height x 17.72" with a sign area as per the plans.

Reason being: Lack of identification and Needs Approval of the Board.

Board Member Pauta supported the motion.

Board Member H. Brasza stated when he looks at their drawing and looking at sign B, it says that it is 19.68" wide, not 17.72", so he wants to make sure that he gets the right sizes and that he would not have to come back in front of the Board.

Chairman Watriont stated he believes that the signs in what was posted; because if it 5' x 50", it is more than 1.25 sq. ft. The totals are wrong on all of these.

Board Member S. Brasza stated but she did not give totals.

Chairman Watripont stated yes; but if it was posted with the totals as such, it has to be reposted.

Board Member S. Brasza stated but it will be smaller.

Chairman Watripont stated if it 17" x 5' it is going to be more than 1.25 sq. ft.

Gary Ellis stated the square feet they calculated by the area of the sign of the copy itself; he does not know if they could see in the drawings; they are correct.

Board Member Furgal stated no, they do not do that.

Board Member S. Brasza stated no, they could not do that; they have to repost.

Chairman Watripont asked Secretary Nestorowicz if he has the posting, to verify the posting. Yes, the posting says that the first sign is 1.25 sq. ft and by any calculations he does, he is sure it will be larger than 1.25 sq. ft. Is that correct?

Gary Ellis stated the area was calculated at going around the actual copy on the sign itself.

Chairman Watripont stated the copy, okay. The 1.25 sq. ft. is the sign, but the height... (*Inaudible discussion*) He asked all the pylon monuments are all the same height?

Gary Ellis stated yes.

Chairman Watripont asked and they are the same width?

Gary Ellis stated essentially; give or take a little bit.

Chairman Watripont stated and it is less than 50"; the sign is also part of this he believes; he is going to ask their City Attorney.

Board Member Furgal stated in Warren, the sign is the sign.

Chairman Watripont asked the whole?

Board Member Furgal stated not the words; the sign is the sign.

Chairman Watripont stated the whole dimension is the sign.

Board Member Furgal stated that is the sign in Warren.

Chairman Watripont stated so they could write on it the whole way down then?

Board Member Furgal stated he could write whatever he wants on it, but it could have nothing on it, but the sign is the sign.

Chairman Watripont stated then it does have to be reposted.

Board Member Furgal stated because they have done stripes, they have done all kinds of things.

Chairman Watripont stated yes.

Board Member Furgal stated it does not have to be words; if it is a sign it is a sign.

Chairman Watripont stated okay.

Board Member Furgal stated she does not know if they could either just do it without the square footage or fix the square footage. Yes, if they do the square footage they have to repost it.

Chairman Watripont stated they typically do the square footage and from the numbers he has for the signs he has two (2) of them at 19.68" and one of them at the 17.72".

Gary Ellis stated correct.

Chairman Watripont stated so they are less than what has been posted in that regard as far as the width of it, but the square footage would be off and have to be calculated based on that total. He asked Everett if that was correct?

Everett Murphy, Zoning Inspector stated to try and avoid doing all those numbers again; the gray area he thinks could be considered the sign structure, but the white area should have been calculated as a total sign; as to where he would have done that. Regardless of the writing on the white area, the white area the way it is drawn here should have been considered the whole sign, which they have it at 56.5". He is not even sure where the 50" came from the way it was posted. They are describing the sign area as only where the words are but really if they want to give them credit for what he said the gray area is being structure, that white area really should have been the sign.

Chairman Watripont stated and it is still not posted properly.

Everett Murphy, Zoning Inspector stated it is way off.

Chairman Watripont stated way off.

Everett Murphy, Zoning Inspector stated the square footage is going to go way up; then with the posting of the 50th, the 50 does not even appear to exist, so he is not really sure how that got written that way, but...

Chairman Watripont stated he believes their only solution is to repost; the date would be the 22nd of July and get all of the calculations correct. He asked Everett if he could work on the calculations.

Everett Murphy, Zoning Inspector stated he will have this rewritten and sent over as fast as he could. He asked if they could at least agree on the gray area being considered the structure.

Chairman Watripont stated he is fine with that; yes. It has to be reposted, that is the problem, otherwise he would bring them back on the 8th, but it would have to have been out in today's mail. He asked if the individual at the podium had a question.

Ken Kepler with Brose appeared before the Board and stated his question was going to be if the Board would not be able to agree or not to exceed square footage, that they know would take that in and that they would make sure they adhere to it; he does not know if the number is 6 sq. ft. per sign that they would think not to exceed. They are saying that they need to repost that or...

Chairman Watripont stated they have to repost it based on the actual square footage and everything; he knows from the pictures he has seen and everything, he could understand the reasoning behind all of that and he thinks that most of the members here, that it almost went to a vote here quickly, but it was caught by someone; he is sorry; but it would rather be correct than have them come back again and fix it later.

Ken Kepler stated the physical size of these things and where they are going is everything; it is all part of their corporate design out of Germany; they even have a representative from Germany here tonight. That is where the physical sizes and all this gets; ASI Sign measured the copy and that is unfortunately the information that they got on the square footage of the copy only.

Board Member S. Brasza stated she believes that she needs to change her motion.

Chairman Watripont stated and what does she change her motion to; withdrawn?

Board Member S. Brasza stated she would change her motion to reschedule to July 22nd, due to the necessity of a repost.

Roxanne Canestrelli, City Attorney asked if Board Member S. Brasza withdrew her original motion.

Board Member S. Brasza stated she did; she withdraws the original motion to restate the motion of rescheduling, due to...

Chairman Watripont stated first of all the motion on the floor is the approval due to the size and shape of the lot and everything else and discussion has happened and Board Member S. Brasza withdraws that motion.

Board Member S. Brasza stated she **withdraws her motion**.

Chairman Watripont stated the support has also been withdrawn and they are not moving forward with the motion to approve and now he needs a motion to reschedule to July 22nd.

Motion:

Board Member S. Brasza made the motion to **reschedule** this matter to July 22, 2015; Supported by Board Member Becher supported the motion.

Voice Vote:

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

Chairman Watripont stated this item will be reposted with the corrected numbers and they will get notice on it for July 22nd. As far as the group they have, he would say they probably only need one of them.

Ken Kepler asked if he may make one more comment; their representative, the owner of the building—they are the tenant—the owner of the building is here as well, so they brought him to make sure that if the Board had any questions for him, that they knew that the support of what they were doing to his building.

Chairman Watripont stated he is glad they did that, not everyone does that, but again he thinks as they heard most of the Board Members were fine with it the way it was, but it is just a housekeeping item as opposed to anything else.

Ken Kepler stated his reason for bringing it up is so they do not have to bring him back.

Chairman Watripont stated no.

12. NEW BUSINESS

Chairman Watripont asked if there was any new business.

13. ADJOURNMENT

Motion:

Board Member S. Brasza made the motion to adjourn the meeting; Board Member Becher supported the motion.

Voice Vote:

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

The meeting was adjourned at 8:28 p.m.

Roman Nestorowicz
Secretary of the Board

APPROVED