

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
June 25, 2014

A Regular Meeting of the Warren Zoning Board of Appeals was called for Wednesday, June 25, 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
Jules Descamps, Jr.
Roman Nestorowicz, Secretary
Ann Pauta
Jennifer Vigus
Steve Watripont, Vice Chairman

Members of the Board absent:

Board Member Henry Brasza
Board Member Wally Bieber
Judy Furgal, Chairwoman

Also present:

Roxanne Canestrelli, City Attorney
Lynne Martin, Chief Zoning Inspector

1. CALL TO ORDER

Vice Chairman Watripont called the meeting to order at 7:38 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Board Members Henry Brasza and Wally Bieber along with Chairwoman Furgal were absent.

Motion:

Board Member Descamps made the motion to excuse Board Member Brasza, Board Member Bieber and Chairwoman Furgal and it was supported by Board Member Vigus.

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

4. ADOPTION OF THE AGENDA

Secretary Nestorowicz stated that item #8 the 14 Mile Storage at 2420 14 Mile Road has been withdrawn from the agenda by the petitioner.

Vice Chairman Watripont said if anyone was present for 14 Mile that item would be withdrawn from the agenda and should the item return the public would be re-noticed.

Secretary Nestorowicz stated that in addition item #12, Mr. Jeremy O'Neil at 21816 Dequindre and 1925 Garrick asked to be postponed and would be re-scheduled to July 23, 2014.

Motion:

Board Member Descamps made the motion reschedule item #12 to July 23, 2014 and Board Member Vigus supported the motion.

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

Vice Chairman Watripont said there would be no re-notice on this item, if anyone for the audience was present for this item, this was their notice that the item would be heard on July 23, 2014. He also stated the agenda should also include the approval of May 28, 2014 minutes.

Board Member Vigus said the minutes from May 28, 2014 should be revised to indicate that Mr. Brasza was tardy as opposed to absent since he did arrive at 8:03 p.m.

Vice Chairman Watripont said the board has not gotten that far yet, he was just adding the minutes of May 28, 2014 that should have been on the agenda for approval. He was now looking to approve the agenda as restated.

Motion:

Board Member Descamps made the motion to approve the agenda as restated and Board Member Vigus supported the motion.

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

5. **APPROVAL OF THE MINUTES OF the Regular Meeting of May 28, 2014 and June 11, 2014.**

Motion:

Board Member Becher made the motion to approve the minutes of May 28, 2014 and Board Member Descamps supported the motion.

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

Board Member Vigus stated the June 11, 2014 minutes indicate that Mr. Brasza was absent when he did in fact arrive during the first item the board was hearing so it should be changed to reflect tardy.

Vice Chairman stated it should reflect tardy with an arrival time of 8:03 p.m. He also would like to remove Secretary from Mr. Nestorowicz as he was not the Secretary at the time of the meeting, he was appointed at the end of the meeting.

Board Member Becher made a motion to approve the minutes of June 11, 2014 as corrected. Board Member Vigus supported the motion.

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

Vice Chairman Watripont stated before going into the public hearings, there were only six board members present this evening so if there were any petitioner's that would like to have their item rescheduled to a future date please come forward to the podium. He asked that the petitioner's to come forward and state if they would like to be rescheduled or continue this evening.

Art Rose appeared for applicant Den-Man Contractor, #6 and he would ask that the item be rescheduled.

Secretary Nestorowicz stated July 23, 2014 was the next meeting that the item could be rescheduled to.

Art Rose said that July 23rd would be fine.

Motion:

Board Member Descamps made the motion to reschedule the item to July 23, 2014 and Board Member Becher supported the motion.

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

Vice Chairman Watripont said that item #6 would be rescheduled to July 23, 2014. There would be no further notice if anyone from the public was here for that item.

Kerm Billette appeared before the board and said he was present for item #16 for Best Buy Tires and asked that they be rescheduled to the next meeting in July.

Board Member Descamps asked if there was room on the next meeting's agenda.

Vice Chairman Watripont said there was no room on the next agenda for July 9, 2014.

Board Member Descamps said there was some room on July 23, 2014.

Motion:

Board Member Vigus made the motion to reschedule item # 16 to July 23, 2014 and Board Member Becher supported the motion.

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

Vice Chairman Watripont said that item #6 would be rescheduled to July 23, 2014. There would be no further notice if anyone from the public was here for that item.

Brian Quinn the applicant for item #7 appeared before the board and asked if he would need 100% for approval.

Vice Chairman Watripont said he would need five out of six votes for approval as it was not a use variance.

Brian Quinn said it was an area variance for a garage.

dence was about 2,400 sq. ft. he has a covered front porch and approximately 75 sq. ft. of closet area and that includes the area for the hot water tank. The crawl space or a slab under the entire home. The garage was small as it was only 19 foot wide. Adjacent properties and some others in the area have more storage area than what he currently has available to him and this was a communication from the association that was present at the last hearing and they have indicated they would prefer not to have any building of any size in his backyard. The next two pages represent the individuals in the back, they have a garage that was about 471 sq. ft. and a basement that was almost 1,000 sq. ft. they have about 1,435 sq. ft. of storage area and he has 418 sq. ft. When he was here during the last meeting the people before him were approved for a garage and he just wanted to show that area with the basement, garage, and addition they were about 1,800 sq. ft. and again he has 400 sq. ft. The two images that he shows, the preference for the first image on the left with the gambrel roof was the style he was looking for in the back and nothing more than that. There would be no upper storage and he would have a garage door that was at the 9 foot height. The ones on the right were more conventional garages and one of the board members asked him to look at different architecture so on that side he has listed three different options and his preference would be of the 1,200 sq. ft. size and he has taken the lean to off the plan and so that brings the total in the range halfway between the folks that were approved last time and the people that are behind him.

Vice Chairman Watripont said this was a public hearing and asked if there was anyone in the audience that would like to speak on this item.

Marvin Kijor-Jones, 31221 Carion Court appeared before the board and stated he was with the Parkview Estates Homeowner's Association which contains 14 homes, 18 residents. On the May 28, 2014 meeting the board was presented with a petition signed by the folks in the subdivision and they are opposed to it because of the size of the unit and the concerns of what would actually occur within that particular unit and they are also concerned to their understanding there is a limit for each unit for each lot to one garage at 700 sq. ft. They are concerned about why in fact someone would need or require a garage close to the size of the home that exists on the property.

Ray Barron, 31222 Carion Court appeared before the board and said he has been in Warren for 25 years and has owned three houses: 9 mile, Capital, Martin at 11 1/2, Dowland Court and now he was near 13 Mile there. He really loves Warren and he does not want to move out of there and like he says he wants it built for hobbies. He had a 25 foot trailer, a muscle car, dirt bikes, mountain bikes, snow blowers, power washers, unicycles and that was the only garage he has was the one attached to his house and the codes are out there not to be broken. He was not trying to cause a problem but he did not want to see 11 Mile or 13 Mile become the new 8 Mile.

Joseph Novak a 13 year resident of Warren and everyone that signed the petition in the back of the property and the surrounding areas to Mr. Quinn was opposed to the large structure and there was 7 or 8 adjacent properties that all have large lots like Mr. Quinn none of them have built large structures like that way toward the back of the property. It seems it would be setting a precedent for something like that and it goes against Warren's code. They have all followed it on their side of the properties

and the 18 petitioner's all stand opposed to it. He does not know if they received the petition, the second petition, so he was opposed to the large structure like that in the back.

Vice Chairman Watripont said hearing and seeing no others he would turn the matter over to the board.

Board Member Becher said when the board heard this on May 28, 2014 everyone was opposed to the fact that he wanted to build a two story barn. It was a rather large building and he said he would like to modify the plans for the project and when she received the paperwork for it to come up this evening, he asked for the same identical thing after he had said he was going to ask for something smaller. She does like the fact that he was showing traditional garages now that he said he could build and the size was relatively the same foot print without the lean to. Where the garage doors would be placed? Would the garage face the side of the property or would it face the back of the house?

Brian Quinn said the major door would be on the side of the house and there would be a smaller 3 foot door on the side facing south.

Board Member Becher said she also noticed that on the drawing he does not show a driveway going to this garage. She does not see any way that he could drive a car back to a new garage.

Brian Quinn said the intent was generally he would have the garage up front to park in and that would be his plan. There would be a temporary driving back there with the trailer and he would be willing to install a driveway if that would be a benefit. His thought was that he would not use it for a normal parking area for vehicles.

Board Member Becher said so cars would not be driven back to it.

Brian Quinn said occasionally the motor home be coming in and out for the rest of the equipment that he was going to have in there and basically for storage.

Board Member Becher said so this was what he wanted to build now.

Brian Quinn said he provided the two options on the adjoining pages on the left side was what he had originally planned from a styling standpoint. On the right hand side was the more conventional garage and he has three different optional sizes.

Board Member Becher said yes but the one shows a second floor in that garage.

Brian Quinn said yes but he would not be putting a floor in.

Board Member Becher said yes but the thing of it was if he builds it and then sell the home and the next person comes in and puts a floor in it.

Board Member Descamps stated obviously option 1 was no longer on the table. Now the board had to decide on option 2, 3, or 4 which would be more conventional and where he was going to place it in the yard. He thinks he would be more likely to run

with option 3 and bring it 100 feet from the back by the neighborhood so they would not hear any of the wood working or see the unit because of the trees. It was only going to be 10 foot high as opposed to the 25 feet requested before.

Brian Quinn said he would need a 10 foot side wall and the reason he picked the 8/12 pitch for the peak was because he currently has on the home was a 4/12 pitch and every snow he has to rake the roof off because of the load.

Board Member Descamps said so he was actually asking for a 1,008 sq. ft. with the 8/12 pitch.

Brian Quinn said yes.

Board Member Descamps said with 10 foot high side walls.

Brian Quinn said correct.

Board Member Descamps said he was only one person but he did not see a problem with that.

Secretary Nestorowicz said Mr. Quinn went into a lot of detail with the additional information he provided even though he disagrees with some of the things he talked about whether it was reasonable impact or burden and he thinks the house has a lot of storage when it says it was not self-imposed or that he requires this and that it was not a detriment, he thinks a very large structure could be. Even looking at the data given based on similar things approved, he personally thinks option #4 being the 864 sq. ft. would still bring him in line with a total of about 1,800 sq. ft.

Brian Quinn said 1,200 sq. ft. he has 400 sq. ft. for the garage plus 75 sq. ft. of closet space.

Secretary Nestorowicz said closet space was not normally considered.

Brian Quinn said his garage was 418 sq. ft. and he was asking to get somewhere between the 1,400 and 1,800 sq. ft.

Secretary Nestorowicz said he could go along with option #4 which was the 864 sq. ft. and thinks that would give him a lot of storage space and that was the actual size of most people's garages that they park their cars and everything else in there. He thinks any of the other options were still too large for the property.

Vice Chairman Watripont said he agreed and he thinks that even at the 1,000 sq. ft. was still too large for the area. There are similar homes that do not have anything and he does have a large lot so he could see going with the 864 sq. ft. it was probably on the high end of what he was willing to accept. He would also like to make sure that it gets moved more toward the house.

Brian Quinn asked if 100 foot would be sufficient.

Vice Chairman Watripont said yes, in his opinion that would be close.

Brian Quinn said that actually worked out better because there was a tree in the way that he really didn't plan on.

Motion:

Board Member Becher made the motion to approve the petitioner's request to construct a 24 x 36 x 10 foot secondary garage (864 sq. ft.) without a lean to, in addition to the attached garage for a total of 1,272.5 sq. ft. of accessory structures that should be 100 feet from the rear lot line with a 8/12 pitch roof with no upper storage.

Reason being: Not a detriment to the area and not self-imposed.

Board Member Pauta supported the motion.

Roll Call:

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

Board Member Becher	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.
Secretary Nestorowicz	Yes for the reasons stated in the motion.
Vice Chairman Watriont	Yes for the reasons stated in the motion.

8. PUBLIC HEARING **APPLICANT: 14 Mile Storage LLC, A Michigan limited liability co.**
 (Rescheduled from 5/28/14)
- REPRESENTATIVE: Mr. Ken Neiman
 COMMON DESCRIPTION: 2420 Fourteen Mile
 LEGAL DESCRIPTION: 13-06-126-004
 ZONE: M-2

VARIANCES REQUESTED: Permission to:

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

ORDINANCES and REQUIREMENTS:

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

storage area in order to permit clear access for fire trucks at any time to the open storage areas.

This item has been withdrawn by the petitioner.

9. PUBLIC HEARING **APPLICANT: Ms. Andrea Anderson**
 (Rescheduled from 5/28/14) **-SPECIAL EXCEPTION-**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 11451 Garbor Drive
LEGAL DESCRIPTION: 13-15-426-025
ZONE: R-1-C

VARIANCES REQUESTED: Permission to -SPECIAL EXCEPTION-

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

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

ORDINANCES and REQUIREMENTS:

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

Section 20.35 Special exceptions defined.

A special exception is where the zoning ordinance permits certain uses that are authorized by the ordinance upon the Zoning Board of Appeals determining that the use meets the stated conditions for the specified use of the property. Outdoor retail sales, circuses, fairs and carnivals are examples of special exceptions. Special exceptions are not variances and may be temporary, seasonal or permanent in nature as provided by the applicable ordinance provision.

Andrea Anderson, 11451 Garbor appeared before the board and stated she was the homeowner and she would like to start a group day care at her home. She loves children and has the room for them. She wants to nurture and teach the children. She was formerly a lunch aid at an elementary school on the west side of Detroit. She no longer has young kids anymore and she adores being around the environment of young, young children. She thinks she will be very successful and very good at this. She has a lot of love in her heart to share with the children and she would

like to start a home group daycare. She will follow all the rules and regulations to make the business successful.

Vice Chairman Watripont said this was a public hearing was there anyone from the audience that would like to speak on this item.

Norbert Theissen, 11337 Garbor appeared before the board and said he has lived on Garbor for over 40 years and paid taxes in Warren for over 40 years. He has lived in Warren his entire life. He cannot see this in the neighborhood. A business should not be allowed in a residential area. He thinks this business should be where businesses are at. There are a lot of empty business structures throughout Warren and he does not think it was appropriate to have this in a residential area. He does not see where this would improve the neighborhood or do anything positive for the neighborhood. This business should be in a structure in a business area.

Melvin Charnowski, 27408 Gilbert said it was a business and she lives in a residential area and businesses are not allowed period.

Bruce Bilern, resident of Warren since 1978 and he lives at 11415 Garbor and it was a beautiful residential area. He has some questions, would it just be young children, would they be in school some of the time and are they school age or was this special education children? He was worried about the safety of other youngsters in the neighborhood.

Vice chairman Watripont said seeing and hearing no other members of the audience he would close the public hearing and turn the matter over to the board.

Board Member Pauta asked if the petitioner has applied for a license.

Vice Chairman asked Board Member Pauta to wait a moment as the Secretary has some letters that need to be read into the record for the public hearing portion.

Secretary Nestorowicz said there was a letter received on May 22, 2014 and states: "We received a notice that the neighbor has requested to open a day care and their only concern would be the ages of the children and the hours of operation. Infants to preschool would be fine and regular hours of weekly operation of 8:00 a.m. to 5:00 p.m. Monday through Friday." No name signed on the letter.

The next letter was received June 17, 2014. "To the Zoning Board pertaining to the Warren Board of Appeals, applicant Ms. Andrea Anderson. This is a residential neighborhood and I feel that being able to house up to 12 children could cause too much traffic and also a safety concern because of elderly people living in the neighborhood. Therefore, I ask that this applicant be denied her State License for this neighborhood. I moved into this neighborhood because it was a quiet neighborhood and free from commercial traffic and would appreciate very much if the board would refuse this license. Sincerely, Sylvester Sutter".

Vice Chairman Watripont said now to turn it over to the board, Ms. Pauta.

Board Member Pauta asked who resided in the home now.

Andrea Anderson said she and her 16 year old son live in the home.

Board Member Pauta asked if he attends school every day.

Andrea Anderson said yes.

Board Member Pauta asked if there would be any overnight stays.

Andrea Anderson said absolutely not.

Board Member Pauta asked what the normal business hours would be.

Andrea Anderson said from 6:00 a.m. to 5:00 p.m. depending on what time mothers have to be at work but 6:00 a.m. was the earliest she would like to start.

Board Member Pauta asked the average age of the children.

Andrea Anderson stated from 2 to 5 years old.

Board Member Pauta said she noticed that part of the home has basement windows.

Andrea Anderson said yes there is a basement in the home and they have glass block windows, maybe four.

Board Member Pauta asked and they are all glass block.

Andrea Anderson said yes.

Board Member Descamps said first, unfortunately he must indicate already that City Council already approved these types of business in the City and this board has no control of that. The board was just hear asking questions. He asked the petitioner if she was State Licensed yet.

Andrea Anderson said no she was in the process of getting State Licensed; she just got her egress window yesterday.

Board Member Descamps said that was where Board Member Pauta was going, if Ms. Anderson planned to have this in the basement there needed to be an egress window. He asked the petitioner if she asked to be licensed for six and for twelve.

Andrea Anderson stated with just getting started she would like to start off with six but eventually twelve. She also wanted to comment on one of the neighbors questions. Eventually she would like to grow out of the house but she would like to get the business started at the house but hopefully within 3 to 4 years she would open a business structure for this and move it out of the home.

Vice Chairman Watripont stated that his understanding was that the petitioner qualified under the City ordinance and there were no exceptions that she was asking for outside of the way the ordinance in writing within the City. This being a special exception he believed the board should move forward with this item.

Vice Chairman Watripont stated this was a public hearing was there anyone in the audience that would like to comment on this item? Seeing and hearing none he turned the matter over to the board.

Board Member Descamps said he likes to see when residents of Warren improve the neighborhood by putting new stuff on and he does not see where 1' foot 4" inches would be a detriment to anyone in the area.

Motion:

Board Member Descamps made the motion to approve the petitioner's request to construct an awning over the existing front porch to no less than 23' feet 8" inches of the property line.

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

Board Member Becher supported the motion.

Roll Call:

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

Board Member Descamps	Yes for the reasons stated in the motion.
Board Member Becher	Yes for the reasons stated in the motion.
Board Member Pauta	Yes for the reasons stated in the motion.
Board Member Vigus	Yes for the reasons stated in the motion.
Secretary Nestorowicz	Yes for the reasons stated in the motion.
Vice Chairman Watripont	Yes for the reasons stated in the motion.

11. PUBLIC HEARING

APPLICANT: Jennifer Collins

-SPECIAL EXCEPTION-

REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 8127 Racine
LEGAL DESCRIPTION: 13-10-351-006
ZONE: R-1-C

VARIANCES REQUESTED: Permission to:-SPECIAL EXCEPTION-

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

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

ORDINANCES and REQUIREMENTS:

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

Section 20.35 Special exceptions defined.

A special exception is where the zoning ordinance permits certain uses that are authorized by the ordinance upon the Zoning Board of Appeals determining that the use meets the state conditions for the specified use of the property. Outdoor retail sales, circuses, fairs and carnivals are examples of special exceptions. Special exceptions are not variances and may be temporary, seasonal or permanent in nature as provided by the applicable ordinance provision.

Jennifer Collins, 8127 Racine appeared before the board and stated she was witching her daycare from a family daycare to a group daycare.

Vice Chairman Watripont said she wants to go past six to twelve and wants to expand.

Jennifer Collins said that was correct.

Vice Chairman Watripont said this was a public hearing and if there was anyone in the audience that wished to comment on the item. Seeing and hearing none he turned the matter over to the board.

Board Member Pauta asked if she was currently licensed as of 2013 and the report says the basement was not approved for childcare use.

Jennifer Collins said yes she was licensed and she does not use her basement at all for daycare. She uses the front half of her home which was roughly 1,000 sq. ft. because her home was about 2,000 sq. ft. It was the front half of her home which was the living room and formal dining room area. The dining area has been converted into a huge play center and the kids have full range.

Board Member Pauta asked the ages and hours of operation.

Jennifer Collins said from newborn to school age and typically it was 7:00 a.m. to 6:00 p.m. Sometimes parents have to drop off a little bit earlier than 7:00 but usually everyone is gone by 6:00 p.m.

Board Member Pauta asked in the event of an emergency are the basement windows egress?

Jennifer Collins said she does not have an egress window.

Board Member Pauta said if an emergency occurs and there was a child or children in her basement how did she expect to get them out.

Jennifer Collins stated she does not use the basement at all for daycare, period. They do not go down there for any reason what so ever. The bathroom is on the main floor and she has an alternative bathroom in the basement that only her children may occasionally use if the upstairs bathroom was occupied.

Board Member Pauta asked who resided in the home currently.

Jennifer Collins said herself, her husband and their three children which are ages 14, 11 and 7.

Board Member Becher stated in the letter provided from February 4, 2013 when she received the license for six children in it, it says that Ms. Collins has sufficient amount of developmentally appropriate play equipment for the request capacity of six. What has changed that she now wants twelve?

Jennifer Collins stated she used to be a group daycare at her old home and that house in total was a 900 sq. ft. house and they were approved there in Royal Oak. Having moved here to Warren the process is different than in Royal Oak for getting the family license. She still has the educational activities and equipment, actually more than enough, more than the state requires.

Board Member Becher said the letter that was provided to the board deals with the Racine address. It says regarding registration number for the Racine address. She was also in front of the board in 2012 where she had to go in front of the building department to have a hearing to get her license and that was for six at that time. She wanted to know why it was different now, going from six to twelve? Did she put an addition on her home because she certainly didn't see it the other day when she looked at the property?

Jennifer Collins said no, it was just that her husband was now helping her with the daycare instead of her just running the daycare her husband was now an assistant.

Board Member Becher asked if she had the two parking spaces in front of her home, she took it that she would be counting the two parking spaces in front of the garage.

Jennifer Collins said yes. She also stated her husband was also licensed with the state and has a background check as well.

Board Member Vigus asked the petitioner if she has already reached out to the state to request the increase from six to twelve.

Jennifer Collins said it still has to happen but she was waiting to come to this meeting and get the board's approval.

Vice Chairman Watriont explained to Board Member Vigus that the issue of which comes first has been before them before and they have gone round and round on that so the board has pretty much accepted that at this point.

Board Member Pauta asked Lynne Martin in the future if the board has applicants applying for such an issue and they are licensed she would like to see the license. She knows that this has been talked about before.

Jennifer Collins said she had her license with her if anyone would like to see it.

Lynne Martin, Chief Zoning Inspector said when Mrs. Collins was here before the board said she had to have a state license for six before the board would consider the twelve. The petitioner before this item was not licensed at all and she was approved for the twelve. This petitioner has done everything the board has requested. She does have the license for six and will apply for the twelve.

Vice Chairman Watripont said he had one question, if there were a tornado warning or watch where would the children go?

Jennifer Collins said they would go to the center bedroom in the house which was built kind of strangely, there is a bedroom in the middle of the house where there are no windows.

Motion:

Board Member Pauta made the motion to approve the petitioner’s request to operate a State Licensed Day Care with 12 children from her residence with the hours and requirements set by the State of Michigan.

Reason being: Needs approval of the board.

Board Member Vigus supported the motion.

Roll Call:

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

Board Member Pauta	Yes for the reasons stated in the motion.
Board Member Vigus	Yes for the reasons stated in the motion.
Board Member Becher	Yes for the reasons stated in the motion.
Board Member Descamps	Yes for the reasons stated in the motion.
Secretary Nestorowicz	Yes for the reasons stated in the motion.
Vice Chairman Watripont	Yes for the reasons stated in the motion.

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| 12. PUBLIC HEARING | APPLICANT: Mr. Jeremy O’Neil |
| REPRESENTATIVE: | Mr. Charles O’Neil |
| COMMON DESCRIPTION: | 21816 Dequindre & 1925 Garrick |
| LEGAL DESCRIPTION: | 13-31-152-021 & 13-31-152-010 |
| ZONE: | M-2 & P |

VARIANCES REQUESTED: Permission to

Operate a truck repair facility to no less than 50’ from the residential district to at the rear, adjacent to residential to the north and less than 200 feet to the south across Garrick.

ORDINANCES and REQUIREMENTS:

Section 14.01 Paragraph (j): Uses permitted. Automobile repair shops, including body and fender business, provided that such uses are conducted entirely within an enclosed building, and provided further that such establishments are located **at least two hundred (200) feet from any residential district** or are operated on the premises of and in conjunction with an automobile dealership in a building with appropriate filtering system to prevent emission of paint odors and **with a masonry wall facing any such residential district**, which shall have sound retarding insulation, shall have no doors other than any door required by law as a fire exit, and shall have no windows but may have glass block areas to transmit light.

This item has been rescheduled to July 23, 2014.

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|---------------------------|--|
| 13. PUBLIC HEARING | APPLICANT: Day's Inn and Suites |
| REPRESENTATIVE: | Intercity Neon/Mr. Walter Schafer |
| COMMON DESCRIPTION: | 7454 Convention Blvd. |
| LEGAL DESCRIPTION: | 13-04-276-014 |
| ZONE: | M-2 |

VARIANCES REQUESTED: Permission to

Install one (1) LED message sign of 3 feet x 5 feet 10 inches = 17.49 sq. ft. under an existing pylon sign 5 feet 8 inches x 8 feet 4 inches = 47.57 sq. ft. that is 20 feet in height, a 29 foot setback to the front property line and with the LED message center will have a 10 foot under clearance as per the plan.

ORDINANCES and REQUIREMENTS:

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

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

Walter Schafer, 23920 Amber appeared before the board and stated Day's Inn would like to welcome in conventioner's or large groups by advertising on the message board as well as any specials or stuff like that going on. He has the permit for the Day's Inn sign and he was just waiting now for the approval for the LED board. He was within the square footage allowed for the signage and they have moved the sign back quite a bit so they would have better visibility with the sign.

Vice Chairman Watriont said this was a public hearing and if there was anyone in the audience that wished to comment on the item. Seeing and hearing none he turned the matter over to the board.

Board Member Becher said she had one question because she really does not have a lot of problem with the sign and all but she noticed it was sitting right behind a monument sign. What were the plans for the monument sign, she could not find anything in the records about that sign.

Walter Schafer said the monument sign would be removed as soon as the new sign goes up.

Assail Albama stated he was here for the relocation of the existing sign which is very close to the building and they want to move it closer to the street about 6 feet from the property line. He has scene businesses in the area that have done this and hopefully can get the boards blessing to do the same. The existing sign was a full sign with 11 feet underneath it so it was clear for visibility and the existing sign was blocking the view of the building. The building has been remodeled both in front and on the inside. The existing building was a restaurant and they will be maintaining the same use. He was trying to move the sign into the grass area in the front. They are not actually modifying the site or let's say removing any grass area or any curbing, it would remain the same, that was the first item. The second item he was trying to establish a small patio on the outside. It was just the type of business that a patio would be very attractive in the summer time, it was not going to be covered so it would be seasonal. He was adding some railings and protection from any traffic. This patio actually was about 700 sq. ft. gross so probably 600 sq. ft. on the inside so it was a very small patio. Hopefully he could clarify any questions.

Vice Chairman Watripont said this was a public hearing and if there was anyone in the audience that wished to comment on the item. Seeing and hearing none he turned the matter over to the board.

Vice Chairman Watripont said he had a few questions first. The pylon sign was how far away before.

Assail Albama said it was 37' feet and he was pulling it closer to 32' feet.

Vice Chairman Watripont said and it was 23 ½' feet high.

Assail Albama said yes.

Board Member Becher said welcome to the neighborhood and had a couple of questions about his sign on the third page of the drawings. It was a lovely sign and she sees that he has all the right clearance and everything. She knows it was somewhat of a design for the Beirut Palace, underneath under the big sign there were three little bars underneath. Was he going to leave those plain or was he planning to put something on there.

Assail Albama said he thought it was more for advertisement for the phone number. He would use those for the address or advertisement of the building. It would remain the same. Not going to keep it blank. He was going to actually use it for signs.

Board Member Becher said no one figured out the square footage of the sign now because right now he has permission for 80 sq. ft. of signage. Does he know what the sq. ft. of signage would be?

Assail Albama said the upper area was close to that 80 sq. ft. He thought it was an existing so he kept it and sometimes for the height of the sign these little pieces at the bottom at 7 feet by 16 inches high they could have some structural effect on the signs.

Board Member Becher asked the part of the sign that says Beirut Palace that was going to take the 80 sq. ft. of signage was that correct.

Assail Albama said yes.

Board Member Becher said if he was going to want to put signage on those three bars for lack of not knowing what else to call them 6 foot 11 inch bars underneath, if he planned to put signage there he would have to come back and ask. Because he has would have gone over his signage at that point.

Assail Albama said the sign itself was very close to 80 sq. ft. probably 72 or something. The curvy ones. He did look at that time and since it was very close to the appointment so he left everything as is. If he has an issue with these he could justify that with the building department. He did not anticipate thinking on that and that the sign was already 80 sq. ft.

Board Member Becher said he needed to check the square footage of print so that he does not go over his 80 sq. ft. at this time.

Board Member Watripont said his calculations were that it was almost 77 sq. ft. just the way it is now. At this point they could not put anything on the bottom part because it was already used the approved square footage.

Board Member Becher said thank you for helping me Mr. Watripont.

Assail Albama said what e just heard from the owner was before there were just the phone numbers on those bars.

Ghassan Attmad said it would only be a phone number.

Vice Chairman Watripont said it was still signage and it was not posted that way. That would need to be posted so he would have to come before the board again if they wanted to put anything on those.

Assail Albama asked if there was a variance granted for this sign before.

Vice Chairman Watripont said there was a variance granted for the sign but only for 80 sq. ft. of signage.

Assail Albama asked if 80 sq. ft. was what was allowed.

Vice Chairman Watripont said yes, the variance was for the size and location of it in the past.

Assail Albama said ok he would check that out.

Vice Chairman Watripont said he was not saying that the board would not grant that or anything he was just saying it had not been posted. So he could not hear that item.

showrooms. He said they purchased an old furniture store that has been vacant for five years at least and there would be 15 jobs brought to the community. He believes the current ordinance was around 40 sq. ft. and the frontage of the building was 124' feet and the building was approximately 30,000 sq. ft. He was asking for 149 sq. ft. of signage which most of that based on the drawing they would see was a lot of white space which is the building behind it. Most communities have a minimum sign-age ordinance where they allow 1 sq. ft. to 1.5 sq. ft. and he was shocked when the requirement was 40 sq. ft. for a building that size. He was asking for this variance and he would like to point out that there was an existing pylon sign on that site and he recently found out that the pylon sign was all rusted out and the electronic were shot. To replace it was incredibly expensive. They have not decided yet to replace it but he does know that if it does get replaced they would be reducing it by at least 1/3 and probably down to about 50% of its current size. Right now it was about 190 sq. ft. so it would be approximately 110 sq. ft. if that matters in the decision. Finally he would just like to say as the board knows starting a new business in this economy was very challenging and he hopes they support the variance. Thank you.

Vice Chairman Watripont said this was a public hearing and if there was anyone in the audience that wished to comment on the item. Seeing and hearing none he turned the matter over to the board.

Board Member Becher said she went out and looked at the site and she thinks they will be making the building very nice looking and there should be no question of where people are going when they go looking for them. She did notice the pylon sign he just brought up and she was wondering if she made the motion to approve the petition if he would just give up the pylon sign.

Michael Rupert said he could not do that right now but he could say they it would be reduced in size.

Board Member Becher said he would not have to come back because even if they reduce the size they already have it approved.

Lynne Martin said they would want to keep the setback where it was approved.

Vice Chairman Watripont asked if it was a different property address than what was listed.

Board Member Becher said no it was their property and pointed it out on the map.

Vice Chairman Watripont said right but wasn't this 6500 14 Mile.

Board Member Becher said no it was 6340 14 Mile.

Michael Rupert said 6500 was the corporate address; this was the old Furniture Express building.

General discussion took place about previous variances for Art Van that had taken place recently.

Section 4.32 (h) 20: Parking for service shops: One (1) parking space for each five hundred (500) square feet of floor area.

Section 4.32 (h) (22): One space for every 150 sq. ft. of building.

Section 17.02 (c) Greenbelt: When a side or rear yard abuts a zoning district other than industrial then eight (8) feet wide as per Section 2.26

Section 2.26 (a): 8 foot greenbelt may be replaced with a decorative masonry wall.

Section 7.05: Front yard setback in R-1-C is 25 feet.

Section 4D.07: Fences shall conform to the setback requirements for the Zoning District (R-1-C).

This item has been rescheduled to July 23, 2014.

17. NEW BUSINESS

Board Member Vigus stated she would not be able to attend the September 24, 2014 meeting as she would be on vacation.

Board Member Becher stated she wanted to congratulate Roman Nestorowicz on his job as Secretary.

Secretary Nestorowicz said there was one item under new business, it was letter received in the office and he would like to read it into the record. "Zoning Board of Appeals Board, On May 14, 2014 I was the only member of the public to speak to the ZBA regarding agenda item #11 the Warren Woods Tower Booster Club. He was concerned about parking and late night noise during the spring fair especially since my house sits as close to the WWT parking lot, as it can be, on the north side of Horning Ave. During that meeting the booster club was given a set of restrictions that it had to follow in order to conduct the fair and he was writing to inform the board of his experience. To the credit of the booster club he believes the club followed the board's directives very well. Residential only signs were posted and patrols were seen throughout the three day event up and down the street. Music from the fair turned out to be a total non-factor and the fair appeared to close on time if not early each night and no music was heard whatsoever. Parking was not affected on his street nor his driveway. He would like to commend the club for their efforts and as a 20 year resident of Warren he wanted to inform the Zoning Board of Appeals that the club stepped up and responded to the restrictions they were given. He believes they have earned the trust extended to them from the Zoning Board of Appeals. Kudos to Warren Woods Tower Booster Club. Sincerely, William H. Shall."

18. ADJOURNMENT

Motion:

Board Member Vigus made the motion to adjourn and Secretary Nestorowicz supported the motion. A voice vote was taken on the motion and the motion carried (6-0).

The meeting adjourned at 9:05 p.m.