

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
August 26, 2015

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, August 26, 2015 at 7:30 p.m. in the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

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

Members of the Board absent:

Roman Nestorowicz, Secretary

Also present:

Roxanne Canestrelli, City Attorney
Lynn Martin, Chief Zoning Inspector

1. CALL TO ORDER

Chairman Watripont called the meeting to order at 7:30 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Assistant Secretary Vigus stated the Board received a letter from Secretary Nestorowicz asking to be excused from tonight's meeting due to a conflict.

Motion:

Assistant Secretary Vigus made the motion to excuse the absence of Secretary Nestorowicz, due to a conflict; Supported by Board Member S. Brasza.

Voice Vote:

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

4. ADOPTION OF THE AGENDA

Board Member Descamps stated he knows that item number 7 has been withdrawn from tonight's meeting; the Board had a letter requesting it.

Chairman Watripont stated he received that items # 6 and # 7; and item number 7 would like to be rescheduled as soon as possible and there is an opening on the Sep-

tember 9th meeting and **item # 6**, hopefully by the end of the year; he would like to reschedule them to a date certain of **December 9, 2015**.

Board Member Descamps questioned December 9th?

Assistant Secretary Vigus stated it is the last meeting.

Motion:

Board Member S. Brasza made the motion adopt the agenda with amendments to Item number 6 being rescheduled to 12/09/2015 and Item number 7, rescheduled to 09/09/2015; Supported by Board Member Descamps.

Voice Vote:

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

Chairman Watrion to the audience stated if anyone was present for item number 6, 26160 Groesbeck; that item will not be re-posted and it will be heard on December 9th. If anyone is present for 24800 Warner that will be heard at the next meeting on September 9th, if anyone is present for that. Both of these will not be re-noticed and this is their notice now. So if anyone was present for either of those items, they do not need to stay unless they wish to watch the rest of the meeting.

5. APPROVAL OF THE MINUTES OF the Regular Meeting of August 12, 2015.

Motion:

Board Member Furgal made the motion to approve the minutes of August 12, 2015 as written; Board Member H. Brasza supported the motion.

Voice Vote:

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

6. PUBLIC HEARING

APPLICANT: TGM Properties LLC-~~USE~~

(Rescheduled from 05/27/2015, 07/08/2015 & 08/26/2015)

REPRESENTATIVE:

Mr. Robert J. Tobin

COMMON DESCRIPTION:

26160 Groesbeck

LEGAL DESCRIPTION:

13-24-253-005

ZONE:

C-3 and 30 ft. "P" zone along Groesbeck

VARIANCES REQUESTED: Permission to: ~~USE~~

1. To allow a non-conforming residential building to be used as a beauty salon existing at no less than 8' of the north property line.
2. To allow a 100' x 245' storage area for towed vehicles in a C-3.
3. Eliminate hard surfacing in the vehicle storage area, allowing MDOT 22 A GR., but we are providing site storm water drainage of this lot.

ORDINANCES and REQUIREMENTS:

Section 4.17 (a): A non-conforming building...or use thereof shall NOT be structurally changed, altered or enlarged...

Section 15.07 Side yards on interior lot lines: Side yards in C-3 are not required along an interior side lot line where all walls of buildings, abutting upon such interior side lot line are wholly without windows. If windows or openings are provided, a side yard of not less than ten (10) feet shall be provided.

Section 15.01 Uses in C-3 (b): Storage yards are not allowed in C-3.

Section 17.02 (s): Open storage may not exceed 50% of the gross floor area...

Section 17.02 (s): The designated area shall always be hard surfaced...

This matter was **RESCHEDULED to December 9, 2015**, pursuant to petitioner's request.

7. PUBLIC HEARING

APPLICANT: Total Construction & Renovation

(Rescheduled from: 07/08/2015 & 08/26/2015)

REPRESENTATIVE:

Mr. Robert J. Tobin

COMMON DESCRIPTION:

24800 Warner

LEGAL DESCRIPTION:

13-30-201-015

ZONE:

M-2 & P

VARIANCES REQUESTED: Permission to:

1. Waive 2,558 sq. ft. of required off street parking as per the plan.
2. To retain 3,350 sq. ft. of outdoor storage on gravel (A) as per the plan.
3. Waive screening of outdoor storage areas as per the plan (B).

ORDINANCES and REQUIREMENTS:

Section 4.32 (h) (23): One (1) sq. ft. of parking for every sq. ft. of building area required for industrial.

Section 17.02, Item (s): All open storage shall be located in a designated area approved by the Planning Commission as a part of site plan approval. The area shall be enclosed on three (3) sides by chain link fencing with metal/plastic slats used for screening as deemed necessary by the Planning Commission. The designated area shall always be hard surfaced and screened from the public street and any residentially zoned areas. The designated areas shall not be located in any area required for parking space and is necessary to meet the minimum requirements of Section 4.32 of this ordinance. Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site...

This matter was **RESCHEDULED to September 9, 2015**, pursuant to petitioner's request.

8a. PUBLIC HEARING

APPLICANT: Mr. Alan Saroki
(Rescheduled from 07/22/2015)

REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

Mr. Allan Saroki
23400—23402 Dequindre
13-30-306-003 and 004
M-2

VARIANCES REQUESTED: Permission to:

1. Allow outdoor storage of 14,250 sq. ft. as per the plan.
2. Allow outdoor storage within the front setback of Kathleen as per the plan.
3. Allow outdoor storage within the 20' side setback on Bart as per the plan.
4. Waive 20 required off street parking spaces as per the plan.
5. Allow hard surfacing to the Dequindre property line for parking and Bart property lines as per the plan.

ORDINANCES and REQUIREMENTS:

Section 17.02, Item (s) Paragraph (2): Industrial Standards, Open storage other than junk...The designated area shall be hard surfaced and screened from the public street and any residentially zoned areas...Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure.

Section 17.02, item (b): Side & rear yards...Twenty (20) feet each in M-2 Districts.

Section 17.02 (a) front setback in M-2: M-2 front setback is 25 feet and along major thoroughfare is 50 feet.

Section 4.32 Item (h) Paragraph (20): Off-street parking requirements. For auto repair facilities, 1 for 500 sq. ft. of building area.

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

Mr. Alan Saroki, 23400 Dequindre, Warren, MI, appeared before the Board and stated that he is present seeking a variance. The first variance is to allow outdoor storage in the fenced in areas behind his building to conform to the pump shop and the transmission shop businesses that are operating at these locations. The last time he was present before the Board, he was told to clean up the back of the building, which he did; there were a lot of branches that were going over the fence, so he personally went out and cut down all of those branches as high as he could go without interfering with the light poles and the electrical lights and also there is a fence back there that he was requested to have removed or repaired and he had it repaired and painted green. The premises look good; cars, he was also told to warn his tenants about not parking outside in the fire lane on the north side of the property in the alley and he has had that conversation with them and that area—to his knowledge—there has been no parking in it. The area has been cleaned up and he has pictures on his cell phone. This usage is necessary for the operation of these businesses. He was also asked at the last meeting to present his tenants so they could also testify as to their usage for this outdoor storage; he thinks that Mr. Watripont was the one who requested that. He submitted three to four sets of plans with the Planning Department; they have directed him to have this done so he could bring the property into compliance and he basically has not been doing anything other than trying to satisfy the different requirements he has to, to get this outdoor storage permit, so they could bring the building into compliance. If the Board

likes, Mr. Said Mokhtari, is present, he is one of his tenants; the other tenant is on his way, he is not sure if he is lost or what; he runs the Transmission Shop.

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

Mr. Said Mokhtari, 23400, Warren, Michigan, appeared before the Board.

Mr. Alan Saroki asked if the Board wanted him to question him or if the Board wanted to question him.

Chairman Watripont stated the Board waits for the questioning until after the public hearing; so he is in the record.

Mr. Alan Saroki stated his other tenant is also present; Andryan Yousif who runs the pump shop.

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

Mr. Andryan Abdel-Massih Yousif, 23402 Dequindre Road, Warren, Michigan 48091, appeared before the Board.

Chairman Watripont asked the reason for the hardship; they had touched base that they needed it.

Mr. Alan Saroki stated his tenants need it to perform their business, which is operating a pump shop and operating a Transmission shop. When he purchased the building, the same businesses were there. The tenant with the Transmission shop was there since he purchased the building; Mr. Yousif has been there about four years now and the prior tenant before him, had been there when he purchased the building, was a pump shop...

Chairman Watripont asked Mr. Saroki to approach the microphone.

Mr. Alan Saroki stated the other tenant that was there was a pump shop also before Mr. Yousif, so this has always been the use of the property and he has done a good job taking care of the property; he has owned it for fifteen years, he has always paid the taxes, he just put on a new roof, he painted the outside of the building, he put new gutters on the building, he has taken care of the building and he has cut down. There are no weeds, no tall grass, nothing of that sort at the building and it is very presentable and they just want to bring the building into compliance with the City codes that exist in the current time that did not exist when he had purchased the building.

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

Board Member S. Brasza stated that Mr. Saroki has touched on the fact that the fence was being painted and she thanks him for taking all of the garbage down in the back; unfortunately, she did not get a chance to go back again the second time; she was wondering if he was able to remove the barb wire.

Mr. Alan Saroki stated he has not removed that yet, he was not instructed to remove it, but if they want him to remove it, he could have it removed; it did not look to him that it would be difficult to remove and he could take that down. He does not know if he has to change the plans again to reflect the barb wire and taken off...

Board Member S. Brasza stated no, they could just state it.

Mr. Alan Saroki stated ...but he could have that taken down in a day.

Board Member S. Brasza stated super! And thanked Mr. Saroki.

Board Member Becher stated she did go by his property Monday afternoon, she drove around it and she noticed that he cut some of the tree growth, but she also noticed that there was a lot of broken glass and broken bottles around his fence line and she also pulled to the front and looked at his parking in the front and in the spot on his plans that he designated as handicap parking, there was a brand new car sitting there with no tags on it, so she could not tell if it was handicapped or not and she looked in his yard where they had their cars parked and behind the bump shop, there are a lot of cars back there and she thinks it is more than what they have been asking for; she does not know because she did not count them all, but she thinks his tenants, especially the bump shop needs to be a little bit neater on their outdoor storage. How long do they plan on having those cars back there; normally when the Board gives outdoor storage for this kind of thing, cars do not sit more than 60 to 90 days at a time, because they do realize that insurance companies are involved on this type of repair; so right now she is not in favor of his request.

Mr. Alan Saroki asked the Board if they wanted him to respond to that.

Board Member Becher asked how long those cars are going to be... (Inaudible.)

Mr. Alan Saroki stated the cars will be there less than 60 to 90 days; they are not going to be that long.

Chairman Watripont asked if the tenant could verify that.

Mr. Andryan Abdel-Massih Yousif stated he has customers and insurance companies who send him cars almost daily and it normally takes 4 to 5 days; sometimes, they get stuck on the parts normally few days; as far as the insurance companies, it all depends on the adjuster, sometimes it takes a couple of weeks to come out and look at the car and ask for a tear-down and it is normally another 2 weeks for them to come out and then they start the process of repairing it. Sometimes it goes to a mechanic shop, they get their work done and it comes back to them and they would have to finish the work

on it. He does not have cars that sleep there more than he would say 2 months; no longer than that and sometimes cars are totaled, but...

Chairman Watripont stated if he has a car that is going back and forth, at least it is moving and it is not just standing there, right? So he does not have a vehicle that stays there more than two months, just sitting there, right?

Mr. Andryan Abdel-Massih Yousif stated no; he has cars that are totaled, normally when they come out, they just take them down there and with the insurance, sometimes they run an investigation on the accident with the insurance policy holder and they normally take couple of weeks to a month before they total it or they decide it is a total loss, when they come out and take it from the shop. But it is normally in that one spot because it is totaled and normally it does not drive and it is beaten up pretty good, so it stays there until he gets the word from the insurance company.

Board Member Becher asked what happens to the car after it has been totaled.

Mr. Andryan Abdel-Massih Yousif stated it stays at the shop until the insurance sends their tow, pick it up and take it to their salvage yard or auction or wherever they take it, but sometimes the cars come in and they are beaten up pretty good, he tries to jack them just to make them presentable as much as he could for the insurance adjuster, making their job easier, but it normally stays there couple of weeks, four weeks, if there is an investigation involved with the insurance, it is normally longer than that and that is something he does not have control over.

Board Member Becher stated she understands that and thanked Mr. Yousif.

Board Member Descamps stated first of all he thanks the tenants for coming to the meeting; their landlord was nice enough to bring them down here because the Board wanted to speak to them. The Board's job is to make sure the City of Warren stays good looking and they are the tenants, he (landlord) is not there, the Board wants them to clean up the property; he (landlord) is doing his part of it, the Board needs them to continue cleaning it up; that is really why they are present. He thanked Mr. Saroki for bringing his tenants. He asked if any other Board Member had any questions. He asked the tenants that they are going to be continuing to make an effort to clean up the property and do what the Board is asking, correct?

Mr. Alan Saroki stated yes.

Chairman Watripont stated also, look into that broken glass.

Board Member Descamps asked to clean it up.

Mr. Alan Saroki stated he did not see any broken glass and apologized.

Mr. Andryan Abdel-Massih Yousif stated that has all been cleaned up, it was a while back; it was cleaned up when they cut the trees down; all of it was cleaned up.

Board Member Descamps stated that is fine, as long as it keeps continuing to be cleaned and get better.

Mr. Andryan Abdel-Massih Yousif stated that is an alley and people normally drive and dump things, but the entire area has been cleaned.

Board Member Descamps stated he understands, he owns a building and he has to go out and cleanup glass too, but just keep it clean. He asked if there were any comments.

Motion:

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

1. Allow outdoor storage of 14,250 sq. ft. as per the plan.
2. Allow outdoor storage within the front setback of Kathleen as per the plan.
3. Allow outdoor storage within the 20' side setback on Bart as per the plan.
4. Waive 20 required off street parking spaces as per the plan.
5. Allow hard surfacing to the Dequindre property line for parking and Bart property lines as per the plan.

With the condition: Landlord is to remove all barbed wire from entire site and that all vehicles are not to remain more than 120 days without circulation.

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

Board Member S. Brasza supported the motion.

Chairman Watripont stated there is a motion by Board Member Descamps to approve the variance as written with the **requirements:** that the barb wire be removed and that any vehicle not to remain there more than 120 days for the reasons being: Not a Detriment to the Area and Size and Shape of the Lot and Supported by Board Member S. Brasza. He asked for Roll Call.

Roll Call:

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

Board Member Descamps	Yes, for the reasons stated in the motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Board Member 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.
Assistant Secretary Vigus	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion; by having the tenants here helps the process too.

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

8b. PUBLIC HEARING

**APPLICANT: 23400 Dequindre LLC /
The Transmission Shop**

REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

Mr. Allen Saroki
23400 – 23402 Dequindre
13-30-306-003
M-2

VARIANCES REQUESTED: Permission to:

Retain signage as follows:

On the west elevation

1. One (1) painted sign 100" x 124" = 86.11 sq. ft.
2. One (1) painted sign 72" x 174" = 87 sq. ft.
3. One (1) painted sign 98" x 128" = 87.11 sq. ft.

Total 87.11 on west elevation.

On the south elevation

4. One (1) painted sign 114" x 163" = 129 sq. ft.
5. One (1) painted sign 30" x 56" = 11.67 sq. ft.
6. One (1) painted sign 42" x 116" = 33.83 sq. ft.
7. One (1) painted sign 20" x 48" = 6.67 sq. ft.

Total 354.28 sq. ft. on the south elevation.

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, and M-1 and M-2.

Assistant Secretary Vigus stated she believes that figure is off (referring to the total for the 87.11 on west elevation, while reading the variances requested).

Board Member Becher stated yes, she thinks it is.

Chairman Watriont stated he thinks it is off as well.

Board Member Becher stated it should be 260.22 square feet; she asked how it was posted, so the Board may not be able to hear this.

Secretary Vigus stated it was posted total of 87.11 on west elevation.

Chairman Watriont stated in the reading of this Mr. Saroki, the Board is not going to go any further, because this has to be reposted, since the total is incorrect. Since it is larger, the Board has to make sure the total posting is correct. He asked Mr. Saroki if he would be available on September 23rd.

Mr. Alan Saroki stated yes, he is available for September 23rd. He asked if it was something that he would need to correct on the application.

Chairman Watriont stated no, it is an administration thing and the Board will go through and make sure the numbers are correct and that it is reposted properly.

Mr. Alan Saroki stated okay, September 23rd.

Chairman Watripont stated same time and apologized to Mr. Saroki.

Assistant Secretary Vigus asked the Board Members if they were missing the west elevation, because she had ten of them in her packet.

Chairman Watripont stated okay, September 23rd works for the petitioner; asked if there was a motion for September 23rd?

Motion:

Assistant Secretary Vigus made the motion to reschedule the petitioner's request to: **September 23, 2015**; Supported by Board Member Pauta.

Voice Vote:

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

The Petitioner's request was **RESCHEDULED to September 23, 2015.**

9. PUBLIC HEARING

**APPLICANT: St. Steven Decanski Church /
Mr. Goran Petkovich**

REPRESENTATIVE:

Ms. Helene Popovich

COMMON DESCRIPTION:

14235 Eleven Mile Road

LEGAL DESCRIPTION:

13-13-379-009

ZONE:

R-1-C

VARIANCES REQUESTED: Permission to:

Conduct the Annual Parish Festival / Carnival on:

Saturday, September 5, 2015:

From 11:00 A.M. – To – 11:00 P.M.

Sunday, September 6, 2015:

From 12 Noon – 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 names and addresses for the record.

Mr. Goran Petkovich, 1637 Scenic Hollow, Rochester Hills, appeared before the Board and stated the address that he is present for is 14235 E. Eleven Mile Road, Warren, Michigan.

Ms. Helene Popovich, 31328 Louise Drive, Warren, Michigan, appeared before the Board and stated the church's address: 14235 E. Eleven Mile Road.

Chairman Watripont asked the reason for the petition.

Mr. Goran Petkovich stated they have their third annual church festival; they have had it for the past two years, which were the first weekend in September and that is why they would like to continue their tradition.

Chairman Watriont stated this is a public hearing, anyone wishing to speak on this item, to approach the podium. He asked the individual at the podium to state her name and address for the record.

Ms. Linda Stein, 27214 Crestwood Drive, Warren, Michigan 48088, appeared before the Board.

Chairman Watriont stated the floor is hers.

Ms. Linda Stein stated the residents of Crestwood are appealing the applicant known as Saint Steven Decanski Church, to get permission to hold an annual parish festival, and they have several reasons and she believes the Board has several copies of it.

Chairman Watriont stated the Board does have a copy but what she states will be on record.

Ms. Linda Stein stated okay; the first problem that they have is that she has pictures of the residents; there are ten houses on the east side of Crestwood that border up to the church—they share the chain-link fence, there is no wall between them, there is no brick wall, there is nothing between them and that is the biggest problem that they have, is the festival being that they share fences and they also share in their festival by the trash, the noise, the cars. They bring attendees in diesel buses and they leave them parked and running along their fences and after the festivals are even over and it causes annoying noise and bus fumes. Vehicles park on their street and they frequently have ambulances coming down, they have two elderly people on their street that need assistance, because there is not a place to park. They throw trash; their festivals have all the activities surrounding their fence line. They have their own music with amplifiers and the music she knows the noise ordinance is at 10 o'clock or 11 o'clock and it is playing beyond that and they all hear it and it is very loud. Neighbors from five blocks all the way to Schoenherr can hear it practically. What she did is that she had a petition and she had all of the residents on Crestwood sign the petition that they do not want the festival for the reasons of the retaining walls or some type of walls, separating their yards from the hall. Her understanding is that it is not a church, it is a hall and they are exempt from property taxes, so if it is a hall and she has not seen any services; they do not have any services, their sign says Saint Steven Decanski Hall for rent. Therefore, they should abide by the ordinances of the City of Warren for a hall, not a church. There is no organization within the premises; they do not have any security, they hire their own security; the residents want the Warren Police to be there, because there have been cases of heavy drinking, public urination in the residents' yards frequently and visible; she has the biggest part of the fence that they share, so she gets all of it, she gets bottles thrown in her yard, trash in her yard. There have been complaints among her neighbors and she has spoken to a lot of the neighbors on the street; vulgarity, arguments, disorderly conduct, loud motorcycles...whatever they are doing back there, she has no idea, but at 2:00 in the morning, they have motorcycles running

around the parking lot. They are not able to enjoy their own weekend because they have to listen to their music that is non-stop and very loud and they do not need amplifiers—there are not many people there that they would have to listen to this and it goes beyond the ordinances for noise. Two years ago, a knife fight broke out at the festival and they called the Warren police who came on the scene. The reasons she says they are not a church because that is unproven they are not a church, they do not have services but they also rented the hall for a daycare camp and she believes the Board has those pictures where they were practically in her back yard; they jump the fences in their yards and there was only one adult that she saw that was for actually 50 to 75 kids screaming till 11 o'clock at night; they were playing some type of ball games—kick ball or something...

Chairman Watripont asked Ms. Stein if she could make it more direct and to stay on the festival.

Ms. Linda Stein stated well, she was told to include anything she heard; so, just focus on the festival?

Chairman Watripont stated the reason against the festival; yes.

Ms. Linda Stein stated okay; two years ago a fight broke out and combatants were yielding knives and two of them did call the Warren police. During the festivals, there are a lot of strange people there, they aggravate their pets—a lot of the residents have pets—they throw and poke sticks at their pets because they are right there in their yard. Litter and pop bottles were thrown in their yards; just this Sunday, they had...okay, she cannot say that because it was a wedding...the City of Warren Property Maintenance manager was called to inspect the yard; because of violations she understands there were several violations that were given to them. As she stated, they really are not a church and she does not know what the difference is between having a festival at the church and having a festival at a hall; she is not familiar with that. But their two main contentions for the festival is the wall that there is nothing between their fences; the residents experience the festival with young kids, pets and everything else and all of the trash pickup and disorderly behavior and they want the wall. That is a city ordinance that they have a wall between a church or a hall or whatever in a residential area and police protection. Two years ago, two young people left the hall and her understanding is they were killed in Sterling Heights, and intoxication was involved but they were at the festival; that was in the Macomb Daily.

Chairman Watripont thanked Ms. Stein and asked if anyone else wishing to speak on this item.

Ms. Linda Stein stated she brought some neighbors here but she spoke for all of them.

Chairman Watripont stated the Board read her letter, they have the list and they will mention names on there; the Board did receive a couple of letters.

Assistant Secretary Vigus stated the Board did receive Ms. Stein's letter but she has already spoken, so she will be setting that to the side. The Board also received a letter

from Joe and Dee Conklin, requesting they deny this and the reasons are the exact same that Ms. Stein just stated.

Chairman Watripont stated also, Ms. Stein did have 12 signatures of neighbors.

Motion:

Board Member S. Brasza made the motion to receive and file the residents' letters requesting to deny the petitioner's request; Supported by Board Member Pauta.

Voice Vote:

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

Chairman Watripont stated he now turns this matter over to the Board.

Board Member S. Brasza stated to the petitioner, due to the response from the neighbors, she wonders in looking at their drawing, there is a 40 x 100 ft. that they call a guest tent, that is along the residential area—is there any way to move that over to maybe the Bunert area?

Ms. Helene Popovich stated the guest tent is actually smaller.

Mr. Goran Petkovich stated yes, they reduced the size of that tent and it will be...tomorrow they are actually meeting there; they will actually put it over their home that they have on the property.

Board Member S. Brasza stated then, it will not be against the residents as it is shown in this map?

Mr. Goran Petkovich stated no it will not be.

Ms. Helene Popovich stated it be smaller tent.

Board Member S. Brasza asked what the tent size will be.

Ms. Helene Popovich stated 40 x 60 ft.

Board Member S. Brasza thanked the petitioner.

Board Member Pauta stated she has been out to this church every day since last Thursday in the morning, in the afternoon and in the evening and she did not observe any property problems at all at this church, but what she did note was that some of the yards to the west of their property line need some fine tuning, so perhaps property maintenance should be going out to look at them. The distance, if they look at the guest tent, the actual distance between the back of this tent where the...

Chairman Watripont stated the guest tent is moving.

Board Member Pauta stated yes, she knows, but even though if it was not moving, the distance is quite a ways away because there is another structure back there if they had went out there, there is like a utility structure in the back there, so it is quite a distance.

Mr. Goran Petkovich stated yes, there is a permanent structure; it is like a shed within front, where they used to have picnics, so they moved that to the parking.

Board Member Pauta stated right and that is a pretty far distance; she cannot see that there is a problem on any one side at all. They are going to be limiting the music till 10 o'clock like they normally do. She is trying to remember that there is a church on 12 Mile between Ryan and Dequindre, but they are even closer to their church carnival; offhand, she could not remember the name of it. She does not see that that is a problem for the carnival to run to until 11:00 as long as the music stops at 10:00. So, she does not see that this is any different than any other church that comes here to request permission to have a carnival.

Board Member Becher stated on November 8, 2006, they received permission instead of putting up a wall on their west line, stating that they would plant arborvitaes in front of the seeders that are on the property line and that was nine years ago, and as of now they still have not planted the arborvitaes that they agreed to in 2006 and knowing that would help with the neighbors, if they had that arborvitaes around their property, so that there was not that continual site line and there seems to be some real problems here even in their...she asked the petitioner why they have not put the arborvitaes up?

Mr. Goran Petkovich stated that was an original design and their architects came out when they pulled the permit to extend the hall and that was not part of the deal, he believes and that they never went ahead with the expansion of the hall because they did not have enough parking spaces.

Board Member Becher stated they came to the Board in 2006 and they requested this; the Board is part of the city and they made this agreement with the Board and this was put into the city that they were going to do this and they did not uphold their agreement.

Mr. Goran Petkovich stated the architects came out as part of the drawings to be pulled for the permit that, that was not part of it because they did not have enough parking; they had to move the building closer towards the back and then that was when they were going to do that. Actually they are planning right now on doing a privacy fence, he means, completely throughout the back of the property.

Board Member Becher stated he is missing the point! They came to the Zoning Board originally if they would have done everything when they built like they were supposed to do, they would have had a brick wall, they would have had some kind of masonry wall and they came before the Board in November of 2006 and they requested the landscaping break instead of a masonry break and then they never upheld what *they* asked for. Now, she is sorry but she is just curious why they did not do it; they came they requested it so they would have this landscaping thing and they never put it in. She could understand why their neighbors would be upset—why it is not there, she could understand that.

Chairman Watripont stated he has a couple of issues as well. He asked the petitioner where people park.

Mr. Goran Petkovich stated last two years and this year, they have a letter from Warren Woods Tower, they park in Warren Woods Tower and with a small van, not a bus, which is a ten-person van, they bring them shuttled over to the property.

Chairman Watripont asked and no one parks on site?

Mr. Goran Petkovich stated only volunteers and committee yes, and it is also all of the way to the Bunert, so it is not seen by the neighbors.

Chairman Watripont stated another problem with them getting the petition in so late; when the Board runs into problems like this and try to work out some agreement, they (Board) are at the 11th hour and it is hard to really work on some agreement if they had to reschedule this, they would not be able to have it next weekend.

Mr. Goran Petkovich stated they understand, they had a small situation, where they had their priest—they are a church, they have services every Sunday since 1963 and they had a priest that was switched over to another parish and then they were waiting for a new priest and they had a Board change, so that was their problem this year. Last year they did it on time and the first year also they did it on time. They also had police security from the City of Warren last year, the year before, and this year and they have a letter from them.

Ms. Helene Popovich stated a letter here stating that the police will be present. They do not have the officers' names yet, but they do have an e-mail from them stating that they would be there Saturday between 6 and 11 o'clock.

Board Member Descamps stated obviously they are aware there is a problem with the neighborhood and how they are handling the situation; obviously if they do put up a privacy fence all the way around that is going to help a lot. How are they going to keep their members from parking on their streets?

Ms. Helene Popovich stated to their knowledge they do not.

Mr. Goran Petkovich stated not on the street, no.

Board Member Descamps stated okay; he has seen a lot of festivals over the years and no matter what they say and they have a bus over there, someone will park over there.

Mr. Goran Petkovich stated on Bunert, there is no one...

Board Member Descamps stated no, he knows, he is speaking about on Crestwood; because they are going to say I could just park there and walk.

Mr. Goran Petkovich stated they cannot access the property from Crestwood.

Board Member Descamps stated they would have to walk around.

Mr. Goran Petkovich stated because they would have to go all the way back there.

Board Member Descamps stated he is aware. His request basically is just to ask him to make sure it is known that no one is to park on their street.

Mr. Goran Petkovich stated that would be fine.

Board Member Descamps stated they are trying to be good neighbors to their fellow neighbors is what he is asking for.

Mr. Goran Petkovich stated it is not a problem; actually last year they had security also at the gates, so they had to come in with the bus or they could not walk into the property. The only people that walked into the property were the neighbors across the street from Bunert but they would come by foot.

Board Member Descamps asked what about the cleaning up of the area.

Mr. Goran Petkovich stated they have done it throughout the days; they have three dumpsters that they bring in from Rizzo and they have the same thing this year and if anything was missed that night, the next morning it was cleaned up. This Sunday they had service and the nice lady who has been their neighbor for so long--he has pictures—she was actually throwing her garbage onto their property, they have two pictures from there and three witnesses. He brought it with him, he does not think they deserve that, they do not want to cause any problems with their neighbors because a neighbor is more important than the family member. He is not sure where everything is coming from but he could understand that they would like to work this problem out.

Board Member Descamps stated good and when do they expect the privacy fence to be put in.

Mr. Goran Petkovich stated well actually that is why they were doing this to fundraise it, so they could get this thing done.

Board Member Descamps stated then it should be ready for next year's event.

Mr. Goran Petkovich stated yes, it will be way before that; yes.

Board Member Furgal stated she recalls last year that the Board had the same discussion?

Chairman Watriont stated he believed so as well.

Board Member Furgal stated and that worries her because if they did not have the same discussion, then she would say well you know the neighbors were being a little particular or whatever, but it is exactly the same discussion they had last year about people doing improper things, people throwing things over the fence, the vehicles running by their fences and all of these things happened before and there was obviously nothing done to improve the situation. She personally and she has never voted against one, but personally she is not inclined to vote for this one.

Mr. Goran Petkovich stated the only thing he could say is that they do not have a single car parked only the ones they do are against Bunert Road, whatever, maybe 20 cars; there is no cars absolutely on the entire property; they did not have it last year nor the year before.

Chairman Watripont asked where do their vans drop off and pick up on the property.

Mr. Goran Petkovich stated there is only one van that goes every five minutes and it comes in from Bunert, through their first gate and then it circles around and gets back on Bunert; they do not even access the Eleven Mile Road at all. They only have a gate there just in case of an emergency for the Fire Department but they never even use it; it has been closed for maybe five to six years.

Ms. Helene Popovich stated they did not have buses for the festival for the last two years on the property at all.

Mr. Goran Petkovich stated it is just a small minibus with ten people that goes and picks up the people from Warren Woods Tower.

Ms. Helene Popovich stated there are other events, weddings and whatever that may have buses coming in but it is not for this particular festival.

Assistant Secretary Vigus to the petitioner stated she was just wondering if he could explain where exactly on their site there...they have their music setup because the concern for her is the blaring music to the neighbors; is it facing their direction.

Mr. Goran Petkovich stated no.

Ms. Helene Popovich stated it is facing hall, the music is facing the hall.

Assistant Secretary Vigus stated then, looking at their map, is it near one of these particular tents?

Ms. Helene Popovich stated it would the larger tent that would be facing the hall.

Assistant Secretary Vigus stated the 4,000 square foot one against...

Ms. Helene Popovich stated the largest one; the largest one is where the music is, where the music faces the hall; there is side curtains on or walls on the tent on all sides.

Assistant Secretary Vigus stated and they are saying that this tent is actually going to be smaller in size?

Ms. Helene Popovich stated smaller, yes.

Assistant Secretary Vigus asked what size.

Ms. Helene Popovich stated 40 x 60 sq. ft.

Assistant Secretary Vigus asked where they will be moving it to.

Ms. Helene Popovich stated it is going to be moved a little bit closer to Bunert, in that same vicinity but there is a quiet of bit of room from the side of that tent to the property line.

Assistant Secretary Vigus stated then, closer to what looks like an entrance at the end of the property?

Mr. Goran Petkovich stated that is correct.

Assistant Secretary Vigus stated so they are going to be blocking off that entrance by moving...

Ms. Helene Popovich stated no, no.

Mr. Goran Petkovich stated there will be about 30 feet from the gates, because that is where the bus will come in that one way and then come out.

Ms. Helene Popovich stated there is a quiet of bit of space from the tent line to the property line.

Mr. Goran Petkovich stated it is over 150 feet, he would say.

Ms. Helene Popovich stated the tent is smaller even if they kept the same place or had the side wall on the east side, it would pull the west wall in quite a bit.

Assistant Secretary Vigus stated is the intent of the music to only be heard within that tent?

Mr. Goran Petkovich stated yes and then there will be only one side open facing the church; all of the other sides are...

Assistant Secretary Vigus stated then the long side facing their church is what will be open for people to come in and out?

Mr. Goran Petkovich stated actually not entirely open, only the center portion, there is a curve that comes quarter each way, so only about half of the tent will be open.

Assistant Secretary Vigus asked what the tent will be used for aside for music.

Mr. Goran Petkovich stated that is for music and that is for people to sit at the tables and eat.

Assistant Secretary Vigus stated so they are going to get their food and drinks from the tent closest to their establishment and then take them over to the guest tent to sit down and eat.

Mr. Goran Petkovich stated yes, that is correct.

Assistant Secretary Vigus stated then she could imagine that they would not want music blaring in their ears as they are sitting there trying to eat, so...

Mr. Goran Petkovich stated no, of course not.

Ms. Helene Popovich stated right.

Assistant Secretary Vigus stated maybe consider some volume control?

Ms. Helene Popovich stated sure.

Assistant Secretary Vigus stated just to address one other thing that was in the letter from one of the neighbors. Where on the property do they have facilities setup for them to use the bathroom?

Mr. Goran Petkovich stated inside the hall.

Assistant Secretary Vigus stated inside; going actually into the church itself.

Mr. Goran Petkovich stated not in the church, in the hall; there is a church and then there is a hallway and then there is a church hall. They have a hall for about six hundred people; five hundred fifty people.

Board Member Descamps asked if the hall is going to be open for the fest, so people are going to be in there too.

Ms. Helene Popovich stated yes it is.

Board Member Descamps asked if they remember the event couple of years ago where there was some fighting.

Mr. Goran Petkovich stated not at the festival, there was no fighting; the police were there the entire time.

Ms. Helene Popovich stated they had the City of Warren Police for both festivals patrolling the outside.

Board Member Descamps stated so it was probably at a different event?

Ms. Helene Popovich stated it may have been at another event.

Mr. Goran Petkovich stated it could have been at a rental, but he is not sure and he is not aware of it. If he may add, they do not have bottles at the festival; it has to be a plastic glass.

Chairman Watriont stated he has been at festivals before and he knows some people bring their own, but he knows he discourages it because they lose the money, but...

Mr. Goran Petkovich stated of course, yes.

Motion:

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

Conduct the Annual Parish Festival / Carnival on:

Saturday, September 5, 2015: From 11:00 a.m. to 11:00 p.m.

Sunday, September 6, 2015: From 12 noon – to – 08:00 p.m.

With the Condition: The music is to stop at 10:00 p.m. on Saturday September 5th and that the privacy fence or the arborvitaes are to be put up prior to next year's festival event.

Reason being: Needs Approval of the Board and Due to the Size and Shape of the Lot. If the privacy fence is not constructed by next year, the Board will not be able to approve it because they have only been waiting for nine (9) years; regardless of what the architect did or did not do, that does not mean that the fence should not have been put up besides the fact that he is probably....she asked Ms. Martin that if they had to put up a fence, do they not have to appear before the Board anyway?

Lynn Martin, Chief Zoning Inspector stated she has not had a chance to look at that for a fence, but she believes they already had a variance for that arborvitaes and the wrought iron fence, so she would have to look at it and look at the ordinance to make a determination.

Board Member Pauta stated okay, that is fair. Well it is the arborvitaes or the fence must be up by next year's festival time. For reasons: For size and shape of the lot and their lot is pretty big.

Mr. Goran Petkovich stated originally it was about seven acres and three acres were lost to the highway, it is about four acres.

Board Member Pauta stated: it needs approval of the Board.

Board Member Descamps supported the motion.

Chairman Watripont stated there is a motion by Board Member Pauta to grant the festival **with the condition that the music stops at 10:00 p.m. on Saturday and that a privacy fence or the arborvitaes are up prior to next year's festival; reason being: Needs Approval of the Board.** He does have one other comment; is it possible to get some porta-jons out there strategically placed to help prevent the other issue. As they were speaking about the motion, it came to his thought.

Mr. Goran Petkovich stated they really do not because they have eleven (11) bathrooms inside for women and seven for men, so there is really never ever been a problem with that. If needed, they could do it, but it is an eyesore but if it is a requirement, they would not have a problem with it whatever would please the Board.

Chairman Watripont asked for Roll Call.

Roll Call:

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

Board Member Pauta	Yes
Board Member Descamps	Yes, for the reasons stated in the motion, and to try being nice to the neighbors.
Board Member Becher	Yes, for the reasons stated in the motion; she suggests they either start planting the Arborvitaes or get the wall up.
Board Member H. Brasza	Yes, for the reasons stated in the motion; the Board will give them one more chance to align with expectations and to help neighbors understand between events verses parties.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Board Member Furgal	No, she thinks it is detrimental to the area.
Assistant Secretary Vigus	Yes, for the reasons stated in the motion.
Chairman Watripont	No, he too thinks it is a detriment and would have liked to have some time to work on it.

The Petitioner's request has been **GRANTED** as written with the **CONDITION: The music is to be turned off by 10:00 p.m. on Saturday, September 5th, and that the privacy fence or the arborvitaes are to be put up prior to next year's festival event.**

Chairman Watripont to the petitioners stated their petition has been granted, but he does request that they get the request in much earlier next year and to try working with their neighbors.

Board Member Descamps stated perfect and he did know that, so did his AAA companion. He asked if anyone had anything further; they are going to do this because he loves it.

Motion:

Board Member Descamps made the motion to approve the petitioner's request to: Conduct a Classic Car Show / Fundraiser on: Sunday, September 27, 2015: From 12:00 noon to 4:00 P.M.

Reason being: Due to Size and Shape of the Lot; Needs Approval of the Board and Not a detriment to the area.

Assistant Secretary Vigus supported the motion.

Chairman Watripont stated there is a motion by Board Member Descamps, Supported by Assistant Secretary Vigus in favor of the car show. He asked for Roll Call.

Roll Call:

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

Board Member Descamps	Yes, for the reasons stated in the motion.
Assistant Secretary Vigus	Yes, for the reasons stated in the motion.
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 S. Brasza	Yes, for the reasons stated in the motion.
Board Member Furgal	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.

Chairman Watripont stated he requests that she also gets it in early next time, just in case there are some problems; he does not foresee any with them but if there are, then they would have the chance to work on them.

Ms. Deborah Biondo thanked the Board and stated she appreciated it.

11. PUBLIC HEARING	APPLICANT: Mr. Robert Muehlbauer
REPRESENTATIVE:	Same
COMMON DESCRIPTION:	5710 Martin Road
LEGAL DESCRIPTION:	13-17-426-036
ZONE:	R-1-C

VARIANCES REQUESTED: Permission to:

Construct an addition nine (9) feet x twelve (12) feet = 108 sq. ft. to an existing attached garage 667 sq. ft. approved by the ZBA, May 9, 1979. Total of 775 sq. ft. of accessory building.

ORDINANCES and REQUIREMENTS:

Section 5.20 Paragraph (i): Uses Permitted. Only one private garage for each residential lot..., All garages and/or accessory buildings shall not exceed a total of seven-hundred (700) square feet floor area.

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

Mr. Bob (Robert) Muehlbauer appeared before the Board and stated that he is present with his wife Helen and the reason they are asking for the extension to the garage is because they do not have a basement; they wanted to put a basement in, but they found out that they could not because of the ground water level, so they wanted to extend the garage out less than five (5) feet beyond the seven hundred (700) square foot limit. The figures they have written (*meaning on the variances*) are wrong; it says that the existing garage is six hundred sixty seven (667) square feet, but it is six hundred forty-nine and a half (649.5) square feet and the total they are asking for states seven hundred seventy-five (775) square feet, but they are asking for a total of seven hundred fifty-seven and a half (757.5) square feet. His figures are correct and he does have the documentation here to prove it.

Chairman Watripont stated he believes what had happened is that he had permission from a previous variance that was the six hundred sixty-seven (667) from the previous request, so what they did is that they just added on to that. It will not be a problem because he is less than that, so they could move forward with it. The issue is if he was more than, they would have to repost it and everything, so they do not have any problems right now.

Mr. Bob Muehlbauer stated what they are asking for is an extension of less than five (5) feet beyond the limit, out into the backyard.

Chairman Watripont stated the reason for this is no basement and they need the room for storage, correct?

Mr. Bob Muehlbauer stated yes. They wanted to put a basement in, but then they found out the ground water lever is about this deep (*gesturing with his hands*) and they had a lot of water.

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.

Board Member Becher stated she went out and saw this property; he has a very unique house, he has a nice looking house; to the east of him is a very large mobile gas station and she know that because she buys coffee in there when she is with her husband and she thinks that since he could not have a basement, she could understand him adding onto his garage, so she would like to make a motion.

Motion:

Board Member Becher made the motion to approve the petitioner's request to: Construct an addition nine (9) feet x twelve (12) feet = 108 sq. ft. to an existing attached garage.

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

Board Member H. Brasza supported the motion.

Chairman Watripont stated there is a motion by Board Member Becher, Supported by Board Member H. Brasza to grant the variance as requested, 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 (8-0).

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 Descamps	Yes, for the reasons stated in the motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Assistant Secretary Vigus	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

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

Chairman Watripont to the petitioner stated that his petition has been granted and he could actually go up to the seven hundred seventy-five (775).

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

APPLICANT: Chet's Rent All
Patrick Stieber / Allied Signs, Inc
2200 14 Mile Road
13-06-101-018
M-2

VARIANCES REQUESTED: Permission to:

Install one (1) LED message center in place of the changeable copy sign on an existing pylon sign approved by the ZBA on 10/14/87. The sign is as follows: 24' 7-1/2" in overall height, with a one (1) foot setback from the front property line, changing out the changeable copy sign with a 3' x 7'-10" = 23.5 sq. ft. LED message center as per the plan.

ORDINANCES and REQUIREMENTS:

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

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

Section 4A.18 Height (b): The height of all freestanding signs shall not exceed twenty (20) feet.

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

Mr. Jim Fields, 61 Sunnycrest, Osceola, Indiana, appeared before the Board.

Kevin Keeley, 7940 Dixie Highway, Clarkston, Michigan, appeared before the Board and stated the property is located at 2200 E. 14 Mile Road.

Mr. Jim Fields stated he is representing Allied Sigs.

Board Member Becher asked Mr. Fields if he had a business card because the application was filled out by someone else.

Chairman Watripont asked the individual at the podium for his name once more.

Mr. Jim Fields stated his name and introduced Mr. Keeley once more.

Chairman Watripont stated Kevin Keeley is listed.

Mr. Jim Fields stated he is the branch manager for Allied Signs and that Mr. Keeley is the property owner.

Chairman Watripont stated the Board has the property owner present and it is his land, so the Board could move forward. He asked the petitioner to state his hardship.

Mr. Jim Fields stated the bottom cabinet is an old style manual reader board and they want to upgrade it to the electronic board to advertise round specials; it would be a lot more effective than advertising instead of changing and to be able to run constantly changing frames. It is going to be a lot more harmonious with the subject property, especially going down the visual on the corridor and it is also going to increase legibility and people are going to be able to read it, they are not going to be squinting, they will be able to get a good glimpse, hit the advertising and move forward; it is going to be a lot easier for the elderly. Visibility from the road is not as distracting with the speed limits and also the LED reader board will be wired into the Amber Alert System, so that way whenever there is an Amber Alert, they will also be posted on the message centers as they are starting to see now.

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, but he does have a question. The sign they are taking down, how tall was that one?

Mr. Jim Fields stated the E.M.C.'s are going to replace the reader board at the same height they are; the actual height of the monument sign, the whole sign is not going to change.

Chairman Watripont stated it looks like the LED is going to be smaller but taller; is that true?

Mr. Jim Fields stated well, it is going to be under three (3) foot in height; the actual size of the module is twenty-three and a half (23.5) square feet. The under clearance will be fourteen seven and a half (14'-7 1/2"); so that will be the height to grade to the bottom of the message center.

Chairman Watripont stated but the actual size of the message board is not changing?

Mr. Jim Fields stated it is going to be the three (3) foot. It will be fourteen seven and a half (14'-7 1/2") to the bottom of the message center.

Chairman Watripont asked if it is changing.

Mr. Jim Fields stated no.

Chairman Watripont stated no; okay.

Board Member S. Brasza stated the amount of advertising, they are not going to be scrawling or flashing or how often do they anticipate change in the message?

Mr. Kevin Keeley stated it is not going to be that often, it is probably going to be about 30 seconds or so.

Board Member S. Brasza stated that is not good.

Mr. Kevin Keeley asked what the Board was looking for.

Board Member S. Brasza stated they have rules on that; does he know what they are? It is not 30 seconds.

Chairman Watriont to Lynn Martin asked if it was true that it was every five (5) minutes in the ordinance.

Lynn Martin, Chief Zoning Inspector stated it is not in the ordinance; it is what the Board requires. (*voice distant*)

Chairman Watriont stated what the Board's standards have been; it could change once every five (5) minutes.

Mr. Kevin Keeley stated that was fine; it is all programmable, so he could program it to whatever required; that is not a problem.

Board Member Descamps stated he was paying attention and he heard what he said, but he did not get a clear understanding of the overall height. Is he using the exact same pole that is there now?

Mr. Kevin Keeley stated yes.

Board Member Descamps stated then the total height is not going to go up at all.

Mr. Jim Fields stated no, the total height does not change. The only thing that goes away is the old manual reader board.

Board Member Descamps stated he just wanted it to be clear; he thought that was what they wanted but he wanted to be sure. He thanked Mr. Fields. If there are no other comments or concerns from Board Members, he would like to make a motion.

Motion:

Board Member Becher made the motion to approve the petitioner's request to: Install one (1) LED message center in place of the changeable copy sign on an existing pylon sign approved by the ZBA on 10/14/87. The sign is as follows: 24' 7-1/2" in overall height, with a one (1) foot setback from the front property line, changing out the changeable copy sign with a 3' x 7'-10" = 23.5 sq. ft. LED message center as per the plan.

With the Condition: The Copy would change once every five (5) minutes and there will be no scrawling, flashing, blinking, or any obscene gestures.

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

Board Member H. Brasza supported the motion.

Chairman Watripont stated there is a motion by Board Member Descamps in favor of this, Supported by Board Member H. Brasza, reason being: Lack of Identification. He asked for Roll Call.

Roll Call:

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

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.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member S. Brasza	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Assistant Secretary Vigus	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion.

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

13. PUBLIC HEARING

REPRESENTATIVE:

APPLICANT: Donald P. Bridgeman-USE-

Same

COMMON DESCRIPTION:

13401 13 Mile Road

LEGAL DESCRIPTION:

13-02-481-019

ZONE:

C-1 & P

VARIANCES REQUESTED: Permission to: -USE-

Install signs as follows:

1. One Monument sign nine (9) feet in overall height to no less than five (5) feet of the front property line with two signs; one (1) LED message center two (2) feet by six (6) feet = 12 sq. ft. as per the plan and one (1) sign three (3) feet x six (6) feet= 18 sq. ft. as per the plans.
2. One (1) wall sign four (4) feet by fifteen (15) feet = sixty (60) sq. ft. as per the plan.

ORDINANCES and REQUIREMENTS:

Section 16.01 Uses in P Zone: Signs are not allowed in P Zones.

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-3, C-3, M-1 and M-2.

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

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

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

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

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

Donald Bridgeman, 11671 Majestic Court, Shelby Township, appeared before the Board and stated he is here to represent commercial building 13401 13 Mile Road in Warren.

Chairman Watriont asked what the reason for his petition was.

Mr. Donald Bridgeman stated he is the owner of the commercial building located at the address 13401 13 Mile. He is present to ask for their approval to reconsider the ordinance number 30, and allowing him permission to reinstall a new and modern monument sign. Previously, a variance was approved nearly 38 years ago, allowing a sign to be displayed on the same premises. Upon change of ownership of the building, the variance was cancelled. The new monument sign that he is proposing based upon the sketch, would be approximately eight (8) feet and have a base made of mortar brick; it would have a centerpiece that would be an LED sign that would scrawl or flash once every five (5) minutes based upon the ordinance and it would have a plastic carbon fiber sign above. It would be somewhat similar to the Randazzo sign, but smaller. This would allow him to effectively communicate with the community as well as passerby, the products and services that are provided by the business. If approved, a second variance is requested, allowing him to install the sign no closer than five (5) feet to the sidewalk, which is city property. His request to be closer to the sidewalk is for a more cosmetically and effective display. This is a significant investment and the request is made to try and offset some of the hardships that he directly has to deal with. His building sits back or it is recessed nearly eight (8) to ten (10) feet from the Randazzo building, which is much larger and that is located to the east of his property. It is approximately four (4) to five (5) feet recessed to the west by the dental office; his building sits back and it is kind of small and dwarfed in comparison, so that is one of the reasons he is requesting that. With this in mind, his final request is to have up to sixty (60) square feet of wall sign space on the front of the building. He is currently allowed forty (40) square feet of space varying on the building where he would be locating, the sign has approximately two hundred and twenty (220) square feet of available area. He has taken a vacant and unused building of at least eight (8) to ten (10) years and has brought to the community a more appealing fresh look with a neighborhood friendly approach to this project. He has been complimented by neighboring businesses and homeowners on the progress that he has been making on this building. If there is any opposition or concerns to this request by the Board or the community, he would like to find a solution to the issue promptly. Having flexibility and compromising will keep this project on the road to completion in a timely manner. He knows that on the variance it says nine (9) foot and at the building inspector's department, he said the sign would be eight (8) foot, but the grade on his property is so low and has yet to be established, they told him to ask for a little bit more for the insurance of having an allowance if it were to exceed the eight (8) foot from the grade that will exist. Then, he is planning on building a sign that is comparable in height to the sign that previously was there, which was a Red Apple, it was the Apple Real Estate Building, so that is all he is requesting and he hopes to have the Board's approval with this.

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

Mr. Arthur Woehrlen 13403 E. 13 Mile Road appeared before the Board and stated that he owns the commercial building to the west. He is objecting to the size of the sign that Mr. Bridgeman is requesting. To correct a couple of points here; the original sign that Apple had may have been eight (8) foot but it was setback on a pedestal base, so it was not so intrusive; he compares his monument sign to the monument sign at Randazzo's. To give the Board an idea of the space, which is the big problem with this sign is that Randazzo's has a lot of frontage on 13 Mile Road; they have a driveway, which is probably twenty (20) feet wide, they have a median on which their monument sign is placed, and their monument sign is about eight (8) foot and seven (7) or eight (8) inches and then they have another driveway, and then they have the rest of the frontage, could be fifty (50) to sixty (60) feet from that driveway to Mr. Bridgeman's property, so the monument sign that Mr. Bridgeman is talking about putting in front of his building, which is only thirty (30) feet wide, sticks out like a gorilla in a small room; that is their problem with it. He has asked for a nine (9) foot sign, but says it is only going to be eight (8) foot seven (7), or whatever he decides to make it. The problem he has with that is he does not want to wake up next Tuesday morning and find a nine (9) foot sign, because the Zoning Board gave him a variance. He is doing a nice job redoing the building, he compliments that for him, he does not think they have an objection to the sign that he wants to put on the wall, that is fifty percent (50%) bigger than the ordinance, but they do have a big problem with a monument sign that is going to sit in a very small space in the front of his building and representing their group, their fallback is to the sign ordinances that govern these signs into the front of the building. The other problem that it remains unclear is if this is going to be a streaming sign that he has for LED or whether it is going to be a message sign. As the property owner to the right west, they object to this monument sign in front of his property.

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

Assistant Secretary Vigus stated she is reading his variance request asking for a monument sign nine (9) feet in overall height, she is hearing him saying that it is not going to be nine (9) feet in overall height, she is looking at the drawing that has been presented to her and when she adds up all of the figures on the drawing, she gets nine (9) feet, six (6) inches, so she is dealing with three different figures here and she is not quite sure.

Mr. Donald Bridgeman stated the sub base will be buried below ground based upon engineering specs; the sub base could be forty-two (42) inches to frost mine. The area that they see that is one (1) foot, six (6) inches, that is below grade.

Assistant Secretary Vigus stated then everything above that is eight (8) feet.

Mr. Donald Bridgeman stated that is correct and the only reason he asked for nine (9) feet, he does not have intentions on building a nine (9) foot sign, his design is for eight (8) foot and that is what the Apple sign was and he strongly disagrees that it would not be appealing, it is actually very attractive, he will say that as well.

Assistant Secretary Vigus thanked Mr. Bridgeman.

Mr. Donald Bridgeman stated but it could be modified and he is willing to compromise in order not to delay the progress of the building in the opening.

Chairman Watriont stated the previous variance had him at fourteen (14) foot from the front property line, why does he need to come in nine (9) feet from where that sign was, as he drives by that many times, he knows what that sign is.

Mr. Donald Bridgeman stated he knows where that sign is at, was it difficult to locate or to see, was it effective in advertising or marketing in that location sir?

Chairman Watriont stated not at the fourteen (14) feet; he knew what it was and went by it many times.

Mr. Donald Bridgeman stated he has pictures and brought some photos if he may submit them if the Board likes to look at them.

Chairman Watriont stated he would like to.

Mr. Donald Bridgeman stated he has pictures for everyone and they are in order to show the Board his concerns. He asked if he may bring them to the Board.

Chairman Watriont stated the Board will look at them, sure.

Board Member Descamps stated while waiting for the photos; that is his neighborhood and he lives in the neighborhood and shops at Randazzo...

Mr. Donald Bridgeman stated it was nice to meet Mr. Descamps.

Board Member Descamps stated it was nice to meet him. Obviously they are glad because that building has been sitting there for a while, so they thank him for renovating it and getting it set. He has a problem with exactly what the gentleman said that is his neighbor to the west (*referring to Mr. Woehrlen*), having a frontage of only thirty (30) feet, it is like putting a really huge sign inside of a building that is not that big, okay, and having seen the Apple sign for years, it did catch his eye every time he passed by it, he just looked that way every time he guesses; is he willing to compromise on sizes?

Mr. Donald Bridgeman stated yes, by all means.

Board Member Descamps stated okay, he just wanted to clarify that and thanked Mr. Bridgeman for that and for coming into the neighborhood.

Mr. Donald Bridgeman thanked Mr. Descamps.

Board Member S. Brasza stated in seeing the pictures, she thanks Mr. Bridgeman for them.

Mr. Donald Bridgeman asked the Board if they would like him to explain the pictures.

Board Member S. Brasza stated no, they are pretty good at this. She too lives in the area and shop there at least twice a week at the Randozzo's and always, always noticed the Apple sign, it was plain as day and was always pleased of the size and the shape and noticing that his neighbor, the Dental facility, has similar in size to what the Apple was and basically a monument sign, but this sign that he is proposing is...she does decorating for a living and she would never put a sign that big in front of his building. She asked how many square feet is his facility.

Mr. Donald Bridgeman stated the building is eighteen hundred (1,800) square foot.

Board Member S. Brasza asked Mr. Bridgeman if he had any other thoughts in mind as far as the sign. She could understand the sign on the building.

Mr. Donald Bridgeman stated if they were to look at signs at a distance, a six (6) inch letterhead is not very significant or effective in marketing or advertising and he stresses the fact that the building sits back, it is recessed between two larger buildings and visibility is hard with the trees—and they are beautiful—on both properties that are adjacent to him. A three (3) foot, thirty-six (36) inch brick mortar base is less than thigh high, then put two (2) feet on top of that, which is optimum eye level for viewing for an LED sign that is based on the facts from the sign manufacturers that sell the LED signs, and then on top of that, he could reduce the top portion of the sign and redesign that to have maybe bigger letterhead and less message. It is going to be a hair salon and they wanted to put 'Lucky Hair, Salon Spa, Family Friendly' and the architect and the engineer, are just waiting for approval of the variance before proceeding.

Board Member S. Brasza stated does he think that the LED sign is going to be in the middle of the trees.

Mr. Donald Bridgeman stated he looked at that and it is below the tree line currently.

Board Member S. Brasza stated then she would propose going as far as that height, period; what does he think?

Mr. Donald Bridgeman stated it does not allow him to give the message that he would like, but that is an option.

Board Member S. Brasza asked Mr. Bridgeman if that is something that he would need to come back before the Board with a proposal?

Mr. Donald Bridgeman stated he would prefer not to, but if required and necessary it would delay the progress of the sign and of the opening of the business.

Board Member S. Brasza asked Mr. Bridgeman if he had something else that he had thought in case this would not have come through that he drawn out.

Mr. Donald Bridgeman stated there would be contingent plans if he was not allowed to have it at the five (5) foot; however, if the variance was approved for P-1, is it indeed a fact that if it back eight (8) foot, that it could be eight (8) foot in height?

(Inaudible statement made by Lynn Martin, Chief Zoning Inspector)

Mr. Donald Bridgeman stated in response to Mr. Martin, eight (8) foot back?

Chairman Watripont stated a pole sign...it is different specs.

Lynn Martin, Chief Zoning Inspector stated if they want a sign eight (8) feet in height with an eight (8) feet setback, as long as he is eight (8) foot high. (Distant voice)

Chairman Watripont stated here is what he would like to see. What if he cuts the base to eighteen (18) inches and he has an eight (8) foot high total with his spacers and everything else, he does not exceed the eight (8) feet and the top he still thinks is a little too big at the six (6) feet but he has not problem with the LED at six (6) by two (2). He is just speaking for himself, not for everyone on the Board either, so...is it possible to shrink that down to five (5) feet, a little bit smaller so it is metric, the top sign?

Assistant Secretary Vigus asked Chairman Watripont five (5) by what?

Chairman Watripont stated five (5) by three (3); he wants the three (3) so he could get the...he understands the reason... (inaudible responses from Ms. Vigus)...no he is bringing this down six (6) inches.

Mr. Donald Bridgeman stated an option may be just to take one of the signs whether it is, he prefers to keep the LED, but maybe an option would be to remove the upper sign in order to keep the LED at a level that he thinks is more effective.

Board Member S. Brasza asked which would be.

Mr. Donald Bridgeman stated five (5) to six (6) foot.

Board Member S. Brasza stated that would work for her.

Chairman Watripont asked Mr. Bridgeman if he could get by with top sign of two (2) feet.

Mr. Donald Bridgeman stated he could if...

Chairman Watripont stated two (2) by six (6).

Mr. Donald Bridgeman stated he could.

(Inaudible comments)

Mr. Donald Bridgeman asked if he could get clarification from Lynn because he is not sure exactly if he were to recess that sign away from the sidewalk, what could be built.

Chairman Watriont stated and he would also like to move it back, not necessarily the fourteen (14) feet, but some happy median in there.

Lynn Martin, Chief Zoning Inspector stated a monument sign can be five (5) feet in height with a five (5) foot setback and up to seventy-five (75) square feet.

Mr. Donald Bridgeman asked if it were recessed six (6) feet back, could it be six (6) feet tall.

Lynn Martin, Chief Zoning Inspector stated if the Board approves it.

Chairman Watriont stated it would need approval.

Mr. Donald Bridgeman stated that it could only be five (5) foot without approval.

Lynn Martin, Chief Zoning Inspector stated correct.

Mr. Donald Bridgeman thanked Ms. Martin for that clarification. He guesses that he would like to ask to see if it was possible to have it a little bit higher and what would the maximum height be that would be satisfactory to the Board?

Chairman Watriont stated what he would like to see if two (2) by six (6), two (2) by six (6), not to exceed eight (8) feet and be setback at ten (10) feet; he does not know how the rest of the Board feels, but that is his thoughts right now.

Board Member Pauta stated she would agree to that.

Board Member S. Brasza stated she would agree for the setback, it is the height; it is the height and she is having a difficult time at what are they going to give him, eight (8) feet?

Chairman Watriont stated it would be at eight (8); maximum of eight (8).

Board Member S. Brasza stated she could not go on the maximum of eight (8), she could go to the maximum of six (6).

Assistant Secretary stated if he is looking at dropping his sign, top sign to two (2)...

Chairman Watriont stated the Apple sign was approved at nine and a half (9 ½) feet.

Board Member S. Brasza stated but it was not.

Chairman Watripont stated he understands that, but they also would have to get him to relinquish that sign also, because he could put a sign up there up to nine (9) feet.

Board Member Furgal stated he does not have the approval, because she had to remove the sign if she vacated the premises.

Board Member S. Brasza stated right, the sign is no longer.

Board Member Furgal stated that was in the variance.

Chairman Watripont stated oh, okay.

Mr. Donald Bridgeman stated yes, the sign has been removed. He stated that in the...

Chairman Watripont stated okay, he stands corrected on that part.

Assistant Secretary Vigus stated in just going with what he threw out to him of two (2) by three (6) and two (2) by six (6), that is four (4) feet, his base is three (3) feet, that is seven (7) feet right there; she understands that he...

Chairman Watripont stated no, his base is...oh it is three (3) feet, yes.

Assistant Secretary Vigus stated yes, so they are looking at seven (7) with the new dimensions that he just thrown out...

Chairman Watripont stated well, with the filler and everything, it would be seven and a half (7 ½), is that correct?

Mr. Donald Bridgeman stated the grade is very low compared to his neighbors who have built their properties higher.

Chairman Watripont stated no, the amount in between the signs is about three (3) inches each?

Mr. Donald Bridgeman stated yes, there will be a gap.

Assistant Secretary Vigus stated so seven and a half (7 ½).

Chairman Watripont stated yes, and that he could personally live with, so he will allow the rest of the Board speak.

Board Member H. Brasza asked if he would consider reducing the base. If he reduces the base another six (6) inches, then he would be down to seven (7)? And, she thinks they are getting closer to where...

Mr. Donald Bridgeman asked what level Board Member H. Brasza would like the base.

Board Member H. Brasza stated like eighteen (18) inches.

Mr. Donald Bridgeman stated he had originally thought about decorating, landscaping, putting flowers around it and that would conceal the base completely, which would take away from the statics of the whole base, which will have a...

Board Member H. Brasza stated they understand that but they are also trying to...

Chairman Watripont stated the base is actually at three (3) feet, so it would be thirty-six (36) inches going down to thirty (30) inches.

Board Member H. Brasza stated correct and he stands corrected, but they are trying to get the overall height down, and so he does not care so much about the decorative around it, he could find some kind of landscape that is appropriate and that has a lower profile, if they could get the sign overall height, so it conforms more and fits more with the flow of the neighborhood and the street itself; they are trying to keep these signs a little smaller and a little bit more distinct. That is what he would favor, something seven (7) feet or under, he would not want to go above that and that is *his* personal opinion.

Mr. Donald Bridgeman asked at what level recessed from the sidewalk?

Board Member H. Brasza stated ten (10) feet, just like Mr. Watripont said.

Board Member Descamps stated he is sitting here thinking about this too and he thinks the ten (10) foot setback would be fine, he is looking at his pictures and knowing the area, he is a little bit back, but not that far back from his neighbors. He thinks seven (7) feet overall height, however he would manage to do that with the base or whatever, should be good with the width of six (6) foot; he thinks he could go with that, overall width of six (6) foot, seven (7) foot by six (6) foot.

Mr. Donald Bridgeman stated may he ask that if he reduces the height, could he extend the length a foot to seven (7) foot from six (6) foot, to have...he is still within the sign allotment that is allowed, he has a great deal more available sign space usage that he is allowed, but he did not choose that option.

Board Member Descamps stated he understands that and he is not the only Board Member on there, so he is not going to make that comment as to he does not like it, he needs to still make it pleasing looking at it and being that wide, it is not going to look good, so...

Chairman Watripont stated if it were to go to seven (7) feet, the Board would have to repost everything, because it exceeds what was posted in the notice, so is that what Ms. Lynn wanted to...

Lynn Martin, Chief Zoning Inspector stated yes, and to remember that this is in a P-Zone, so it is a Use Variance.

Chairman Watripont stated okay, so he is going to need six (6) out of the eight (8) Members to approve this also.

Mr. Donald Bridgeman stated okay.

Board Member S. Brasza stated keeping in mind that item 2 is sixty (60) square feet that is going to be on the building, so she would go for ten (10) feet setback with a six (6) foot including the sixty (60) square feet on the building.

Chairman Watripont stated to the Mr. Woehrlen that the public hearing has been closed.

Mr. Donald Bridgeman asked what is it originally requested for seven (7) feet in height by six (6) foot in width, is that what they are voting on or...

Chairman Watripont stated the monument sign nine (9) feet in overall height and no less than five (5) feet from the front property line with two signs, one (1) LED and one (1) six three (3) by six (6).

Mr. Donald Bridgeman stated as the Chair, he had specified ten (10) foot recessed and seven (7) foot in height?

Chairman Watripont stated he voiced his opinion and he has heard other opinions that are even less than that.

Mr. Donald Bridgeman stated he would just like to get in agreement and something that is satisfactory to the Board.

(Inaudible discussion)

Motion:

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

1. One (1) Monument Sign, six (6) feet in overall height to no less than ten (10) feet of the front property line with two (2) signs: one (1) LED message center, two (2) feet by six (6) feet = 12 square feet as per the plan and one (1) sign, three (3) feet by six (6) feet = 18 square foot as per the plan.
2. One (1) wall sign, four (4) feet by fifteen (15) = 60 square feet as per the plan.

With the Condition: That the LED sign cannot flash, blink, scrawl and cannot change more than once every five (5) minutes.

Reason being: Lack of Identification and Due to Size and Shape of the Lot.

Board Member Becher Supported the motion with discussion. The Board must state that one of those signs is an LED sign and that is not to...

Chairman Watripont stated he was going to state that all.

Board Member S. Brasza stated she just wanted to yes, in that six (6) foot overall height, the LED message center and asked Chairman Watripont how he would like to state it.

Chairman Watripont stated he believes what Board Member S. Brasza is proposing and to correct him if he will read it wrong.

Board Member S. Brasza stated okay.

Chairman Watripont stated there is a motion by Board Member S. Brasza, Supported by Board Member Becher to approve: One (1) Monument Sign, six (6) feet in overall height to no less than ten (10) feet of the front property line with two (2) signs: one (1) LED message center, two (2) feet by six (6) feet = 12 square feet as per the plan and one (1) sign, three (3) feet by six (6) feet = 18 square foot as per the plan. And One (1) wall sign, four (4) feet by fifteen (15) = 60 square feet as per the plan. **With the Condition: That the LED sign cannot flash, blink, scrawl and cannot change more than once every five (5) minutes.**

(Board Member S. Brasza's motion was amended as stated by Chairman Watripont).

Mr. Donald Bridgeman stated after all of this, he is going to go to his designer and see what...

Chairman Watripont stated the Board has not voted on this yet.

Mr. Donald Bridgeman stated he wanted to ask the Board and to bring to their attention, if that LED sign is sitting to low to be effective and the height of this sign will not exceed six (6) foot, could that be deleted from the project and just put a four (4) foot sign in, a two (2) foot base? His concern is the LED sign might be too low and not effective at that...

Chairman Watripont stated he could reverse them.

Assistant Secretary Vigus stated put the LED on top.

Mr. Donald Bridgeman stated he will take that into consideration and talk that over with the designer.

Chairman Watripont stated but he cannot increase the LED more than the two (2) feet by six (6) feet. He would have to come back before the Board if he wants to do that.

Mr. Donald Bridgeman stated and if he says it is not effective, can it be eliminated and he will put up a monument sign that would just have two (2) foot?

Chairman Watripont stated if it was in accordance with the variance and everything else, yes he can.

Mr. Donald Bridgeman thanked the Board. He just does not want to have a very expensive LED sign that is not effective.

Chairman Watripont stated if he goes and changes it and does something within the ordinance, whatever the Board does still stays with the property, so he could change it in time.

Assistant Secretary Vigus stated the ordinance is five (5) feet, so he needs the approval from the Board to get the six (6) foot but they are approving two (2) signs as part of this monument and if he opts to do one (1), he does not need the variance from them to approve the one.

Chairman Watripont stated if he wanted LED, he would need it for one and that is why he said that if he wanted to do it by four (4) feet to get that effective, he would have to come before the Board again. Okay, did he make the...

Board Member S. Brasza stated yes, and that was supported by Board Member Becher.

Chairman Watripont stated okay, Motion by Board Member S. Brasza, Supported by Board Member Becher, for what he stated. Reason being: Lack of Identification, Size and Shape of the Lot. He asked Mr. Bridgeman if he understood it.

Mr. Donald Bridgeman stated yes, sir.

Chairman Watripont asked for Roll Call.

Roll Call:

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

Board Member S. Brasza	Yes, for the reasons stated in the motion; she thinks the LED might work on the top better.
Board Member Becher	Yes, as stated in the motion.
Board Member H. Brasza	Yes, as 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.
Assistant Secretary Vigus	Yes, for the reasons stated in the motion.
Chairman Watripont	Yes, for the reasons stated in the motion, and welcome to the neighborhood.

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

Chairman Watripont asked Mr. Bridgeman if he wanted his pictures back.

Mr. Donald Bridgeman stated the Board may keep them.

Motion:

Board Member Descamps made the motion to take a five (5) minute recess, Supported by H. Brasza.

Voice Vote:

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

The Board's five minute recess began at 9:14 p.m.

The Board resumed at 9:19 p.m.

14. PUBLIC HEARING

**APPLICANT: Auto Repair Shop,
Jeffrey Brodsky Owner**

REPRESENTATIVE:

Mr. Kerm Billette PCP

COMMON DESCRIPTION:

23328 Sherwood

LEGAL DESCRIPTION:

13-28-452-014

ZONE:

M-2 & C-3

VARIANCES REQUESTED: Permission to:

1. Operate an auto repair facility adjacent to residential to the east, as per the plan.
2. Waive the required masonry wall along the north east property line (vacated alley).
3. Waive 21 required off street parking spaces.
4. Allow 17 repair vehicles in lot.

ORDINANCES and REQUIREMENTS:

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

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

Section 4.32 (h) (23): Parking for warehouse: 100% of the floor area required in off street parking.

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

Kerm Billette, 38628 Warwickshire Drive, in Sterling Heights, 48312, appeared before the Board and stated he is present with the owner of the property, Mr. Jeff Brodsky and he will answer any questions. The site plan itself was submitted to the Board of Appeals in 2013, it was approved but with conditions and withdrawn at a later day. They revised the sight plan including all of the tools in the building, they are using an auto repair shop and he has included the paint booth specifications for the two paint

booths within the building. The building is entirely self contained and has parking to the east paved parking for the owners of the building, for the employees and for the vehicles for repair, he thinks the seventeen (17) vehicles for repair. The petition is requesting that the Board of Appeals waive 21 parking spaces total and allow 17 repair of vehicles in the lot; that would be in exchange of putting parking spaces in the lot. They do not feel as though there would be that many employees and they would not have more than 17 cars to be repaired; they are to be kept in the parking lot no more than 30 days as per the first requirement, the Planning Commission, quite a while ago, said that the certain conditions must be met; no storage or junk on the property, but the only they might have is in the vacated alley, the Republic side, they may have a large dumpster in case the building has to be renovated and there is waste material that would be behind the fence at the south end of the alley. The petition also requires that a permit to be operated as a car repair facility within two (200) feet of residential. This is the requirement for there as there is a residential to the north east and that residence is separated by a lot that they use for parking of trucks and some trash and so forth owned by the adjacent property over to the north. He asked if there are any questions, the owner of the property is present.

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

Pristine Steven, 22840 Sherwood, appeared before the Board and stated that he is present to speak on this, he has been through this process himself and for the Board to waive the on parking and things of this nature, these guys are only two blocks from his store, where he actually has a license repair facility; he would like to allow the Board to see the pictures of just maybe a day or two as how they conduct themselves when they say they are not doing anything. He has followed this because it is in his neighborhood and they should be made to comply like he had to and have employee parking, have all of the...and they have residential houses there, they should need that wall. The outside storage needs to be assessed, because any repair shop, their cars are not going to come in perfect, just as he drove by their shop yesterday or the day before, they were sanding a car, a half a pickup truck on a dolly out in the street; he did not have his camera, he wishes they did, but over the last 18 months to 2 years, he has dealt as this on and off all through the time. They should be required to have as much parking as the rest of them and even if they are for hire or not for hire, they have had cars in the streets with the hoods up, they are working on cars in the street right there in the pictures he gave the Board, that is just one day and it goes on and if it is non-conforming, they should find a place it is conforming and that is his opinion on the matter and he is licensed and he is certified by the Board and he *did* comply by all of the issues and he also was closed the whole time he complied with their orders until he was authorized to go back to work. He thanked the Board.

Chairman Watripont stated he does remember him. He asked if there was anyone else wishing to speak on this item. Hearing and seeing none, he turns the matter over to the Board. He will wait until he looks at the pictures before he comments.

Kerm Billette stated he may have one little thing to add here, the request for the Planning Commission to start out with, requested a six (6) foot masonry wall on the north east property line, this wall is prohibited, it cannot be built as there is an easement, this is the center of the alley easement and no concrete wall is permitted to be built on an easement and that is why they are submitting the request with a fence on the chain link fence existing to put slats in it and this would be part of the barrier; they cannot build a masonry wall.

Board Member Becher stated she looked at this property the other day and she looked at this property back in 2013 and both times, she noted that their driveway into the parking area or what they want to use as outside storage that it is divided and divided with a fence that goes down and they do not show that fencing on their plans here and there is a warehouse at the east side of this property and also there is this fence that goes through the middle of the parking area and it has barb wire on it, they asked him to remove the barb wire before, he chose not to do that, he has one driveway into this property on the west side in the parking area and there is a driveway that is on the east side of Republic on the other side, but he has a fence through the middle of them. What are his plans with the fence?

Jeffrey Brodsky appeared before the Board and stated he is the property owner, he is the representative of the property owner, the property owner is a LLC and he is the representative. The barb wire has been removed some time ago, there is a fence there and his proposal would be either to remove the fence or else to widen the driveway so that to make it a two-way driveway. He would also like to make sure the Board is clear that the wall, he has met numerous times with the City Attorney, Ms. Annette Gattari-Ross as well as representatives of the Building Department, Mr. Everett Murphy and did a title search and he has also gotten information from the City of Warren, Engineering Department and it is not legal to put a wall on that site and that is why they are back here because it is not legal. There is an easement, there is a utility easement running underneath the vacated alley and there is also another easement, one running north south and one running east west and he has all of the documentations with him in support of that. He also has pictures taken today which shows the vacated alley, the condition of it, shows the side street Republic and the condition of, it shows the west side of the building, where there is nobody parking on there. Also, he would like to point out that in between his building and the next residential property that is the one that is within 200 feet, there is a vacant lot and this lot is used for parking for the building to the north of him; they do not have any parking and this is their only lot they have and he has pictures of that lot, which the Board can see the condition...he is not the neighbor of any residents, so there is a lot in between him and the residents and he has the photographs and wanted to make sure that it is clear, it is the north side leisure that says, vehicle storage, lot owned by Mid American Neon Sign Company and they received their variance in 2013, apparently as being used for industrial purposes. The Board could see their lot has a large dumpster, a lot truck, lot storage, steel, there are not slats in between the neighbor and their building, there are potholes in the driveway and the reason he points that out is not like Mr. Stevens who does not even have any interest in this property because his building is four blocks away and he is not in this neighborhood as the Board could see and there are no neighbors there because all of the occupants of the building have been very good neighbors for the last two years or

more and there are not any neighbors here objecting. But the only reason he is pointing this out is, this is the lot that abuts the residents, not his property. On his south side, there are no residents for well over 200 feet but on the north side, that is why they are here, because of the resident that is within 200 feet, but there is a vacant lot between his building and a vacant lot, then the vacated alley and then his building.

Board Member S. Brasza stated she is just trying to understand again the alley easement; he has his fence right now in the easement, in the alley...

Jeffrey Brodsky stated they are allowed to have a chain link fence.

Board Member S. Brasza stated that has been in the alley, in the easement.

Kerm Billette stated in the center of the easement, yes.

Board Member S. Brasza stated okay, and this alley has been vacated, correct?

Jeffrey Brodsky stated right, the alley was vacated in 1955.

Board Member S. Brasza stated okay and so they are asking for a wall but it does not have to be where the fence is.

Jeffrey Brodsky stated there is utility, there is an eight inch sewer line going under there.

Board Member S. Brasza stated under his fence.

Jeffrey Brodsky stated no, not under the fence.

Kerm Billette stated under the fence, yes.

Board Member S. Brasza stated okay, so if he was to move the wall over eight inches, then he would not be on the drain.

Chairman Watripont stated six feet off the easement.

Board Member S. Brasza stated he would have to be six feet off the easement.

Kerm Billette stated the alley has been at that point on the north east part, half of it belongs to the lot that says it has stored vehicles on it...

Board Member S. Brasza stated right.

Kerm Billette stated and half belongs to the property owner to the west. The southern part of the alley is totally owned by both sides of the alley by Mr. Brodsky. The entire alley on the south side is his property; on the north side of the alley is half and half. The centerline is the location of the fence and as for the masonry wall, it cannot be built.

Board Member S. Brasza stated okay, so they want to retain the fence that is not in very good shape at this time. So they are asking the Board to...

Jeffrey Brodsky stated they are just retaining something that is already there.

Board Member S. Brasza stated but his request is to have the Board waive the masonry wall.

Jeffrey Brodsky stated the wall is impossible; it would not be legal to build the wall.

Chairman Watriont stated he begs to differ with him right now. The wall can be placed on his property inside the easement, is this true?

Kerm Billette stated it is not centerline the easement, he decides to own by it...

Board Member S. Brasza stated right, but it does not have to be placed...

Chairman Watriont stated but it could be placed six (6) feet inside and now it is not in the easement, is this correct?

Kerm Billette stated no, it is still an easement.

Board Member S. Brasza stated no.

Chairman Watriont stated well place it seven (7) feet inside, is it still an easement?

Kerm Billette stated the alley easement exists exactly as this width is all the way down; no matter the fence is in the center or to either side.

Chairman Watriont stated he is not speaking the fence. The easement is there and it is six (6) feet on each side of the fence right now.

Kerm Billette stated yes.

Chairman Watriont stated is it possible to build a wall six (6) feet away from that fence on his property, it is possible?

Kerm Billette stated on his property it is the wall of the building.

Lynn Martin, Chief Zoning Inspector stated yes, it is ten (10) foot setback... (*voice distant and inaudible*)

Chairman Watriont stated ten (10) feet...well his...where he has the parking?

Board Member S. Brasza stated that is the inside of the building.

Lynn Martin, Chief Zoning Inspector (*inaudible – voice distant*)

Chairman Watripont stated he is not speaking about that alley; he is speaking the easement that abuts the residential where the parking is. Can a wall be built on his property inside, not touching the easement?

Lynn Martin, Chief Zoning Inspector stated he already has a wall around that parking.

Chairman Watripont stated on the north east...

Board Member S. Brasza stated the north east property line part of the vacated alley.

Lynn Martin, Chief Zoning Inspector stated no, that is the ... (voice inaudible)

Chairman Watripont stated (reading the documents) the north east property line, is this not the north east property line?

Lynn Martin, Chief Zoning Inspector stated it is the one that runs from ... (voice inaudible and distant)

Chairman Watripont stated so that is in the middle of his property, not...

Board Member S. Brasza holding the site map stated to Lynn, she is speaking here, the Board is speaking here as of right now.

Lynn Martin, Chief Zoning Inspector (inaudible)

Chairman Watripont stated he was thinking that it was off the north east property, which if they look at it, his property goes, further east than that but it is this up and down, not the total property. So it is a wall here on the vacated alley, but the Board is talking about ...

Board Member S. Brasza stated in the upper portion, south of the alley, north of the alley and Mr. Watripont is right, he can put a fence or a gate, or a wall within his property and it does not have to be in the easement.

Lynn Martin, Chief Zoning Inspector (inaudible)

Board Member S. Brasza stated why the Board is being asked to waive the Masonry wall.

Lynn Martin, Chief Zoning Inspector stated the wall is required adjacent to residential and even though is used for different purposes it is still zoned R-1-P. (voice distant)

Jeffrey Brodsky stated he gave the Board pictures of how the lot is being used and they could see what is in that lot and that is what they are seeking to protect, is that big 40 yard dumpster, the truck with the boom, the large storage facility.

Chairman Watripont stated he has looked at the pictures and he thinks that Ms. Martin should get those pictures after the Board is done.

Board Member Furgal stated she would like to ask Ms. Martin, do they have confirmation that he was not allowed to build a wall on that.

Lynn Martin, Chief Zoning Inspector stated she was not part of that negotiation that was with Annette Gattari-Ross in the City Attorney's office and Everett and Mr. Brodsky, that was her understanding of what came out of that, she has nothing in writing.

Board Member Furgal stated that would be very helpful if that was in writing.

Chairman Watriont stated the petitioner said he had something in writing regarding that.

Board Member Furgal stated her other comments are regarding the pictures that the other gentleman brought to the Board. They remember this very clearly, the last time there was a lot of discussion and Ms. Becher will verify this, there were cars parked everywhere on the street, in the front on Sherwood and apparently they are no longer on Sherwood but they are still on Republic, there are still cars on Republic. She just wanted to confirm that other business about the wall. That is her issue.

Jeffrey Brodsky stated he did not see the pictures, so he cannot comment, but there are, it is legal to park on Republic all though...

Board Member Furgal stated they are not parking; they are working on the cars. He could see they are working on the car. They have wrecked cars on the sidewalk, on Republic, sticking out of the building.

Jeffrey Brodsky stated he is not aware of it but they will be eliminated.

Board Member Furgal stated well that is what he said the last time and it is still going on and that is why she is concerned about it. She gets the wall thing, if the wall thing is nothing they could do about it, but this business of granting variances for parking spaces, off street parking and repair vehicles is appropriate to discuss regarding these part because these cars are in the street on the sidewalk; they are not where they belong.

Kerm Billette stated he thinks one thing that might be considered is the fact that the entire building is proposed to be used for repair of cars and it would eliminate any outside repair because this person not only has a corner, this small corner of the property and if the entire building is approved for auto repair, that is the entire building.

Board Member Furgal stated she recalls that was a problem before because he only had one small part of the building.

Kerm Billette stated yes, he has a small corner.

Board Member Pauta stated on the application, she is still waiting for hardship. She is not hearing a hardship, it says request the variance are required by ordinance...okay, what is his hardship?

Jeffrey Brodsky stated the hardship is there they cannot build on the site, so they cannot have the wall because that would be illegal to build on the site, also it is not a detriment to the neighbor and size and shape of the lot.

Chairman Watripont stated did he say that he had a letter regarding the masonry wall.

Jeffrey Brodsky stated no, he met with the City Attorney, Annette Gattari-Ross, he met with Mr. Murphy and in that meeting, they determined that there was an easement and he did a title search that there was utilities on the vacated alley, not only running north and south but east and west and as a result it was determined that it was unbuildable and that would be one of the hardships. Does he have a letter from Ms. Gattari-Ross, no, he does not, but he has a number of e-mails going back and forth with her but he does not know if he brought it with him today.

Chairman Watripont stated well, if that was a determination from those bodies, he thinks something should have been in writing and given to the Board in that regard.

Jeffrey Brodsky stated that he could tell them that he believes just this week, he wrote to Ms. Gattari-Ross and suggested that the Board be made aware of the situation and he thinks he also wrote to Mr. Murphy. If he looks through his other files with him, he might be able to find a copy of that e-mail.

Chairman Watripont stated he is not in favor of waiving the masonry wall unless he has that documentation and without that documentation he thinks the Board should reschedule this.

Jeffrey Brodsky stated he has a letter to Ms. Gattari-Ross this week, confirming that...

Chairman Watripont stated his letter means nothing to the Board in that regard, at least nothing to him.

Kerm Billette stated he might ask the City Attorney if it is legal to build a masonry wall down the center of an easement, he is sure the answer is going to no.

Roxanne Canestrelli, City Attorney stated she was not a party to their meeting, so she could not comment on their issue.

Jeffrey Brodsky stated he has the statue present.

Chairman Watripont stated also his renderings do not show that there is an easement there; it only shows the easement going east west not north south.

Jeffrey Brodsky stated he has a letter from the City of Warren Engineering Department.

Board Member S. Brasza stated she believes that the Board should at this point table this for a later date to have that documentation addressed to the Board.

Jeffrey Brodsky stated he did find the letter from the Engineer saying "I have attached your utility atlas and ledger for your use. The vacated alley does contain an eight inch sanitary sewer of which would need to be rerouted and eliminated to build".

Board Member S. Brasza stated which would be at his expense.

Chairman Watripont stated right.

Board Member S. Brasza stated her thought is at this point, it might be beneficial that they table this, so that they could have the documentation.

Chairman Watripont stated beneficial to him.

Jeffrey Brodsky stated he requests the Board to table it and what they want from him is to get letter from the City Attorney saying that he cannot build.

Board Member S. Brasza stated he is saying that he utilities are so and so because of the...they do not even have that documentation. What he is looking at, the Board does not have, so they would need to see that.

Jeffrey Brodsky stated he did not know that it was his responsibility to provide it.

Board Member S. Brasza stated they were not aware, he is asking it to be waived and they do not have any...

Chairman Watripont stated they do not have any documentation of it.

Board Member S. Brasza stated Board did not have the conversation with Annette Gattari-Ross either.

Jeffrey Brodsky asked what was it that the Board would like to supplement.

Board Member S. Brasza stated documentation as to him stating that the Board should waive the wall because of an easement. They have no indication that that would be...

Jeffrey Brodsky stated and that documentation would be a letter from the City Attorney?

Chairman Watripont stated or from Everett.

Board Member S. Brasza stated and the Engineering Department.

Jeffrey Brodsky stated okay, then he requests that the Board adjourn.

Board Member S. Brasza stated unfortunately they would have to go onto 09/ 23.

Motion:

Board Member S. Brasza made the motion to reschedule the petitioner's request to: **September 23, 2015**; Supported by Board Member Pauta.

Voice Vote:

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

The Petitioner's request was **RESCHEDULED to September 23, 2015.**

Chairman Watriont stated they will see him on September 23, it will not be reposted; the Board would like to see more documentation to follow up on that.

Jeffrey Brodsky thanked the Board and stated that he would also like to thank Mr. Billette because he just came out of extended hospital stay and he is just getting back to work and he appreciates that he came here on his behalf.

15. PUBLIC HEARING

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

ZONE:

APPLICANT: Woodheaven Enterprises, Inc

Mr. Akram Namou / Woodheaven Enterprises, Inc.

32035 Van Dyke

13-04-277-007

M-1 & M-2

VARIANCES REQUESTED: Permission to:

1. Construct one hotel to 55'-2" and another hotel 54'-10" as per the plans.
2. Hard surface to within five (5) feet of the south property line (Murthum Ave.) as per the plan and construct the canopy to no less than five (5) feet of the Murthum property line for the Homewood Suites as per the plans.
3. Construct the Homewood Suites building to no less than 40.4' of the north property line as per the plan.
4. Construct two hotels less than 300 feet from the nearest residential on the east side of Van Dyke as per the plans.

ORDINANCES and REQUIREMENTS:

Section 14.02 (D) (2): Motels, hotels and motor courts: Each such use shall be located a minimum distance of three hundred (300) feet from any one-family residential district.

Section 14.02 (D) (5): Each such use shall have a front, two (2) sides and one (1) rear yard, each yard having a minimum width equal to the height of the building. Each yard bordering along any street shall be not less than twenty-five (25) feet.

Section 17.02 Item (d) Height of Buildings in M-1 & M-2: Maximum height is two (2) stories or Thirty (30) feet. Hotels see 19.04 Height exceptions.

Section 19.04 Height of hotels: The height of hotels may be increased to ten (10) stories or one hundred fifty (150) feet provided such building shall set back from all lot lines not less than one (1) foot in addition to the required yard dimensions for each foot such buildings exceed the height allowed in the district concerned.

Chairman Watripont asked if the petitioner was present; he asked the individual at the podium to state his name and address for the record.

Monte Abdulnoor, 32035 Van Dyke, appeared before the Board and stated their architect is not actually going to make it today, he is the one who submitted all of this and put the design but they met before the City Counsel and they approved it and also the Planning Commission approved it as well and they hope to get passed this hurdle, so they could start building these hotels; they are very excited for it and to bring it to the city.

Chairman Watripont stated the Board does not have his name in any of the documentation and he does not have a letter from...

Monte Abdulnoor stated his name once more and stated that he is one of the regional managers of the property, his family is actually the one building the property, so he came because their architect could not make it; he went to the City Council meeting as well, so this is his first rodeo (laughter).

(Mr. Abdulnoor provided a business card to the Board)

Monte Abdulnoor stated it is not a card that is actually for that property because the property has not been built yet, so they have not made a card yet; that is for the Town Place Suites. They own several properties in the City of Warren, hotels.

Chairman Watripont stated so he is representing Woodheaven Enterprises.

Monte Abdulnoor stated also on the variance request, on item number 4, where it says construct two hotels, less than 300 feet from the nearest residential on the east side of Van Dyke, oh, never mind, she understands it now.

Chairman Watripont stated the Board will proceed with the petitioner. He does not believe he would be here if he was not, he has documentation that he is part of the hotel chain, he does not think that he would be here trying to get something if he was not part of the group, so he is going to ask that on a letterhead to send something to the Council Office, verifying himself or his...

Monte Abdulnoor stated he really came just in case there was any kind of questions he could answer to the Board; just to have someone present from the company.

Chairman Watripont stated or his engineer, Akram.

Monte Abdulnoor stated that is their partner, he is the owner, and he could tell them the name of Jim from Bud design.

Chairman Watripont asked who Akram was.

Monte Abdulnoor stated Akram is one of the owners on the property.

Chairman Watripont stated to have him (Akram) send the letter.

Board Member Descamps asked if Akram was related to him.

Monte Abdulnoor stated out of respect, he calls him uncle. (laughter)

Chairman Watripont stated the Board will proceed with the petition; state his reasons why, their hardships...

Monte Abdulnoor stated to be quite honest, he was told to come before the Board and let them know that they are trying to get approval for what they are requesting right now; that the City Council approved it and that the Planning Commission approved it. He could not even read those plans (laughter).

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.

Board Member Furgal stated she does not believe the Board should hear this; they do not have any documentation that he is anybody and the only person on here and the only other person he mentioned was an architect who was not even mentioned either. The only person that is on here is Akram Namou.

Chairman Watripont stated that is the only name they could have.

Board Member Furgal stated that is what the Board has always done and they are not changing the rules here.

Board Member Descamps stated and he could not answer any questions; he does not know and it would be detrimental for him to let the Board ask him questions, he could not answer.

Monte Abdulnoor asked if he was not present, would the Board be able to proceed.

Board Member Descamps stated no.

Monte Abdulnoor stated so the Board needs someone from the company.

Chairman Watripont stated no, they need Mr. Akram and if he is not going to be present, they need a letter probably for the architect to go forward also.

Monte Abdulnoor stated absolutely. Their architect did stand before the City Council and the Planning Commission; he has been the one who has been coming to all of the hearings he believes.

Chairman Watripont stated since his names are on the plans, he would have accepted that, but being that, he believes there was a motion to reschedule?

Motion:

Board Member Furgal made the motion to reschedule the petitioner's request to: **September 9, 2015**; Supported by Board Member S. Brasza.

Voice Vote:

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

The Petitioner's request was **RESCHEDULED to September 23, 2015.**

Chairman Watriont stated it will be September 9th, same time, it will not be reposted; and to make sure he has proper documentations and someone who knows what is going on with it.

16. PUBLIC HEARING

**APPLICANT: Todd Huntington /
Little Caesars Enterprises, Inc**

REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

Mr. Todd Huntington / Mr. Andrew Karow
11555 Engleman
13-22-432-017
C-1

VARIANCES REQUESTED: Permission to:

1. Construct a new drive-in restaurant with a rear twelve (12) foot one way maneuvering lane as per the plan.
2. Waive the required chain link fence around the property.
3. Install a pylon sign (Little Caesar figure) 23'-4" in height, ten (10) feet under clearance, 56 sq. ft., setback from the Hoover property line no less than ten (10) feet as per the plans.
4. Install two (2) menu boards as follows: 69.75" in height, sign area 62.9" wide by 43" height, 21" under clearance (18.78 sq. ft. of signage each x 2 = 37.56 sq. ft. menu boards). As per the plans.
5. Three logo signs as follows: 40" x 40" = 11.11 sq. ft. each x 3 = 33.33 sq. ft. total, as per the plan.
6. Three Little Caesars letters as follows: 194" x 32" = 43.11 sq. ft. each x 3 = 129.33 sq. ft. total, as per the plan.

Total wall signs 162.99 sq. ft.

ORDINANCES and REQUIREMENTS:

Section 4.32 Paragraph (i): Maneuvering lanes and parking: a 15' maneuvering lane one-way or 20' two-way.

Section 14.01 (k) (4): Drive-in restaurant properties shall be completely enclosed with a chain link fence with a height of four (4) feet...

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.

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

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.18 (b) Height: The height of all free standing signs shall not exceed twenty (20) feet.

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

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

Andrew Karow, Director of Architecture & Design for Little Caesars, 2211 Woodward Avenue, Detroit, Michigan, appeared before the Board and stated he is present tonight because they are asking for these variances that were just stated. They are building a new store on their property that they have owned for 35 years on Hoover, just north of Engleman; he will go through the requests as listed. For the 12' maneuvering lane, the ordinance states that it needs to be 15 feet wide, the way the site is laid out, they do not have room to accommodate a 15 foot wide lane at the back; they feel that the 12 foot is going to be adequate. The typical width of a car is 6 feet wide and typical width of a delivery truck is 8 feet, they have 12 feet, they also have no obstruction in the back of the property adjacent to it, there are no structures, no walls, so if someone should deviate from the 12 foot lane, from more than half of it, they would just be onto some strike parking area and the other 15 feet of it, they would brush against the turn. They ask for waiver of the chain link fence requirement; ordinance says the property needs to be enclosed in a chain link fence, they are basically an island, surrounded by parking lots of Home Depot and the adjacent property; they do not see any purpose for the chain link fence, and what it could accomplish and again they are abutting any structures or any other properties that they want to separate themselves by a chain link fence. Item number 3, is to install a pylon sign, their freestanding sign, they are requesting something really unique; they are requesting their statue sign. This site for Little Caesars is going to be a flagship store for them, one of two they are building in the country and they chose Warren because they have done business in Warren for almost 4 decades. Their president and CEO was born and raised here and his mom still lives here and taught in the school for years, so they felt that this was an ideal location for one of their flagships and because of the orientation of the site, there is not space allowable to put them back 20 feet as required by the ordinance, so they are asking that they put the sign back only 10 feet and because it is their iconic statue, it is historical significance to Little Caesars, they even have one in the Detroit Historical Museum, they do not want to change the proportion, it is created from a mold that was created almost 50 years ago, so they would like permission to use that sign, it is 3 foot or 4 he believes, taller than what is allowed by the ordinance, if they look at the renderings that is basically the spear and the pizza that stick up above, so they do not feel that it is a large portion of the sign, so they ask that they consider granting them the variance for that statue. To install 2 menu boards in the back as they are going to operate this as a drive-thru, a dual drive-thru, having the menu boards is obviously a requirement of the store being able to function; the menu boards are in the back of the building, they face the Home Depot parking lot, so they do not think it is going to be an impediment to anyone, it would not be visible to anyone except for the customers, they are actually utilizing them. Items 4 and 5 are similar, the signage on the building; with their Little Caesar, he hates whoever made their logo, they used the capital letter and then they used the lower case, so when they calculate the area of the sign, they have a big linear

sign that says Little Caesars and they calculate the area based on the big capital letters and then the small letters, so they get a lot of space that is just air basically and because of the long linear, they feel that from going on Hoover at 45 mile an hour, to being able to read it, they are going to be 200 to 250 feet away, it is not going to be legible if it is a smaller size than that. They also designed the building, if they look at the elevations and the rendering, they try to make the esthetics of the signage fit into the building proportionally and be integrated with the building. They also feel that they are contextual with the rest of the quick serve restaurants that are on Hoover Road, the Del Taco, the Taco Bell, the KFC, they all have similar size, pylon signs, and they all have signage on three sides, so they feel they are contextual with what is going on with the neighborhood. He believes he covered everything and if the Board has any questions or concerns, he would be happy to address them.

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

Board Member Descamps stated he likes that sign.

Andrew Karow thanked Mr. Descamps and stated they do too.

Chairman Watripont stated so does he but thinks it is a little high.

Board Member Descamps stated you think? He is good with it.

Chairman Watripont asked if was willing to lower the under clearance to make them have that same statue.

Andrew Karow stated they are willing to do that, but they do not want to get it too low just because of the fear of someone climbing up or vandalism; he would be happy to lower it to whatever their recommendations are. They could also try to narrow up the base, from at 10 inches to maybe get it down to 4 or 5. The base dimension was shown when they used to have a rotating sign, they do not have the intention of rotating this sign, and it would be affixed position sign.

Chairman Watripont stated his thought was lowering the overall height by 2 feet.

Board Member Becher stated she realized that 23 feet is a tall area, but that is 23 feet to the tip of the pizza on the spear, is it not?

Andrew Karow stated yes, the bulk of the statue is a couple of feet below that.

Board Member Becher stated okay well, if they make that too low, they are going to have kids trying to scale that thing or to jump up there with Little Caesars; she thinks keeping it up in the air is the best part. She likes the sign, it tells who they are, and she means everyone recognizes it and it is not some big wordy thing and she does not find it to be intrusive on the street when she sees it.

Assistant Secretary Vigus stated just so she is clear, she has not driven passed this property, very familiar with it, she had a child that she took to Caesar land all of the time, are they tearing that location down and putting this in its place?

Andrew Karow stated no, they have done a lot split that they are just finishing up, so, he does not know if they could see the image or not from where they are at (*referring to a project displayed before the Board*), but basically, they have Home Depot around their site, this is the Home Depot, this is the existing former Caesar Land and this is the location of their new restaurant. They are going to sell this parcel to a developer and the plan is—he means he cannot guarantee it because he does not have any control over it—but the plan is that the developer is going to reuse this building, update it and turn it into a retail establishment, such as a pharmacy.

Board Member S. Brasza stated and these questions are going to be due to item #2, waiving the required chain link fence around the property; and they do not really have site plans per say but how do they plan on having the property distinguished from such as Home Depot and their split.

Andrew Karow stated he apologizes if the Board could not see his presentation really well... (*speaking of his presentation before the Board*) this is the site, this is the existing building, over here is Home Depot, this is Hoover, Engleman is just over here; they basically have a landscape island all the way around. On the other side, where they do have an easement granted to the other property owner to access the site and to share the parking on that area.

Chairman Watripont stated that did answer his question because he was concerned where it had gotten really tight there on his island (*pursuant to the presentation*) there, whether there was an easement with that.

Andrew Karow stated actually they have modified it with recommendations from the Planning Commission; this is a lot more rounded now and makes it easier for traffic flow.

Board Member S. Brasza asked in regards to the rendering on the would-be west, what is that? Is that parking back there on the other side of the? (*Based on his presentation*)

Andrew Karow pointed to his presentation and stated here?

Board Member S. Brasza stated yes.

Andrew Karow stated yes, that is actually Home Depot's property.

Board Member S. Brasza stated okay, so that is theirs, not his.

Andrew Karow stated yes.

Chairman Watripont asked if they could lower the base by 4 inches.

Andrew Karow stated yes, they could try to get it as low as they could, they could get it at 6 inches; he means if the Board is more comfortable with them...

Chairman Watriont stated he does not want it to exceed 23 feet, is what he is stating, but he could not make a motion either.

Andrew Karow stated they could probably lower the whole thing down to 9ft 6 inches to squeeze it a little bit out and still make it so people could not jump up there and grab it, especially if they narrow the base, so they may be able to squeeze another 10 to 12 inches out of it. Then they will just have literally the tip of the spear sticking up and the pizza would probably be below the 20 feet, but they would still have the tip of the spear.

Assistant Secretary Vigus stated 20 feet, 6 inches?

Andrew Karow stated they were at 23 ft 4 inches, so they would be down to 22 ft 10 inches.

Assistant Secretary Vigus stated so, just under 23ft.

Chairman Watriont stated 23 ft he would be good with that, but he could not make a motion.

Board Member S. Brasza stated but she could and asked if there were any further questions or comments.

Motion:

Board Member S. Brasza made the motion to approve the petitioner's request to:

1. Construct a new drive-in restaurant with a rear twelve (12) foot one way maneuvering lane as per the plan.
2. Waive the required chain link fence around the property.
3. Install a pylon sign (Little Caesar figure) **23' in height**, and ten (10) feet under clearance, 56 sq. ft., setback from the Hoover property line no less than ten (10) feet as per the plans.
4. Install two (2) menu boards as follows: 69.75" in height, sign area 62.9" wide by 43" height, 21" under clearance (18.78 sq. ft. of signage each x 2 = 37.56 sq. ft. menu boards). As per the plans.
5. Three logo signs as follows: 40" x 40" = 11.11 sq. ft. each x 3 = 33.33 sq. ft. total, as per the plan.
6. Three Little Caesars letters as follows: 194" x 32" = 43.11 sq. ft. each x 3 = 129.33 sq. ft. total, as per the plan.

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

Assistant Secretary Vigus supported the motion.

Chairman Watripont stated there is a motion by Board Member S. Brasza, Support by Assistant Secretary Vigus for the variance as requested, with the **exception that the pylon sign not to exceed 23 feet in height** and the reasons being: Lack of Identification, 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 (8-0).

Board Member S. Brasza	Yes, for the reasons stated in the motion.
Assistant Secretary Vigus	Yes, for the reasons stated in the motion.
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 Descamps	Yes, for the reasons stated in the motion.
Board Member Furgal	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, with the **Amendments to variance number 3: To install a pylon sign (Little Caesars figure) 23' in height, ten (10) feet under clearance, 56 sq ft., setback from the Hoover property line no less than ten (10) feet as per the plans.**

Andrew Karow thanked the Board and stated that Little Caesars had made a correct choice in coming here; the City Council, the Planning Commission and the Board, all have been really easy to work with and real supportive of Little Caesars.

17. NEW BUSINESS

Chairman Watripont stated he would like to thank Board Member Becher for her years of service as she has indicated that she is not going to reapply; he appreciates her service and her input; he guesses that some of that appreciation goes to Mr. Becher because he knows that both of them for many years, have been driving around when either he was on or Mrs. Becher was on the Board, looking at all of these properties.

Board Member Becher stated that is true and thanked the Board.

18. ADJOURNMENT

Motion:

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

Voice Vote:

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

The meeting was adjourned at 10:14 p.m.

Jennifer Vigus
Assistant Secretary of the Board

APPROVED