

WARREN ZONING BOARD OF APPEALS  
REGULAR MEETING  
July 9, 2014

A Regular Meeting of the Warren Zoning Board of Appeals was called for Wednesday, July 9, 2014 at 7:30 p.m. in the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

**Members of the Board present:**

Judy Furgal, Chairwoman  
Steve Watripont, Vice Chairman  
Roman Nestorowicz, Secretary  
Jean Becher, Assistant Secretary  
Henry Brasza  
Jules Descamps, Jr.  
Ann Pauta  
Jennifer Vigus

**Members of the Board absent:**

Board Member Wally Bieber

**Also present:**

Roxanne Canestrelli, City Attorney  
Everett Murphy, Zoning Inspector

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Board Members Wally Bieber was absent.

**Motion:**

Secretary Nestorowicz made the motion to excuse Board Member Bieber and it was supported by Board Member Descamps.

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

**4. ADOPTION OF THE AGENDA**

Secretary Nestorowicz stated that item #15 the Islamic Organization of North America on Ryan Road item has been rescheduled to the July 23, 2014 meeting by the petitioner.

**Motion:**

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



enter the stairway to go up stairs. It makes the most sense to be allowed to use this as an upper unit. He currently has a homeless woman that he took off the streets and put in that unit for a reasonable rent and she was an excellent tenant.

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

Joseph Hunt, 8306 Stanley appeared before the board and said he would approve the variance; specifically the petitioner answered the questions he was going to ask. Specifically on whether or not there was enough parking in the area and it seems like a wonderful use.

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

Roy Mills stated he had one other item to add. He was asked to get City certs and inspections done and those were completed for both the lower unit which was previously approved and for the upper and there were minor issues that were noted and very reasonable which he can fix them quickly.

Board Member Pauta said she did a lot of research on Monday between planning and building. There was no way in the world that she would ever approve this item. For one thing, on the letter he wanted the subject property zoned from R-1-C to R-2 or land use variance. Which one was he asking for?

Roy Mills said it was just for a variance, it was his error just not understanding what.

Board Member Pauta said but he was asking for both in his letter. The other thing was the Zoning Board of Appeals does not address his hardship because it was personal and has nothing to do with this. The Board has certain criteria that they must go by and he does not fit any of those criteria at all, none, zero. There were ten inspection reports that were done and as of Monday at 2:00 p.m. none of them were completed.

Roy Mills said that was correct.

Board Member Pauta said but he was saying that he was going to get everything done. These were from 2009 and that was five years ago.

Roy Mills said it was an approval for City certs in 2009 for the lower unit and he was requested to have the inspections redone which he complied with but he was not asked to get them all fixed in this short time frame.

Board Member Pauta said yes, if you want someone to live there it has to be done but this board does not entertain his hardship; that was not part of the boards business. Right now she was not ready to vote for this at all because there was too much work that needs to be done and he should actually go back to building and in her opinion he should be going to planning. Was he going to ask for a use variance was he going to ask to rezone it?

Roy Mills said he was getting the run around here and he did not mean board member Pauta specifically. He went to the rental inspection and he was told that he needed to first come to the Zoning Board and get a zoning variance which was what he was here to do. The Zoning Board asked him to go back and get some City certs which he went back and paid another fee to do that. He has done all that and brought it to the boards attention and now he was being told he had to go somewhere else. He was not sure what he had to do, he would comply but he needed to know what he needed to do in order to comply.

Board Member Pauta said he had a self imposed hardship and it has nothing to do with the Zoning Board of Appeals. City certs and inspections were done but nothing was completed. She was just in the building department on Monday at 2:00 p.m. speaking to Everett.

Roy Mills said he was not asked to do that and Board Member Pauta was not hearing what he was saying.

Board Member Pauta said no, he was not hearing what she was saying but that was beside the point because it did not matter. She was telling him that she required these items to be done and she was not sure what he was asking for. She does not know if he wanted it to be rezoned or if he wanted a land use variance, one or the other?

Roy Mills said a land use variance.

Board Member Pauta said well then it has to be posted that way.

Roy Mills said to tell him what he had to do and he would do it he was trying to comply. Every time he comes here gets a different story about what he has to do. He was willing to do what the board wants him to do but he needs to know what that was.

Board Member Pauta said for one thing get all the inspections done and speak with Mr. Everett and figure out if he was asking for a land use variance or if he wanted to change the zoning, one or the other?

Roy Mills said he thought the land use variance was clear from the agenda request.

Board Member Pauta said no, in his letter it says both.

Roy Mills asked what he needed to do to make that clear.

Board Member Pauta said he would have to speak with Mr. Everett about that.

Board Member Brasza asked how it was posted to the public. It was posted as a land use variance so that was all the board was here to approve tonight.

Chairwoman Furgal said the board does not rezone at all so obviously what the board would be here for was a land use variance. Personally she wanted to know about the neighborhood in general. Were there other two family units in that area?

Roy Mills said the neighbors surrounding that property have multiple families living in the residence. They may not have a variance because they are owner occupants and things like that.

Chairwoman Frugal said she was not concerned with things like because it was zoned R-1-C that was one family resident's. She was just wondering if there were other homes in the area that are two families.

Roy Mills said yes there are but he did not have the addresses.

Chairwoman Frugal said so he did know there are some and that this was not a use that was not general to that area. Some places there would be no way to get a two family house because they are zoned R-1-A and they are not going to do it. Sometimes and Mr. Hunt vaguely pointed out that it might be a good thing in that particular area as long as a good job was done in taking care of the home. He has done the work that he needed to do for the inspections. She was just wondering if the general neighborhood has a similar style house and there was no one here to complain about it. If it were detrimental to the area like the lack of parking that would have been detrimental.

Board Member Vigus asked about the document that the petitioner provided to them. The first document was the main floor lay out and it shows the back porch and show laundry on the back porch. Was the laundry being done on the back porch?

Roy Mills said there was hook up for the laundry and it was shared between the up-stairs and downstairs tenants. It was part of the inspections to be repaired.

Board Member Vigus continued and said that in his letter he states that it was a shared space for both units and it was cold. Was he aware that he was to have laundry in heated areas?

Roy Mills said he was willing to disconnect if he needed to, he was willing to do whatever he had to do to comply.

Chairwoman Frugal said the inspector should be the one to tell him that.

Board Member Vigus asked Everett Murphy if the petitioner has complied and had his inspections done as he has been asked to do.

Everett Murphy asked which inspection packets the board had been given, the one from 5/15/14 or the ones from 2009.

Board Member Vigus said she had both.

Everett Murphy said the 5/15 obviously was the current one but there was a noticeable difference between the 2009 and the 2014. There was no mention of a kitchen or anything like in the other units and things like that. Apparently he had the inspections on 5/15, he was not one of the inspectors that had gone out on this but when Board Member Pauta came up to the office he had looked in the computer and none of the inspections had been re-inspected, he did not know if anything had been done.

Chairwoman Furgal asked Everett Murphy, in order for someone to live in the house he would have to have certain inspections done and completed because it was a rental property. He has to meet all the rental ordinance requirements.

Everett Murphy said the proper way yes. The reality is the City catches people with unregistered rentals all the time and the City does not kick the people out but the City does ask that the work be done in a timely manner.

Chairwoman Furgal said he could not rent the property out unless he gets a rental certificate to do it.

Roy Mills said he does have that for the downstairs unit so that the unit in question was the upstairs unit. He does have his rental certificate and he has gone through the two year process to have it registered and inspected and since he completed the upstairs unit last year, the inspector said it needed to be rezoned because there was an upper unit. That was what got the whole ball rolling here.

Board Member Becher said she was at the address on Monday afternoon and they were all single family dwellings down there. She grew up in the south end and she knows there are single family dwellings. Even if people are renting out their upstairs of their basements that does not mean that the board should just disregard what was on the street. They are single family dwelling and even though he says he was going to put this parking area in the back of the building where the garage used to be with a new hard surfacing, she did not know how he would get a car back there. When she was there, there was a car backed into the tiny driveway between his building and the home next door and she did not know how he would get a car between them in the first place and the car was backed in so that the front was hanging over the sidewalk. He was not supposed to have a car over the sidewalk. She was sorry but she just was not in favor of this.

Everett Murphy said the rental certificate he was looking at expired in 2011 and does not identify upper or lower.

Board Member Pauta asked if Everett Murphy recalled they had noticed this on the computer on Monday, the expiration of the rental certificate.

Everett Murphy said yes, and the second one that he was showing him now was also expired from September 2013 and does not say anything about an upper and lower unit. There again, the first one was done in 2011 and the upstairs was not finished. So if finishing was done in 2013 then the October inspection was what got the ball rolling then the process of getting in here and getting approvals and all that.

Roy Mills said to address the parking issue he did not know what to say there as everyone has the same narrow driveway with the garage in the back and a two car area. All the homes in that area are pretty much the same. His neighbor has two cars parked in there and has a very similar lot. He does not know what else he could do different than what the other neighbors have there.

Board Member Becher said she was just saying that whoever was living in the home, there car was hanging half way over the sidewalk and that is illegal.

Roy Mills asked to say one thing. Please.

**Motion:**

Board Member Pauta made the motion to deny the request because there are too many issues involved. She also witnessed the same thing Board Member Becher did about the parking situation and she spent a lot of time on this and she did not see anything that any of the inspection reports were completed.

Reason being: self-imposed hardship.

Board Member Becher supported the motion and said she thinks it is a detriment to the area.

Secretary Nestorowicz clarified that a yes vote was a vote to deny.

**Roll Call:**

A roll call was taken on the motion and the motion failed (6-2).

- |                        |   |
|------------------------|---|
| Board Member Pauta     | Yes to deny.  |
| Board Member Becher    | Yes to deny, self imposed hardship and detriment to the area.   |
| Board Member Descamps  | He was torn because he does not like the fact that he has to disagree with his board members but in this case he votes no, he thinks it would be alright.   |
| Board Member Brasza    | He also voted no, he thinks the petitioner has done the things the board had asked him to do and looking at the inspection/rejection there was nothing major that was a danger to any of the tenants.   |
| Board Member Watripont | Votes no, but he does not know that he was necessarily for this project because he thinks there is some work to be done and at this time he was not against it.   |
| Board Member Vigus     | She echoes what was just previously said, she does not see a reason why the petitioner could not do this but there are some things that still need to be looked at and she was still a little concerned with the inspector coming back out again so she votes no.                 |
| Secretary Nestorowicz  | Yes to deny as he always has a problem when these things are outstanding and whether they get fixed before occupancy or people start moving in prior to them. The area has a lot of single family homes.  |
| Chairwoman Furgal      | Votes no, despite the fact that there are some things that need to be accomplished she believes that was part of the process and there was no reason to believe since he has gone through this much time to do it that there was no reason to believe that he would not continue. |

Board Member Watripont asked the City Attorney that with five no votes it did not mean that it had been approved, was that correct?

Roxanne Canestrelli said that was correct.

Board Member Watriont asked if the item was still on the table.

Chairwoman Furgal said yes it was still on the table where more discussion could take place, a new motion to approve or otherwise could be made.

Board Member Descamps stated Chairwoman Furgal made a very valid point that the petitioner had taken steps to make this happen and at this point has done everything that had been asked of him. He understands that the petitioner does not work in the City and does not know the process of the how things happen but the certificates that he has now and the inspection reports that he has now do not cut it. He would probably think he would want to get together with Everett and get things done and get everything passed as far as the inspection and come back and see the board. How long did he think he would need? Ask for a table.

Roy Mills said he thought it would take two months and requested the item be tabled. Or could he reschedule for two months and with the stipulation that all the inspections be approved.

Chairwoman Furgal asked if he would like to reschedule to the first meeting in September.

Roy Mills said September 10<sup>th</sup> would be ok with him.

**Motion:**

Board Member Watriont made the motion to reschedule to September 10, 2014.

Board Member Vigus supported the motion.

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

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|---------------------|-------------------------------------|
| 7. PUBLIC HEARING   | <b>APPLICANT: Bosco's Pizza Co.</b> |
| REPRESENTATIVE:     | LeRoy J. Stevens, Architect         |
| COMMON DESCRIPTION: | 25000 Guenther Road                 |
| LEGAL DESCRIPTION:  | 13-19-326-019                       |
| ZONE:               | M-2                                 |

**VARIANCES REQUESTED: Permission to:**

Allow a building addition with an overall height of forty (40) feet.

**ORDINANCES and REQUIREMENTS:**

**Section 17.02 (d) height of buildings:** M-2: 2 stories or 30 feet.

LeRoy Stevens 209 Huron Ave. Port Huron, MI appeared before the board and stated that last month the board allowed some variances for Bosco's to expand but one



LEGAL DESCRIPTION: 13-13-178-008  
ZONE: R-1-C

**VARIANCES REQUESTED: Permission to:**

Construct a cover over a 15 foot x 22.5 feet = 337.5 sq. ft. rear wood deck to no less than 27 feet of the rear property line.

**ORDINANCES and REQUIREMENTS:**

**Section 7.08: Rear yards.** Each lot in R-1-C Districts shall have a rear yard depth of not less than thirty-five (35) feet.

Esad Lovadic 14031 Martin Road appeared before the board and request to extend his roof and cover existing patio. He has lived on the property since 2003 trying to do his best. So many neighbors on both sides have moved out and he has been trying to keep up the property and has been friendly to his neighbors. He has two letters, one from each neighbor on each side of his property. He understands what the zoning says about 35 feet but the neighbor on the left side was only 10 feet from his property. The neighbor in the back he does not even know who lives there.

Chairwoman Furgal explained that it was just an ordinance that it had to be 35 feet from the back property line.

Esad Lovadic said he understood but it was there when he bought the house. Now he just wants to cover it. He does not see it as a big issue.

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

Board Member Descamps said he believed the petitioner had letters from his neighbors.

Esad Lovadic said yes.

Board Member Becher went by the home and said it was very neat, very clean and very pretty and he was right the neighbors were very close to him. She had a question about the covering he wants to put on the deck. Was it an awning or was he going to extend the roof.

Esad Lovadic said he was going to extend the roof.

Board Member Becher asked if he had hired a contractor to do that.

Esad Lovadic said no he was going to do most of that himself and he would help from his cousins. One which is a professional roofer that was going to help him out.

Board Member Becher said she believed he would have to pull a permit.

Esad Lovadic said oh yes, he had request already for permit. He does not want to do anything wrong. He applied for the permit already and they told him he had to come here and that it had to be done by code.



Danijela Jovanovic, 13056 Champaign appeared before the board and when they bought the house the shed was already built. She would like to keep the shed as they do not have a garage and all their lawn equipment was stored in the shed. The shed was very well maintained, it is painted and clean. They would like to keep it.

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

Joseph Hunt 8306 Stanley appeared before the board and said basically the shed was there when she moved in there was no sense in tearing it down. The idea of it being in the line of sight and stuff like that, if the neighbors do not complain then let it be.

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

Board Member Becher said she went past the house and saw the shed, everything looked lovely. Is there a foundation under the shed?

Danijela Jovanovic said yes there was.

Board Member Becher said so she did know that if the petition was granted she would have to go and file for a permit.

Danijela Jovanovic said yes.

**Motion:**

Board Member Becher made the motion to approve the petitioner's request to retain a 13' 7.5" x 10' 10" = 149.6 sq. ft. shed to no less than 3.63 feet of the west property line and as per the plan.

Reason being: Not a detriment to the area and needs approval of the board.

Board Member Pauta supported the motion.

**Roll Call:**

A roll call was taken on the motion and the motion carried (8-0).

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

REPRESENTATIVE: Same as above.  
COMMON DESCRIPTION: 30244 Pembroke Dr.  
LEGAL DESCRIPTION: 13-08-179-006  
ZONE: R-1-C

**VARIANCES REQUESTED: Permission to**

Retain a 8.7 feet x 8.5 feet (73.95 sq. ft.) shed to no less than 3.1 feet of the side (north) property line into the side yard of the existing residence.

**ORDINANCES and REQUIREMENTS:**

**Section 4.20 Paragraph (a):** All detached accessory buildings shall conform to and shall not project beyond the existing building lines of the principal building on the lot.

Daphne Philson Ross 30244 Pembroke Dr appeared before the board and stated her name was spelled incorrectly, it was Philson. She was requesting that she be allowed to keep the existing shed that was a pre-existing shed prior to her purchasing the home last year. She spoke with the neighbor that said the shed was there for over 15 years ago when they moved in. She keeps a lot of yard equipment in the shed.

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

Joseph Hunt 8306 Stanley appeared before the board and stated the same as the last one. His question would be the idea was that if the sheds have been around for quite some time what led to the point of having to get the variances was this something where an arbitrary neighbor has discovered that the shed was not in compliance or was this part of the blight sweepers that was driving people out of the City.

Chairwoman Furgal said the board does not know they just hear about it once it gets here. Was there anyone else that wished to comment on this item? Seeing and hearing none she turned the matter over to the board.

Board Member Vigus said to the petitioner that in reading over this and seeing it there she wanted to confirm that it was on a rat wall and that she plans to pull the permit for it.

Daphne Philson Ross said yes and yes.

**Motion:**

Board Member Vigus made the motion to approve the petitioner's request to retain a 8.7 feet x 8.5 feet (73.95 sq. ft.) shed to no less than 3.1 feet of the side (north) property line into the side yard of the existing residence.

Reason being: Not a detriment to the area and needs approval of the board.

Board Member Brasza supported the motion.

**Roll Call:**

A roll call was taken on the motion and the motion carried (8-0).

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

11. PUBLIC HEARING

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

ZONE:

**APPLICANT: Mr. Mohammed Suayeb**

Same as above.

4550 Frazho Rd.

13-20-304-011

R-1-C

**VARIANCES REQUESTED: Permission to**

Retain a 10 foot x 12 foot = 120 sq. ft. shed to no less than 10 feet of the rear of the detached garage, in addition to the detached garage 30 feet x 20 feet = 600 sq. ft.

Total of 720 sq. ft. of detached accessory structures.

**ORDINANCES and REQUIREMENTS:**

**Section 4.20 Paragraph (a) Item 3:** That an accessory structure be placed against any other accessory structure, such as a detached garage. Only one (1) detached accessory structure shall be permitted in the yard

**Section 5.01 Paragraph (1):** .... All garages and/or accessory building shall not contain more than seven hundred (700) square feet of floor area.

Mohammed Suayeb, 4550 Frazho Road appeared before the board and asked that his brother speak for him.

Chairwoman Furgal said yes he could do that.

Mr. Maheim 32415 Concord Drive, Apt. A, Madison Heights, MI appeared before the board and stated his brother bought the house in January 2014 and the shed was already there behind the garage. He would like permission to keep the shed there.

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

Board Member Pauta asked the petitioner if he knew what the dimensions of the house were. How wide and how deep was the house?

Chairwoman Furgal said it was listed as 1,000 sq. ft.

Mr. Maheim said he was sorry but his brother did not know that.

Board Member Pauta said on the drawing it said there was 120 ft. on one side and another 120 ft. on the other side. But when she checked it the lot was not 240 ft. deep. What are the dimensions of the lot, because it was not listed on the paper-work? How deep was the lot and how wide was it? He has 240 ft. on his drawing and

she knows it was not 240 feet because she was there and she verified it with the building department.

Mr. Maheim said his brother said he does not know the size.

Board Member Pauta said he does not know the size of the lot?

Mr. Maheim said 120 sq. ft.?

Board Member Becher said she went by the house on Monday and she could not see the shed because it was hidden very well behind the garage and the property was very neat. She thinks the lot was about 175 feet and the 120 feet means to the front or back of his garage. She also asked if he was going to get a permit for the shed and make sure there was a rat wall and everything.

Mr. Maheim said yes.

**Motion:**

Board Member Becher made the motion to approve the petitioner's request to retain a 10 foot x 12 foot = 120 sq. ft. shed to no less than 10 feet of the rear of the detached garage, in addition to the detached garage 30 feet x 20 feet = 600 sq. ft. Total of 720 sq. ft. of detached accessory structures.

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

Board Member Watripont supported the motion.

**Roll Call:**

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

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

12. PUBLIC HEARING

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

ZONE:

**APPLICANT: Michigan Trade Center LLC**

Hoda Awada

24100 Groesbeck

13-25-457-153, 034

M-2

**VARIANCES REQUESTED: Permission to:**

1. Retain an existing roof sign structure.

2. Install a new sign on the roof sign structure, 58'-2" x 5'-1" for a total of 295.68 sq. ft. in addition to two (2) existing window signs 30" x 40" 8.33 sq ft each.

**ORDINANCES and REQUIREMENTS:**

**Section 4A.14(f):** The following types of signs are prohibited in all districts: Roof signs.

**Section 4A.35(c):** Total wall signage of a size not to exceed forty (40) sq. ft. shall be allowed for each business in C-1, C-2, C-3, M-1 and M-2.

Hoda Awada, 11524 Ford Drive, Sterling Heights appeared before the board and stated she had inherited the building from her father and the sign she is asking to retain has been up there since the 1950's from when it was originally built. The sign is embedded in the structure already but the main hardship for keeping it was the fact that the building was about 195 feet away from Groesbeck and it was very hard for the drivers to see the building because it was pushed back so far. Another thing was the speed limit on Groesbeck was 50 miles an hour so it was really hard for drivers to know what the operation was about with just the small signs in the front. She does not believe it would be a distraction and it does not harm anyone in the area. She understands that these types of signs are not permitted but it has been up there for over 50 years and this would allow her the opportunity to maintain it and put it to use for the existing business.

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

Joseph Hunt, 8306 Stanley appeared before the board and stated he goes up and down Groesbeck Highway frequently in the past two years during his campaigns and specifically he agrees with the petitioner that there was a lot of traffic that goes up and down Groesbeck Highway very fast. Due to the speed by the time people that are attempting to look for a particular business they are forced to turn around. He was all for Michigan Trade Centers as they have always very kind to him in the past.

Jacob Lenhausen, 36461 Alfred, New Baltimore, MI appeared before the board and stated he was the current business owner, operator of the business that was located at 24100 Groesbeck and he has been there for two years and have not been able to use the sign which was currently black. He gets customers that pull into the building and call the office to see if they are in the right place because there was hardly any signage on the building. It would be very advantageous for his business to be able to use the sign.

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

Secretary Nestorowicz asked when the sign is used it would be RepoMax Auctions.

Chairwoman Furgal asked if the window signs she mentioned inside or outside the window.

Jason Lenhausen said the two yellow window signs were metal structures that were inside the window.

Board Member Becher wanted to know how this was published and on her papers it was referred to total wall signage. The total includes the roof sign and it was definitely not a wall sign. She thinks this may have been posted incorrectly.

Everett Murphy said it was a roof sign and obviously it counts toward wall signage as well but it was roof sign.

Chairwoman Furgal said the window signage does not count as wall signage either if it was on the inside of the window. If it were on the outside of the window then it would.

Everett Murphy said he believed when he and Ms. Awada were speaking at the counter he believes she originally told him it was on the outside and that was why he posted that one. If the window ones were taken off the request he believes the roof sign was still over 40 sq. ft. It was posted as wall signage and not roof.

Board Member Watriont asked the City Attorney if the code made difference between wall signs and roof signs and dimensions and stuff.

Chairwoman Furgal said it reads Section 4a, 14f the following types of signs are prohibited in all districts, roof signs and the reason it was written that way was because they eventually wanted to eliminate all roof signs and the board has allowed a few, very few for specific reasons like when the building sits right on top of the sidewalk on Van Dyke she knows they have allowed a couple and a particular church on Nine Mile that has one.

Board Member Becher said she thinks the board should talk to them because the petitioner would have to reconfigure the roof sign that was on the building and then they would have to have a sign company come in and redo the sign when the same verbage could be put on the front of the building and just have the sign cut down. This way she would still have the big sign and the roof sign would be gone and she would be within. The board could do it tonight and give her wall signage. It was published as wall signage. It was going to cost her no matter how to buy that sign and she needed to go the few extra dollars to have the other sign cut off.

Hoda Awada said her original request was just regarding the roof top sign. She did not have anything to do with the wall signs or anything. She was just here for the roof top sign in order to keep it because it was already up there.

Board Member Becher said the board publicly posted it as wall signage.

Chairwoman Furgal said no it was published as a roof sign. Retain an existing roof sign structure and install a new sign on the roof structure, 58'-2" x 5'-1" for a total of 295.68 sq. ft. in addition to two existing window signs 30" x 40" 8.33 sq ft each.

Board Member Watriont said yes.

Chairwoman Furgal said it was just that the wall signage was what Everett used as one of the reasons. It was really whether the board can decide if she should have the roof signage or not.

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

13. PUBLIC HEARING

**APPLICANT: St. Josaphat Ukrainian Catholic Church**

REPRESENTATIVE: Ms. Irene Maciborski, Secretary  
COMMON DESCRIPTION: 4150 McKinley  
LEGAL DESCRIPTION: 13-20-152-001 & 13-20-152-002  
ZONE: R-1-C

**VARIANCES REQUESTED: Permission to**

Conduct the 19<sup>th</sup> Annual Sunflower Fundraising Festival on:

August 2, 2014 Saturday: From 12 noon to 11 p.m.

August 3, 2014 Sunday: From 12 noon to 7 p.m.

**ORDINANCES and REQUIREMENTS:**

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

**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:**





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 Watripont	Yes for the reasons stated in the motion.

17. NEW BUSINESS

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.