

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
August 12, 2015

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, August 12, 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 Watripont, Chairman
Judy Furgal, Vice-Chairwoman
Roman Nestorowicz, Secretary
Jean Becher
Jules Descamps
Henry Brasza
Ann Pauta

Members of the Board absent:

Jennifer Vigus, Asst. Secretary
Sherry Brasza

Also present:

Roxanne Canestrelli, City Attorney
Lynn Martin, Chief Zoning Inspector

1. CALL TO ORDER

Chairman Watripont called the meeting to order at 7:35 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Chairman Watripont stated he was informed that Board Member S. Brasza was not going to be present for tonight's meeting; would he want to lighten up on that.

Board Member H. Brasza stated yes; she had a prior work engagement.

Motion:

Board Member H. Brasza made the motion to excuse the absence of Board Member S. Brasza, due to work matter; Supported by Board Member Becher.

Voice Vote:

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

Motion:

Board Member Descamps made the motion to excuse the absence of Board Member Vigus for a work related matter; Supported by Board Member H. Brasza.

Voice Vote:

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

4. ADOPTION OF THE AGENDA

Motion:

Secretary Nestorowicz made the motion to remove **item number 16a** from the agenda.

Voice Vote:

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

Secretary Nestorowicz stated since the Board has two members missing and there are two Use Variances on the agenda, they would require six out of nine votes; therefore should the Board offer those Applicants if they wish to be rescheduled to the September 9th Meeting?

Chairman Watriont stated yes; the Board will proceed with the agenda as it is. Once the Applicants are called, if they wish to be rescheduled to the September 9th meeting, they need to inform the Board. This is for the two *Use Variances*. A *use variance* requires six votes and the Board only has seven members present tonight; that is the reason those Applicants have the option to reschedule.

Motion:

Board Member Descamps made the motion to allow the petitioners for items number **7** and **14** to decide if they wish to reschedule, since they would have to have six out of seven votes.

Chairman Watriont asked the Petitioner Mr. Draper for item **7** if he wishes to proceed.

Mr. Draper stated he would like to reschedule to September 9, meeting (*voice distant*).

Chairman Watriont stated that Mr. Draper would like to be rescheduled to September 9, 2015 meeting. He proceeded to ask if Mr. Tobin for item **14** wishes to proceed.

Robert Tobin stated sure.

Chairman Watriont stated if anyone in the audience present for item **number 7**; 8129 Westminster, it is being **rescheduled to September 9**; there will not be a new notice sent for it and it will not be heard at tonight's meeting.

Motion:

Board Member Descamps made the motion to adopt the agenda as amended.
Board Member Becher supported the motion.

Voice Vote:

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

5. APPROVAL OF THE MINUTES OF the Regular Meeting of July 22, 2015.

Motion:

Secretary Nestorowicz made the motion to approve the minutes of July 22, 2015 as written; Board Member Descamps supported the motion.

Voice Vote:

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

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| 6. PUBLIC HEARING | APPLICANT: Richard & Patricia Osantowski |
| REPRESENTATIVE: | Same as above |
| COMMON DESCRIPTION: | 31917 Regal |
| LEGAL DESCRIPTION: | 13-01-401-013 |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to:

Replace an existing wood fence with a new wood fence along the Masonic property line as per the plan, without the ten (10) foot setback at driveway. Starting at the north east corner of the house going 42.5' toward Masonic then 107.04 feet along the Masonic property line. Total 149.54 feet.

ORDINANCES and REQUIREMENTS:

Section 4D.33 (b): Corner lot privacy fences: A privacy fence is permitted on corner lots provided that if the fence abuts any driveway, including driveways on adjacent property, the fence shall be set back a minimum of ten (10) feet from the intersection of the property line and the driveway providing a clear vision zone area. The portion of the fence set back a minimum of ten (10) feet, may be angled away from the driveway or installed perpendicular to the driveway. The clear vision zone area is required to provide for the unobstructed vision of a driver exiting the driveway.

Chairman Watriont asked the individuals at the podium to state their name and address for the record.

Mrs. Patricia Osantowski and Mr. Richard Osantowski, 31917 Regal Drive, appeared before the Board and stated their names and address.

Chairman Watriont asked the reason for the petition.

Patricia Osantowski stated they are in desperate need to replace their privacy fence around their home and they are on the corner of Masonic and Regal and their driveway is on the Masonic side. The fence has been there for approximately thirty (30) years and they would like to replace it because it is basically falling down and it is an eyesore. If they were to follow the ordinance bringing their gate ten feet (10') in, there would not be a place for them to place their vehicles during the winter when they would have to

take their cars off the road; if they bring that in, that would leave them very little space that they could barely get one vehicle in and close the gates—they have four (4).

Richard Osantowski stated their driveway is only twenty-seven feet (27'), so it would leave seventeen feet (17') to move three (3) cars around and he does not see it happening.

Patricia Osantowski stated they have an in-ground pool; they also would like to keep the privacy that they have, since they are on that corner and Masonic is somewhat of a busy street at certain times of the day. Their biggest issue is that they also have landscaping, they have bushes and trees and if they were to bring it angled in perpendicular as the city said, they would have to remove the bushes and trees as well.

Richard Osantowski stated he went around with a petition that the Board was given, and the neighbors were sent letters and every neighbor that he went to, does not have a problem with them putting up a nicer fence.

Patricia Osantowski stated as it is, the existing. The only time they use that gate, is to take their rubbish out on late Sundays night and then in the winter time, when they have to get their vehicles from in front of their home into the driveway, and as it is right now, they could fan three (3) cars in their driveway, close the gate and put the fourth (4) vehicle on their driveway before the fence. If that ten foot (10') has to come in, they could not get their vehicles off the road and then they will be ticketed and as she mentioned, then they would have to remove their trees and bushes.

Chairman Watriont 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 he just wanted to read-in that the Board did receive a petition that was signed by twenty-three (23) of their neighbors on Regal and Masonic, in support of their request.

Board Member Becher stated she was sorry that they had all the reasons why they did not wish to do the cutback, but their property is near a school and there is foot traffic on Masonic and she believes they have to have the cutback; it is there for the public safety and she just could not agree with not putting the cutback in; they need the cutback.

Chairman Watriont stated there is no school there; it is Miller Park that is there.

Board Member Becher stated well that is even more, so there are children on the street.

Chairman Watriont stated he passed by today, lives in the neighborhood; he understands what the applicants are saying, that neighbors said they are in favor of it and he believes a new privacy fence would look good, but his suggestion is to take the privacy fence back and then go from the corner of the garage down, that way it gives them more privacy; everyone in Miller Park could see them and they do not have any privacy from the back end.

Richard Osantowski stated they like to view the park.

Patricia Osantowski stated and not only that with all types of people going to the park, they would prefer to keep their garage inside their yard so that there would not be a reason for anyone to go into their garage; because of Miller Park being right there they have people on Masonic or from Miller Park that could possibly get into their garage.

Chairman Watripont stated they could still fence it off with...

Richard Osantowski stated they would have to close it out behind and in front of the garage and they use the garage quite a bit there in the day with the pool, the kids and the toys in the garage and the cleaning stuff and all of that. He has a lot of equipment in it and really does not want to leave his garage open on an open sidewalk; to him that is more dangerous than anything that a young child could wonder up into his garage. He believes his driveway is the safest of all driveways in the entire neighborhood; his garage sits so far back from the corner that when he opens his gate, he could see who is coming; he looks down there, it is a whole park, he could see for half a mile, so he could see if someone is coming and if someone is coming he is not pulling his car out.

Patricia Osantowski stated usually both of them are out there when they are pulling a car out or pulling a car in.

Richard Osantowski stated people in the neighborhood have their neighbor right next door to them and that child comes on his bike from his driveway right in front of the other driveway; so he has the safest driveway around.

Chairman Watripont stated this is to the Board Members now.

Richard Osantowski stated as mentioned, he went through the whole neighborhood and they do not have a problem with the fence.

Board Member Furgal stated as they know this ordinance was rewritten a couple of years ago; up until then the Board never allowed anyone to put up a privacy fence without doing this; never!

Chairman Watripont stated correct.

Patricia Osantowski asked how the fence got there then.

Board Member Furgal stated because it was there before the ordinance, they changed the ordinance several times but the last—she knows at least ten years—they have required people to do that.

Patricia Osantowski stated she has a picture of a home that their fence is...

Richard Osantowski to his wife stated not to worry about their home.

Board Member Furgal stated she is just informing them that the Board never allowed anyone to do that.

Richard Osantowski stated as he mentioned every square does not fit in the same square hole and this one is not fitting. It does not make sense for this house to have it done; he needs that fence for the safety of the pool. The Board is speaking of safety; he has a pool there, kids (*inaudible*)...other fences.

Chairman Watripont stated the City Attorney would like to explain something.

Roxanne Canestrelli stated the Board has closed the discussion on their end and the discussion is now on the Board's end, so they are just trying to...

Chairman Watripont stated so just answer the questions as directed.

Patricia and Richard Osantowski both apologized.

Board Member Becher stated she does not see how the cutback would create a problem with parking; she understands they might lose a little bit of landscaping but she for one could not vote for this without the cutback because they are not cutting into the driveway where the cars go, they are cutting into the lawn area so that everyone has visual; it would be safe for everyone and gates could be made to swing back into the cutback. She could not vote for this; she could vote for a new fence but not for giving up the cutback.

Board Member Pauta stated she wanted to give the residents the option again that Chairman Watripont had suggested.

Chairman Watripont stated his suggestion for the area which he believes would be best, would be to go from the garage, they do not even have to do it with the privacy fence if they want; they could do it with whatever type fence and could still put a regular fence across the driveway there and take their privacy fence all the way to where the setback is and continue it with a regular fence; that is his suggestion if they want the security and everything at that point and time; but it is a safety issue in his opinion. He asked Board Member Pauta if that was what she wanted him to reiterate.

Board Member Pauta stated yes.

Richard Osantowski stated sounds like they wanted him to repair his entire fence then.

Patricia Osantowski asked if they could just take down panels and put up panels; was that what they could do then.

Richard Osantowski asked if they could repair the fence.

Chairman Watripont stated the Board has not voted at all on anything yet and they are still in discussion.

Lynn Martin, Chief Zoning Inspector stated if the fence had a permit then yes they could repair it, if they take it down to replace it, then she does not believe they have a permit when it was put up.

Chairman Watripont stated when it was put up.

Lynn Martin, Chief Zoning Inspector stated right; so it was an illegal fence.

Chairman Watripont stated so if they took down one panel to replace it...

Lynn Martin, Chief Zoning Inspector stated they would still have to have a permit.

Chairman Watripont stated they would still have to have a permit so they would not be able to do one panel at a time either.

Richard Osantowski stated he was speaking about putting the same panel back up; he could have that wood refinished and put back up, correct?

Chairman Watripont stated taking that wood and having it refinished is...

Richard Osantowski stated he could sand it, refinish it and put it back up, right?

Lynn Martin, Chief Zoning Inspector stated she has not seen it; she could not say.

Chairman Watripont stated he does not believe so because it is a major repair.

Richard Osantowski asked refinishing wood is a major repair?

Chairman Watripont stated taking it off and putting it back on for all of the panels.

Richard Osantowski stated he is speaking about just repairing some boards on his gate.

Roxanne Canestrelli stated just to clarify; it does not have to be major repair as long as it is 'some' repair.

Lynn Martin, Chief Zoning Inspector stated the fact that it does not have a permit when it was put up, so it is an illegal fence.

Richard Osantowski stated they did not put it up.

Patricia Osantowski stated they have only lived there for eleven years.

Lynn Martin, Chief Zoning Inspector stated right but someone put it up without a permit.

Patricia Osantowski stated they did not know that.

Lynn Martin, Chief Zoning Inspector stated once someone buys a property they assume everything is right.

Richard Osantowski stated so now they are law breakers.

Lynn Martin, Chief Zoning Inspector stated no, she is not stating that.

Chairman Watripont stated no, they are present before them because they want to replace it; that is why they are present before the Board.

Patricia Osantowski stated right.

Chairman Watripont stated it had nothing to do with what was up there before. It was a non-conforming fence at that time and they are present to make it conforming; they are present before the Board because what they want to do is not within the ordinances. What some of the Board Members are suggesting are ways to get the ordinance intact because of safety and foot traffic. He has been on the Board for eight years and they have not allowed anyone without that visual. Down Martin there is another house where basically they have the chain right in the middle...

Richard Osantowski stated it looks like garbage; it looks *(voice inaudible)* made.

Patricia Osantowski stated it does; not only that, it still would not give them the privacy they want for the pool if they have a chain-link; she means they could climb chain link.

Chairman Watripont stated they have chain link in the back of their yard.

Richard Osantowski stated that is only going out to six (6) feet.

Patricia Osantowski stated however, they have their bushes there as well and have been lucky the board is right, but they all know the neighborhood is changing; they do not want their garage exposed to the outside basically.

Board Member Descamps stated understanding the petitioner's plight because they do have a beautiful home, it is in a very nice area of Warren and obviously it is well maintained; however, this Board unitedly has been requiring setbacks all along. They are not opposed to a new fence; they did not know there was no permit and it is not their fault, it is just the way it works out; they would have to get a new permit to put up a new fence but they are required the setback and he will make the motion to do that for them.

Richard Osantowski stated then it did not matter what their neighbors said.

Board Member Descamps stated no.

Chairman Watripont stated it is a matter of safety and it is also a matter that it goes with the land, so if they move out and someone else comes in with that fence and they are going in and out all day long, now it becomes a major safety; so it goes with the land, which it will change hands someday.

Patricia Osantowski stated yes after they die; they are not moving, they are staying and she is not moving again.

Richard Osantowski stated they do like the neighborhood and like Warren.

Chairman Watripont stated they like to have them.

Motion: (This motion was later changed to DENIED.)

Board Member Descamps made the motion to approve the petitioner's request to: Replace an existing wood fence with a new wood fence along the Masonic property line as per the plan, **with the ten (10) foot setback** at driveway; required by the Zoning Board of Appeals, starting at the north east corner of the house going 42.5' toward Masonic then 107.04 feet along the Masonic property line; total 149.54 leaner feet.

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

Chairman Watripont stated he does not believe they would actually approve that because that is not in compliance with the ordinance.

Board Member Descamps stated that was what he meant to state.

Chairman Watripont stated so the Board would not...

Board Member Furgal stated they would deny.

(Inaudible discussion)

Board Member Furgal stated the motion is a motion to deny the request.

Chairman Watripont stated he believes that is the motion if he wants to keep it this way.

Board Member Furgal stated that is what he wanted to do.

Board Member Descamps apologized and stated it is a motion to deny; his wording was poor and is **amending his motion.**

Chairman Watripont stated Board Member Descamps motion is a motion to deny; reason being...

Board Member Furgal stated it is detrimental to the neighbor.

Board Member Descamps' motion was amended to:

Motion:

Board Member Descamps made the motion to **deny** the petitioner's request to: Replace an existing wood fence with a new wood fence along the Masonic property line as per the plan, without the ten (10) foot setback at driveway, which is required by the ZBA. Starting at the north east corner of the house going 42.5' toward Masonic then 107.04 feet along the Masonic property line. Total 149.54 leaner feet.

Reason being: It is a detriment to the area and a self-imposed hardship.

Board Member Becher supported the motion.

Chairman Watriont stated there is a motion by Board Member Descamps to **deny** the petition and supported motion by Board Member Becher; so a yes vote is a vote to deny. He asked for Roll Call.

Roll Call:

A roll call was taken on the motion to **deny** and the motion **carried** (7-0).

Board Member Descamps	Yes to deny for the reasons stated in the motion.
Board Member Becher	Yes to deny for the reasons stated in the motion.
Board Member H. Brasza	Yes to deny for the reasons stated in the motion.
Board Member Pauta	Yes to deny for the reasons stated in the motion.
Board Member Furgal	Yes to deny for the reasons stated in the motion.
Secretary Nestorowicz	Yes to deny.
Chairman Watriont	Yes to deny for reasons stated in the motion; it has nothing to do with them or their yard; just with the safety issues and the neighborhood.

The Petitioner's request has been **DENIED.**

Patricia Osantowski asked if it was possible to bring it in only five (5) feet instead of ten (10) feet.

Chairman Watriont stated it has already been denied.

7. PUBLIC HEARING

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

ZONE:

APPLICANT: Mr. David Draper-USE-

(Rescheduled from: 06/10/2015 & 07/08/2015)

Same as above

8129 Westminster

13-34-304-033

R-1-C

VARIANCES REQUESTED: Permission to: -USE-

Have a three family dwelling, upper, lower units and basement unit, in a single family residential zone.

ORDINANCES and REQUIREMENTS:

Section 5.01 thru 7.01: Uses in residential districts: Multi family dwellings are not allowed in single family districts.

This matter was **RESCHEDULED to September 9, 2015** as requested by the Petitioner due to not having a full Board present.

8. PUBLIC HEARING

APPLICANT: St. Louise de Marillac Catholic Church

REPRESENTATIVE: Ms. Shirley Braschayko
COMMON DESCRIPTION: 2500 Twelve Mile Road
LEGAL DESCRIPTION: 13-18-126-007
ZONE: R-1-C

VARIANCES REQUESTED: Permission to:

Conduct the Annual Parish Festival / Carnival on:

Friday, September 11, 2015: From, 5:00 p.m. – To – 11:00 p.m.

Saturday, September 12, 2015: From, 12:00 p.m. – To – 11:00 p.m.

Sunday, September 13, 2015: From, 12:00 p.m. – To – 8:00 p.m.

ORDINANCES and REQUIREMENTS:

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

Chairman Watripont asked the individuals at the podium to state their name and address for the record.

Steven Braschayko, 30080 Merrick, Warren, appeared before the Board and stated that he is Shirley Braschayko's husband. The church address is 2500 Twelve Mile Road.

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

James Soroka, 28438 Wexford, Warren, Michigan, appeared before the Board.

Chairman Watripont stated the Board's issue is that the name on the application is Shirley.

Steven Braschayko stated Shirley Braschayko is in Denver right now.

Chairman Watripont stated to Board Members that Mr. Steven Braschayko is at the same address; yes.

Steven Braschayko stated 30080 Merrick.

Chairman Watripont requested Mr. Braschayko's driver license to verify he is Shirley's husband and will then move forward.

Steven Braschayko stated he would give the Board Shirley's telephone number. (Slight laughter)

Chairman Watripont stated this will be on T.V. so he is not sure if they wanted all of the phone calls. (Laughter among everyone) He stated the Board will move forward and if he could have Shirley write a letter stating she wanted him (Steven Braschayko) to represent her tonight at the meeting and send it to the Council's Office. That way the record would be completed and if it happens again, his suggestion is when the application is filled out, to include both names. He asked the reason for their application.

Steven Braschayko stated to host the annual 2015 September Fest this year at the St. Louise de Marillac Catholic Church.

Board Member Becher asked if he wanted to give the date, time and what they are going to do; she means people are going to see this on T.V.

Steven Braschayko stated the dates will be on September 11, from 5:00 to 11:00 pm, September 12, 2015, from 12:00 p.m. to 11:00 p.m. and September 13th, from 12:00 p.m. to 8:00 p.m.

Chairman Watripont 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. He asked if anything has changed on their setup and everything, it is all the same, except that they are going a little bit earlier than last year's request, he thinks it was 1:00 o'clock last year?

Steven Braschayko asked on Saturday?

Chairman Watripont stated on Saturday and Sunday; it is 12 o'clock now.

Steven Braschayko stated yes it is set at 12 o'clock this year.

Secretary Nestorowicz stated he just wanted to confirm before making the motion; in the past years, the stipulation was for the music to stop at 10:00 p.m. on Fridays and Saturdays.

Steven Braschayko stated city ordinance, right.

Motion:

Secretary Nestorowicz made the motion to approve the petitioner's request to:
Conduct the Annual Parish Festival / Carnival on:

Friday, September 11, 2015:	From, 5:00 p.m.	– To – 11:00 p.m.
Saturday, September 12, 2015:	From, 12:00 p.m.	– To – 11:00 p.m.
Sunday, September 13, 2015:	From, 12:00 p.m.	– To – 8:00 p.m.

With the Condition: that all music stops at 10:00 pm on Fridays and Saturdays; 8:00pm on Sunday.

Reason being: Needs Approval of the Board.

Board Member Pauta supported the motion.

Chairman Watripont stated there is a motion by Secretary Nestorowicz, Supported by Board Member Pauta. He asked for Roll Call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (7-0).

Secretary Nestorowicz	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 Descamps	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes for reasons stated in the motion and good luck at the festival.

The Petitioner's request was **GRANTED; with the Condition, that all music is to be turned off at 10:00 pm on Fridays and Saturdays and 8:00 pm on Sunday.**

Board Member Becher asked if they were going to have the dunk tank this year.

Steven Braschayko stated no dunk tank.

Board Member Becher stated no dunk tank?

Steven Braschayko stated no dunk tank.

Board Member Becher stated okay.

Steven Braschayko stated they used host with Tony in police and they used to get the Council people there but when Tony passed away and unfortunately they have not asked Council to come out.

Chairman Watripont stated he would like to see some of those Councilmen up there. (Laughter)

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| 9. PUBLIC HEARING | APPLICANT: Volodymyr Gnizdiukh |
| REPRESENTATIVE: | Mariia Gnizdiukh |
| COMMON DESCRIPTION: | 11248 Martin |
| LEGAL DESCRIPTION: | 13-15-402-008 |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to:

Retain fences in the front yard as per the plan; 54 feet along the east property line and 40.5 feet along the west property line.

ORDINANCES and REQUIREMENTS:

Section 4D.08 Front yard fences: No fence, wall or landscape screen shall be constructed between the established building line and the front property line...

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

Mariia Gnizdiukh, 11248 Martin Road, Warren, Michigan 48093, appeared before the Board and stated her English is bad and apologizes for that.

Chairman Watriont stated they will get through this; he promises her. He asked the other individual at the podium to state his name and address.

Mike Quitter 11251 Martin appeared before the Board and stated that he resides across the street from the Applicant.

Chairman Watriont stated so he could help interpret.

Mariia Gnizdiukh stated he is my neighbor.

Mike Quitter stated a little bit.

Chairman Watriont (laughter) asked the reason for the petition.

Mariia Gnizdiukh asked if she could read because she could explain better. Her family consists of three people, her, her husband, and her daughter who is three and a half years old. They came to America five years ago from Ukraine. A year ago they bought their first home and it is always clean and looks good around their house.

Mike Quitter stated she is a very respectful person.

Mariia Gnizdiukh stated they decided to install a fence because it looked better. Her neighbor on the left does not always clean around her house and has very large weeds every time and in winter, their snow was always blown on her side. Her right side neighbor is very good; they are older people but are really nice; they had decorations with a big tree and wooden ledge from her side once and it was broken but her husband fixed it because they are older people.

Mike Quitter stated it was like a wood light and it comes out like this (gesturing with his hands) and it kind of gives it a nicer look.

Mariia Gnizdiukh stated because they do not have anyone here who could have explained it to them that they had to go to the city to take a permit, because they did not know about it but if they knew they would have gone to the city and taken a permit. In

her country, everyone has fences between houses; they did not know that here they had to take a permit or that they could not do a fence. She asked if the Board understood what she meant. After they did the fence, they received a letter for...

Mike Quitter stated her family did not realize how to get permits and everything and they have worked on fences their whole life; they put the fence up to make the house look private and look nice and to separate from the neighbor's house who are over caught and do not take care of their yard at all and their own house looks really nice.

Mariia Gnizdiukh stated they respect and honor the rules here but to please allow them to keep their fence because they spent a lot of money, work and for them it is important.

Mike Quitter stated basically what she is stating is that it is their first house and she wants to make her house look really nice and beautiful and it does look nice and makes the whole neighborhood look nice.

Mariia Gnizdiukh stated some of the neighbors provided letters approving her fence.

Mike Quitter stated the entire neighborhood.

Chairman Watripont asked if she had a list from the neighbors or is that her letter that...

Mariia Gnizdiukh stated yes; she has letters.

Mike Quitter stated those were the neighbors that were passed out from the city.

Mariia Gnizdiukh stated it is from the right side.

Chairman Watripont stated for the meeting.

Mariia Gnizdiukh stated she went to the neighborhood and they told her it was okay and they approved her fence and it is far from the road.

Mike Quitter stated it is not that high; it is a small little fence.

Mariia Gnizdiukh stated it is three (3) feet; she does not know if it is three (3) or four (4) feet. She could show them a photo if they wish, but apologizes that she just has one.

Mike Quitter stated if he looks over, he could see over it.

Mariia Gnizdiukh stated and it is far from the road.

Mike Quitter stated it is about that far (gesturing with his hands) from the sidewalk.

Mariia Gnizdiukh and sidewalk too is not...

Mike Quitter stated it is enough for snow, shovel and everything.

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

Secretary Nestorowicz stated before the Board has their discussion, he just wanted to say that the Board did receive a letter from Raymond LaBrecque, on Irvington Drive in Warren, in favor of this and there was also actually a phone call but they did not leave a name that was also in favor of this, in addition to the three (3) letters that they just submitted from Michael Stopczynski on Martin Road; Effie Argeropoulos on Martin Road and Eilee Alfons Poser on Martin Road, all in favor of this.

Board Member H. Brasza stated if no one has any further discussion, he would like to make his motion.

Motion:

Board Member H. made the motion to approve the petitioner's request to:
Retain fences in the front yard as per the plan; 54 feet along the east property line and 40.5 feet along the west property line as per the plan **with the condition that the fence will not be higher than 36 inches high.**

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

Secretary Nestorowicz supported the motion.

Chairman Watripont stated there is a motion by Board Member H. Brasza, Supported by Secretary Nestorowicz; he does have one question maybe to Lynn Martin. He asked if there was a restriction on the size of a fence in the front yard.

Lynn Martin, Chief Zoning Inspector stated they could allow it at four (4) feet; usually it is 30 inches.

Chairman Watripont asked if they knew how high this one was.

Lynn Martin, Chief Zoning Inspector stated no she does not. She asked if it was a regular fence (voice distant from microphone).

Mike Quitter stated no.

Chairman Watripont stated no.

Mariia Gnizdiukh asked the Board if she could show Lynn the picture.

Chairman Watripont stated yes, she could show her real quick.

Lynn Martin, Chief Zoning Inspector stated...it is a picket fence. (Voice distant)

Board Member Becher stated it is a picket fence.

Board Member H. Brasza stated he would like to amend his motion to 36 inches.
Amendments made into the initial motion.

Chairman Watripont stated the Board already had a support by Secretary Nestorowicz; he asked if Secretary Nestorowicz agrees with the amendment?

Secretary Nestorowicz stated yes, he does.

Chairman Watripont stated okay; to retain of the fence that is in place, as long as the fence is not higher than thirty-six inches (36"). He asked for Roll Call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (6-1).

Board Member H. Brasza	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Furgal	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.
Chairman Watripont	No, since he does not like front yard fences.

The Petitioner's request has been **GRANTED with the condition the fence will not be higher than 36 inches.**

Mariia Gnizdiukh thanked the Board and apologized for her English.

Chairman Watripont stated she did just fine.

10. PUBLIC HEARING	APPLICANT: Mr. Keith Katterson
REPRESENTATIVE:	Mr. Brian Katterson
COMMON DESCRIPTION:	24450 Eureka Avenue
LEGAL DESCRIPTION:	13-29-156-003
ZONE:	R-1-C

VARIANCES REQUESTED: Permission to:

Construct a garage 36' x 36' = 1,296 sq. ft.; 12' to eaves. Existing garage to be removed.

ORDINANCES and REQUIREMENTS:

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

Section 4.20 (a) Detached accessory buildings: All detached accessory building shall not exceed one (1) story or ten (10) feet in height measured to the eaves.

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

Keith Katterson, 24450 Eureka, appeared before the Board.

Chairman Watripont asked Mr. Katterson to speak louder into the mic; project his voice.

Keith Katterson, 24450 Eureka, Warren, Michigan appeared before the Board.

Chairman Watripont asked the second individual at the podium to state his name and address.

Brian Katterson, 193 Firestone, Delaware, Ohio, 43015, appeared before the Board.

Chairman Watripont asked for the reason for the petition.

Brian Katterson stated to build a garage 36' by 36'.

Chairman Watripont asked for the hardship; why do they need this garage?

Brian Katterson stated they have snow mobiles and camper that they would like to store in there and an old car.

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

Secretary Nestorowicz stated he just wanted to read into the minutes that the Board did receive a number of letters regarding this item; one from a Silva Albazi on Cunningham that was in objection to this request; another from a Sharon Cunningham, also in objection to this request and there is one phone call received in the office today without a name that was actually in objection to this request.

Chairman Watripont stated matter is at the Board.

Board Member Furgal stated according to the letters the Board received; they own a landscaping business?

Keith Katterson stated yes he does.

Board Member Furgal asked if he operates his landscaping business out of this property.

Keith Katterson stated no, he does not.

Board Member Furgal asked if he has another location.

Keith Katterson stated at 14300 E. 13 Mile Road.

Board Member Furgal stated 14300 E. 13 Mile Road and that is where he runs his landscaping business?

Keith Katterson stated yes.

Chairman Watriont stated he has a problem with the size; he asked how big is his house, how many square feet is the house?

Keith Katterson stated 1,150.

Board Member Becher asked Mr. Katterson to speak into the mic.

Chairman Watriont stated 1,150; he wants to build a garage that is bigger than his house?

Keith Katterson stated yes, sir.

Chairman Watriont stated that is one of the things that he has a problem with. He usually does not like to go much higher than 900, himself and the fact that he is going to 12 feet at the eaves, is he planning a second story there?

Keith Katterson stated no, he is not. He could go the 10 foot.

Chairman Watriont stated those are his objections, he will listen to the rest of the Board Members.

Board Member Becher stated she was reading this letter that the Secretary informed the Board about and did not read and it says that they put their privacy fence; did he get a permit for his fence when he put...

Keith Katterson stated yes, he got it.

Board Member Becher stated okay and when she looked at his plans, she was not quite sure about what he was really telling them about these plans because he only has a two (2) foot ratwall and she believes the ratwall(s) are supposed to be like 48" or something like that; almost 4 feet.

(Lynn Martin's comment was inaudible)

Board Member Becher stated that he would have to put in a footing. She knows that he has drawn out his plans, but she just does not think they would fly when he goes to get a permit if they do grant this.

Keith Katterson stated yes; he will grant it.

Board Member Becher asked Mr. Katterson what he had stated.

Keith Katterson stated he misunderstood her. His backyard is low, so it is going to be 24" ratwall than courses of block.

Board Member Becher stated no, he would have to go by code if he gets this; he is going to have to go by the Building Code and that will be discussed when he goes for a permit but right now she does not think his plans are any good and that was his comment; and that is an awfully big garage and she really could not see his yard when she went by because he has that big fence.

Keith Katterson stated yes and his house looks beautiful.

Board Member Becher stated yes, it is a very well kept house.

Board Member Pauta stated she would suggest that they bring the Board some decent plans because this was not even close to what they accept and show the house, show the size of lot.

Keith Katterson stated he has that.

Board Member Pauta stated the garage is way oversized.

Keith Katterson stated his lot size is 286 feet deep and 60 feet wide.

Board Member Pauta stated well they do not know that because he did not tell the Board.

Chairman Watriont stated the Board has the mortgage survey. It is a huge lot and he does give him that but he still thinks it is too big.

Board Member Pauta stated yes, the garage is just too big and he should check with the Building Department.

Keith Katterson stated he is here to work with the Board; he just wants to build a garage.

Board Member Pauta stated yes, she thinks he should reschedule this because she thinks he should work with the Building Department to find out exactly what this is about, but his garage is just way too big for...

Keith Katterson stated he obtained a permit for a 24' by 24' but he figured out the dimensions of the stuff he has and it would not fit. If they go 30' by 30', he would go with that.

Secretary Nestorowicz stated he personally feels being closer to 1,300 is too large; if the petitioner would go 30' by 30', that is 900 square feet and that is only 200 square feet over the 700, he knows he would be fine with that. But he knows that currently at 1,300 that is more than what he would approve.

Keith Katterson stated that sounds fine.

Board Member Descamps stated if there was no more discussion, he would like to make a motion.

Motion:

Board Member Descamps made the motion to approve the petitioner's request **amended** to: Construct a garage **30' x 30'= 900sq. ft. not more than 10' to eaves**, and **to remove the existing garage** and **doing all that is required by City permits and ordinances.**

Reason being: Size and Shape of the Lot; Needs Approval of the Board and Not a Detriment to the Area.

Secretary Nestorowicz supported the motion.

Chairman Watripont stated there is a motion by Board Member Descamps to, permit a construction of a 30' x 30' = 900 sq. ft., 10' to the eaves garage; removal of the existing garage; reason being: size and shape of the lot, not a detriment to the area. He asked for Roll Call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (7-0).

Board Member Descamps	Yes, for the reasons stated in the motion.
Secretary Nestorowicz	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 Furgal	Yes, for the reasons stated in the motion.
Board Member Becher	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 the **condition to construct a 30' x 30'= 900 sq. ft. garage, not more than 10' to eaves and to remove the existing garage.**

11. PUBLIC HEARING	APPLICANT: Victory Inn / Ms. Beverly Suida
REPRESENTATIVE:	Ms. Beverly Suida
COMMON DESCRIPTION:	28950 Mound Road
LEGAL DESCRIPTION:	13-16-101-001
ZONE:	C-2

VARIANCES REQUESTED: Permission to:

Retain an existing ground sign as follows: eighteen (18) feet in overall height, with a one (1) foot setback from the Mound property line, seven (7) foot under clearance with two (2) signs 4.5' x 8.5' = 38.25 sq. ft. each (total 76.50 sq. ft.); one (1) of these signs is

a changeable copy sign non LED and an irregular area on top with a "V" less than 17 sq. ft.

ORDINANCES and REQUIREMENTS:

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

Section 4A.35 Paragraph (b): One freestanding on-premise sign of a size not to exceed seventy-five (75) square feet shall be allowed in commercial business and industrial districts zoned C-1, C-2, and M-1 & M-2.

Section 4A.19: All freestanding signs shall have a clearance of ten (10) feet beneath the sign structure.

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

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

Beverly Suida, 28817 Palm Beach, Warren, appeared before the Board.

Chairman Watripont asked the reason for her petition.

Beverly Suida stated she is present to basically try to retain her Victory Inn sign on the front of Mound Road, to her it is part of history. Her grandfather built that bar back in 1942, she has been there 31 years and the sign has been there since she has been there; they are trying to do an addition to make the Victory Inn better for everyone in the City of Warren, have jobs and that sign is like a landmark, they have 70 years next year and she does not want to take it down and that is why she is present; she is trying to save her sign, but it has been there forever.

Chairman Watripont asked if she had any other identification on the building.

Beverly Suida asked in what aspect?

Chairman Watripont stated any other sign?

Beverly Suida stated she has one on the 12 Mile side 4 foot but nothing on the Mound Road.

Chairman Watripont stated this is a public hearing, anyone wishing to speak.

Lynn Martin, Chief Zoning Inspector stated just for clarification, the original sign did not have a permit or any inspections; they will have to go to the Engineering Department on the footing and figure out a way to verify the footing if they want to leave it in that same exact spot and that could be an issue.

Chairman Watripont stated if the Board approves it, she knows that she would have to go through the other process and make sure.

Beverly Suida stated she believes they have already started that process.

Chairman Watripont stated hearing and seeing no one else, he turns the matter over to the Board. It is the same sign that has been there forever and they are on Mound, right?

Beverly Suida stated yes.

Board Member Becher stated if there is no further discussion on this sign and this sign is a little bit older than her (laughter) she would like to make her motion.

Motion:

Board Member Becher made the motion to approve the petitioner's request to: Retain an existing ground sign as follows: eighteen (18) feet in overall height, with a one (1) foot setback from the Mound property line, seven (7) foot under clearance with two (2) signs 4.5' x 8.5' = 38.25 sq. ft. each (total 76.50 sq. ft.); one (1) of these signs is a changeable copy sign non LED and an irregular area on top with a "V" less than 17 sq. ft.

Reason being: Not a Detriment to the Area, Size and Shape of the Lot and Lack of Identification.

Board Member H. Brasza supported the motion.

Chairman Watripont stated there is a motion by Board Member Becher, Supported by Board Member H. Brasza; not a detriment to the area, lack of identification and size and shape of the lot. He asked for Roll Call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (7-0).

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.
Board Member Furgal	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.
Chairman Watripont	Yes, for the reasons stated in the motion.

The Petitioner's request has been **GRANTED** as written.

12. PUBLIC HEARING
REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

APPLICANT: Mr. Lee Bryant / A.E. Fleming
Mr. Robert Neibel / S.S. Biondi Construction
6811 Miller Drive
13-04-401-013
M-2

VARIANCES REQUESTED: Permission to:

1. Retain a 19' 3" x 203' = 3,941.6 sq. ft. lean-to structure to no less than three (3) feet of the north property line for storage as per the plan.
2. To waive 3,941.6 sq. ft. of required off street parking in addition to the parking waived 3/14/12 and 3/28/01 (29,663 + 6,057 = 35,720 sq. ft.).
3. Install an eight (8) foot high fence as per the plan.

ORDINANCES and REQUIREMENTS:

Section 17.02 Paragraph (b): Side yards and rear yards. M-2, 20 feet each.

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 4D.38 Fence Height: In all non-residential zones maximum height is six (6) feet.

Chairman Watriont asked the individuals at the podium to state their name and address for the record.

Rob Neibel, J.S. Biondi Construction, 7641 19 Mile Road, Sterling Heights, appeared before the Board.

Lee Bryant, A.E. Fleming, 6811 Miller Drive, Warren, appeared before the Board.

Chairman Watriont asked for the reason for their petition.

Rob Neibel stated obviously they have three (3) requests on there; simply his clients have outgrown the building; originally he built the addition he thinks it was in 2011 or 2012, shortly after they completed that, their business increased and they just outgrew their building is what they did. The lean-to was not built by him but by another contractor; his client was told at the time of that contractor that it is just a roof outside, there was no permits needed, they took their word for it and it was built. Obviously, planning came forward and said no they could not do that and that brought them here tonight. They called and asked him if he could help them with this. The outdoor storage or the lean-to as he calls it is simply used to store potting soil. It is in line with that of Wal-Mart, Lowe's and Home Depot in the City of Warren as far as their outdoor storage goes as well. The reason for the fencing that they have asked for is 8 foot fencing is for the same reason, some soil. They have in the original permit for the 8000 square foot addition, it was agreed to that they would store the pallets inside the building and bring the dumpster inside the building at night. Since they have outgrown that building, they have been forced to push it back outside again; the fence would allow them to house the pallets until they are picked up and house the dumpster out there and it would be screen with the PVC privacy slats, so it would not be seen from the road. This is not in an industrial park, so he does not feel that it is detriment to any of the residents or neighborhoods because the entire park; it does not bring up to any residential.

Chairman Watripont stated this is a public hearing, anyone wishing to speak on this item. Hearing and seeing none, he turns the matter over to the Board. The lean-to is on the north property line; is it to the west side?

Rob Neibel stated correct, it is adjacent to the existing building, the original structure and it is on the north property line.

Chairman Watripont stated and the addition that he built was on the...

Rob Neibel stated he apologizes, that is on the south side.

Chairman Watripont stated that is on the south side.

Rob Neibel stated south west, yes.

Chairman Watripont stated south west side.

Rob Neibel stated just passed the truck wells.

Chairman Watripont stated it was just the way his building is, not really on Miller and the address is Miller; it is a little confusing.

Lee Bryant stated it changed over the years.

Rob Neibel stated that used to be cul-de-sac there.

Secretary Nestorowicz stated he has one question but he does not know if it would be directed towards Lynn or...but his question is that he personally does have a problem with the lean-to, but would they not need an approval for outdoor storage; he did not see anything in the package saying they have ever had approval for outdoor storage.

Lynn Martin, Chief Zoning Inspector stated she does not really think it is really outdoor storage because it is under a roof and that is construction. (*Voice distant*)

Chairman Watripont stated yes; it is covered; asked where the fence was going to be.

Rob Neibel stated he guesses that would be just east of the original addition; it would basically be between the truck well and the addition they built in 2011 or 2012; so set farther back onto the property, it would not be up closer to the road and the parking area.

Board Member H. Brasza stated if no one else has any questions or discussion, he would like to make a motion.

Motion:

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

1. Retain a 19' 3" x 203' = 3,941.6 sq. ft. lean-to structure to no less than three (3) feet of the north property line for storage as per the plan.
2. To waive 3,941.6 sq. ft. of required off street parking in addition to the parking waived 3/14/12 and 3/28/01 (29,663 + 6,057 = 35,720 sq. ft.).
3. Install an eight (8) foot high fence as per the plan.

Reason being: Size and Shape of the Lot and to a Detriment to the Area.

Board Member Pauta supported the motion.

Chairman Watripont stated a motion by Board Member H. Brasza, Supported by Board Member Pauta, in favor of the variance as written; due to size and shape of the lot and not a detriment to the area. He asked for Roll Call.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (7-0).

Board Member H. Brasza	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 Becher	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** as written.

13. PUBLIC HEARING

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

ZONE:

APPLICANT: International Radiant & Mechanical Systems

Mr. Kevin Deters / Metro Detroit Signs

26488 Groesbeck Hwy

13-24-227-023

M-2

VARIANCES REQUESTED: Permission to:

Install one wall sign 20' x 4' = 80 sq. ft.

ORDINANCES and REQUIREMENTS:

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.

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

Donald Scott Fleet, 2307 Woodstock Drive, Port Huron, Michigan; appeared before the Board and stated that he is the owner of International Radiant. He received a call from the representative of the sign company this evening and he could not attend due to a family emergency, so he is here by himself.

Chairman Watriont asked Mr. Fleet if he has a business card.

Donald Scott Fleet stated he does; they have relocated. They have been in business for thirty (30) years and they have just relocated from Madison Heights to the City of Warren.

Chairman Watriont thanked Mr. Fleet.

Donald Scott Fleet stated mainly for the reason to be more accessible to the contractors.

Chairman Watriont thanked Mr. Fleet and stated that he was going to place Mr. Fleet's business card with the permanent record. He asked the reason for his petition.

Donald Scott Fleet stated mainly to be visible from the street; they are several hundred yards off the road right now and there are five (5) other businesses that are located on this property. The other properties, their other signs are at least a hundred (100) square feet, so they have eighty-five (85) linear foot of frontage; their business is actually eighty-nine hundred (8,900) square foot of office warehouse, so to be visible and to be in line with the other signs in their complex, they request the eighty (80) square foot. It is a four (4) foot high by twenty (20) foot wide sign; the neighboring building is the building that they share with *Behler Young*, their sign is approximately four (4) foot high by about forty (40) foot wide span.

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 went out and looked at this site yesterday and it is difficult to find anything on Groesbeck because the traffic is moving so fast and there is so much on Groesbeck but she followed the addresses and she pulled in and it took her a minute to realize that she had to go around the round part to find his property and he has a difficult site to find. As far as she is concerned, he should have flashing lights on top of the building (laughter).

(Laughter among everyone)

Chairman Watriont stated those are illegal (slight laughter).

Board Member Becher stated she knows that; so if there is no further discussion she would like to make a motion.

Motion:

Board Member Becher made the motion to approve the petitioner's request to: Install one wall sign 20' x 4' = 80 sq. ft.

Reason being: Lack of Identification, Size and Shape of the Lot and Not a Detriment to the Area.

Board Member H. Brasza supported the motion.

Chairman Watriont stated there is a motion by Board Member Becher, Support by Board Member H. Brasza, to grant the petition as requested; due to size and shape of the lot, lack of identification and not a detriment to the area. He asked for Roll Call.

(The additional reason was added to Mrs. Becher's initial motion.)

Roll Call:

A roll call was taken on the motion to approve and the motion carried (7-0).

Board Member Becher	Yes, as 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.
Board Member Descamps	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 Watriont	Yes, for the reasons stated in the motion.

The Petitioner's request has been **GRANTED** as written.

14. PUBLIC HEARING
REPRESENTATIVE: **APPLICANT: Equivalent Base Co-USE-**
COMMON DESCRIPTION: Mr. Robert J. Tobin
LEGAL DESCRIPTION: 4175 10 Mile Road and Ten Mile
ZONE: 13-20-353-020 & 13-20-353-008
M-2 & R-1-P

VARIANCES REQUESTED: Permission to: -USE-

1. Allow 7,116 sq. ft. of outdoor storage on a lot zoned R-1-P.
2. Waive 13,515 sq. ft. or required off street parking.
3. Retain the existing propane tank cage, 55' from the property line in an R-1-P district.

ORDINANCES and REQUIREMENTS:

Section 8.01 Uses in R-1-P (a): Uses permitted in R-1-C; (b) parking of private passenger motor vehicles.

Section 4.32 Item (h) Paragraph (23): Off-street parking requirements. Industrial establishments, including manufacturing, research and testing laboratories shall provide sufficient parking, and in no case shall the area allotted to off-street parking be less than one hundred (100) percent of the total floor area.

Section 17.02 (p): Propane tanks allowed in M-3 & M-4 with a one hundred fifty (150) foot setback from property lines.

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

Robert Tobin, 2201 Twelve Mile Road, Warren, Michigan, appeared before the Board and stated he is representing a company that has been in existence since 2008 on Ten Mile Road; a very successful company they did some renovations and they are doing interior work right now and he would like to have the Board consider the fact that they are very fine company. This is a tight sight located on Ten Mile Road near Ryan Road and contains a twenty-one thousand, three hundred thirty five (21,335) square foot manufacturing building properly zoned M-2. At the rear north side of the building is a parking lot zoned R-1-P; that is what he is going to address tonight. The manufacturing buildings on the west side are also zoned M-2 and the property to the east is a bank zone C-1. It is a well kept sight grass and trees in the front yard and a concrete one-way entrance drive formally a public alley, which is concrete paved and properly drained. This one-way drive leads to the rear area in which additional off-street parking and outdoor storage areas are located; there currently exist a two-hundred (200) linear foot, six (6) foot high concrete wall all along the north property line and a hundred and thirty (130) linear feet of six (6) foot concrete wall along the east property line, which screens the parking and the storage from the adjacent single family housing. The owner fabricates various kinds of aluminum and metal basis and requires outside storage behind his building, which is not visible from Ten Mile Road. The area is completely concrete paved and has an existing storm water draining system. His business requires outside storage for miscellaneous steel for production, scrap steel area, parking for five (5) large trucks and a shipping area for completed basis; that is what he is proposing tonight to be stored back there. The total area allowed for outside storage in M-2 zoning is fifty percent (50%) of the building or ten thousand, six hundred and sixty-seven (10,667) square feet. The owner requires seventy one hundred and sixteen (7,116) square feet, which is well within the ordinance requirements; so, they do meet the requirement for outside storage, they are less than of the building square footage. The M-2 zoning requires twenty one thousand, three hundred and thirty-five (21,335) square feet of off-street parking. They could only provide seventy-eight hundred and twenty (7,820) square foot, which is more than adequate for their fifteen (15) employees but does not meet the ordinance parking requirements. There is a propane tank rack located by the rear overhead door that is fifty-five (55) feet from the property line. The tank is enclosed in a firebox that meets the city fire ordinance. They need this Board's approval to allow seventy-one hundred and sixteen (7,116) square feet of outdoor storage in this twenty-thousand (20,000) square foot R-1-P Zone; in other words, the R-1-P zone is twenty-thousand (20,000) square feet and they are asking for seventy-one hundred and sixteen (7,116) square feet of outdoor storage. Number two (2), they need the Board's approval to waive thirteen thousand, five hundred and fifteen (13,515) square feet of required off-street parking; number three (3), they need permission to retain the existing propane tank, which is fifty-five (55) feet from the property line in an R-1-P district. Hardships: The owner of this facility has an urgent need of outdoor storage which is located in an R-1-P zone, to successfully operate his business—he

should say continually successfully operate his business—he also needs a propane tank to continually operate the same business he is discussion here. The property provides adequate area for his employees to park but the size and shape of the lot could not provide the footage required to meet the off-street parking requirements; therefore, basically it is the size and shape of the lot for the outside parking, but not for outside storage; they are requesting approval of outside storage in an R-1-P zone. It might be easier if the Board could see this (*Mr. Tobin displayed a large site plan drawing for the Board Members and began to describe it*), the yellow is where they are proposing the outside storage—this is twenty thousand (20,000) square feet and they are proposing seventy-one hundred and sixteen (7,116) square feet of outside storage; this is their off-street parking, one way drive they come through and they allowed the existing alley to keep their street in the back; grass in the front and planting and it is properly maintained and well cleaned. He thanks the Board.

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

Board Member H. Brasza stated when they are requesting the outdoor storage, what kind of materials do they expect to be stored outdoors?

Robert Tobin asked what kind of materials?

Board Member H. Brasza stated yes, he does not have any details on that.

Robert Tobin stated he is going to repeat them again. He is going to have miscellaneous steel for proposed production; he keeps the steel outside, any scrap steel will be stored outside too in another area; he needs five (5) large trucks parking and a shipping area for completed basis; in other words in the alley the Board sees here (*Mr. Tobin referring to his site plan drawing displayed before the Board*), this is the storage where scrap steel and steel stock, this is some abrasive materials and this is the truck parking here and this is the shipping area when the basis are completed they go out the outside door here and there is storage here for shipping and they are taken out this way through the alley.

Board Member H. Brasza asked but no machinery or no extra parts or no extra junk type of things that are going to be stored out there? Just scrap steel or raw material steel.

Robert Tobin stated any junk will go immediately into the bins and be taken away on a weekly basis.

Board Member H. Brasza stated okay and what about the propane tank cage; how long has that been in place?

Robert Tobin stated the propane tank is just about this high (*gesturing with his hands*), it is the same type of tank they would see in a gas station, same thing, it has six (6) or eight (8) tanks in it and it is covered with a open cover—it is really fencing—and it is the standard requirement that they would see in a gas station and they just have it there

because he has does welding and all his equipment basis need welding equipment, so it is a normal situation; the problem that they have is that they have to get permission to store a propane tank area in an R-1-P zone.

Board Member H. Brasza asked so it was installed without a permit then?

Robert Tobin indicated that he did not understand the question.

Board Member H. Brasza stated it was installed without a permit, because it is obviously not within the statue. How long ago was it installed?

Lynn Martin, Chief Zoning Inspector stated it has been there a long time.

Board Member H. Brasza stated oh okay, so it has just been noticed as being...

Lynn Martin, Chief Zoning Inspector stated (*distant voice-inaudible*) ...occupancy inspection.

Board Member H. Brasza stated okay; that was all he had.

Robert Tobin stated it does have a permit; he knows it has a permit from the fire department.

Chairman Watripont asked how often is the scrapped steel going to be moved.

Robert Tobin stated he is not quite sure how to answer that except he knows that the scrap steel is picked up at least once a week as he was told by the owner; he (owner) could not be present tonight because he had some other engagement going. He (the owner) could properly answer that, he could not properly answer but he believes it is once a week though.

Chairman Watripont asked and the abrasive materials, what would that contain?

Robert Tobin stated that is some product that he (the owner) uses when he prepares these bases when he (the owner) welds his basis together; he is not sure, he (the owner) just told him what to put in that area but he is not quite sure what that is either, but it is just probably abrasive material; he (the owner) has a funny name for it, but he knows that it is very small articles, they come in boxes and they are just stored out there in boxes and they are taken inside when he uses them; he apologizes that he could not properly answer that question.

Chairman Watripont stated on the plan it says used abrasive materials. So, is he going to put it out there after it is used?

Robert Tobin stated no, he believes the abrasive materials is something that comes out, it is a product of his production that goes out there and is taken away.

(Inaudible comment by Lynn Martin)

Chairman Watripont stated left over from...?

Robert Tobin stated yes, it is something to do with his production; he knows that.

Chairman Watripont asked and how often is that going to be removed?

Robert Tobin stated he would presume it is once a week for sure; yes; but he apologizes that the owner was not able to be present tonight; he (the owner) could certainly answer the question better than he could.

Chairman Watripont asked if anyone else on the Board would like to comment.

Board Member Becher stated she looked at this business and it is really a very clean, well established business and she knows that steel does not stay out in the yard long because whether it is new or used it is money and people that use propane are normally very careful around it and have great respect for it; she is all for this.

Chairman Watripont asked if that was a motion.

Board Member Becher stated well yes, she would like to make a motion.

Motion:

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

1. Allow 7,116 sq. ft. of outdoor storage on a lot zoned R-1-P.
2. Waive 13,515 sq. ft. or required off street parking.
3. Retain the existing propane tank cage, 55' from the property line in an R-1-P district.

With the condition that used materials are removed at least once every ten (10) days.

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

Secretary Nestorowicz supported the motion, with discussion.

Chairman Watripont stated there is a motion by Board Member Becher, Supported by Secretary Nestorowicz with discussion.

Secretary Nestorowicz stated if the Board could add on to that motion that used materials are removed once a week.

Board Member Becher stated she would like to add on that they are going to be disposing of their used materials on a weekly basis and no more than once every ten (10) days.

Secretary Nestorowicz supported the motion.

Chairman Watripont stated there is a motion by Board Member Becher, Supported by Secretary Nestorowicz with the **condition that used materials are removed at least once every ten (10) days;** due to not a detriment to the area and size and shape of the lot.

(The conditions were included in Mrs. Becher's initial motion.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (7-0).

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

The Petitioner's request has been **GRANTED, with conditions.**

15. PUBLIC HEARING

**APPLICANT: General Motors/Todd Drouillard
AIA Ghafari Assoc.**

REPRESENTATIVE:	Dominic Galia / Todd Drouillard
COMMON DESCRIPTION:	6400 12 Mile
LEGAL DESCRIPTION:	13-16-126-001
ZONE:	M-3

VARIANCES REQUESTED: Permission to:

Build the addition to a height of 52 feet.

ORDINANCES and REQUIREMENTS:

Section 17.02 Paragraph (d): Building height not to exceed 40 feet.

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

Todd Drouillard, 17101 Michigan Avenue, Dearborn, Michigan, appeared before the Board.

Dominic Galia, 6400 E. 12 Mile, Warren, Michigan, appeared before the Board and stated he is present on behalf of GM.

Chairman Watripont asked the reason for the petition.

Todd Drouillard stated the reason for the petition is that General Motors is making another large capital expense on the tech center site. This particular one is to replace obsolete equipment that was in the building before and new equipment is planned to go

in its place. There is only two (2) companies like it in the world who build these such large press and to do so, they have to raise the building up because it would not fit in the building properly. The equipment is strategic and the building is strategic to the workflow of the product material and the way that the pre-vehicles are actually built, so they are stamped there; he means that they pretty much produce the first line of the 2017 vehicles going on there and this equipment is going to support that operation within. The replacement of obsolete lead equipment and the hardship is that it really could not go anywhere else on the tech center site for this use.

Chairman Watripont stated this is a public hearing, anyone wishing to speak on this matter. Hearing and seeing no one, he turns the matter over to the Board.

Secretary Nestorowicz stated he believes that this kind of addition onto this building is actually very good for the city in such and if there is not further discussion, he would like to make a motion.

Motion:

Secretary Nestorowicz made the motion to approve the petitioner's request to:
Build the addition to a height of 52 feet.

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

Board Member Pauta supported the motion.

Chairman Watripont stated there is a motion by Secretary Nestorowicz, Support by Board Member Pauta to grant the variance as requested.

Roll Call:

A roll call was taken on the motion to approve and the motion carried (7-0).

Secretary Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Descamps	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.
Chairman Watripont	Yes, for the reasons stated in the motion.

The Petitioner's request has been **GRANTED** as written.

16. NEW BUSINESS

Chairman Watripont stated he knows that in September, he does not know if the City Council is going to be doing it, but there are three (3) members that are up in September; he believes that he is one of them; Board Member Becher is another...

Board Member Becher stated she is one of them and she will not be reapplying, so in two weeks is her last meeting.

Chairman Watripont stated and he is not sure who the other ...

Board Member Becher stated the other one is Board Member Jennifer Vigus because she took Caren Burdi's place.

Chairman Watripont asked if it was possible to get the applications for those that want to be reappointed for next meeting. He asked if there was anything else.

17. ADJOURNMENT

Motion:

Secretary Nestorowicz made the motion to adjourn the meeting; Board Member Descamps supported the motion.

Voice Vote:

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

The meeting was adjourned at 9:05 p.m.

Roman Nestorowicz
Secretary of the Board