

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
September 28, 2016

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, September 28, 2016 at 7:30 p.m. in the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

Roman Nestorowicz, Chairman
Judy Furgal, Vice-Chairwoman
Ann Pauta
Henry Brasza
Charles Anglin
Albert Sophiea
Jeremy Wallace

Members of the Board absent:

Sherry Brasza, Secretary
Jeremy Fisher, Asst. Secretary

Also present:

Roxanne Canestrelli, City Attorney
Steven Watripont, Zoning Inspector
Frank Badalamente, Zoning Inspector

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Motion:

Board Member Furgal made a motion to excuse Board Member Fisher and Secretary S. Brasza. Board Member Anglin supported the motion.

Voice Vote:

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

Motion:

Board Member Furgal made a motion to move item 9 as item 6 then change item 6 to item 6a. Board Member Pauta supported the motion.

Voice Vote:

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

5. ADOPTION OF THE AGENDA

Motion:

Board Member Furgal made the motion to adopt the agenda as amended. Board Member Sophia supported the motion.

Voice Vote:

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

4. APPROVAL OF THE MINUTES OF the Regular Meeting of September 14, 2016.

Motion:

Board Member Anglin made a motion to approve the minutes of September 14, 2016 as written. Board Member H. Brasza supported the motion.

Voice Vote:

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

Chairman Nestorowicz stated Board Member Pauta abstained because she was not at the meeting.

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| 6. PUBLIC HEARING:
REPRESENTATIVE: | APPLICANT: Billy Foster-USE-
Robert Naeyaut/Sean Horvath
(Great Lakes Home Improvement) |
| COMMON DESCRIPTION: | 2324 Eleven Mile Road, Lot 12 E. Maple |
| LEGAL DESCRIPTION: | 13-19-127-002 |
| ZONE: | R-4 |

VARIANCES REQUESTED: Permission to-USE-

1. Allow a garage in an R-4 zone.
2. Waive the approval of the Planning Commission.

ORDINANCES and REQUIREMENTS:

Section 11.01: In all R-4 Districts no building or land, except as otherwise provided in this Ordinance, shall be erected or used except for one (1) or more of the following specified uses, on approval of the Planning Commission with respect to site layout and pedestrian and vehicular circulation: (a) Mobile home courts and trailer coach parks.

Previously item number 9.

Chairman Nestorowicz asked for name and address for the record, as well as the reason for the petition.

The building contractor appeared before the Board stating he is here with Great Lakes and introduced the property owner.

Matthew Wachoski appeared before the Board saying he owned the mobile home park.

ted along the front yard when the front yard is landscaped. 20' wide as per Section 2.26.

Section 17.02 Item (s): Open storage other than junk, 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. In M-3 and M-4 zones the Planning Commission shall determine whether screening of the outside storage is necessary based on the relationship of the storage to properties zoned residential as identified in Section 3.01 (1-7) of the Zoning Ordinance.

Section 17.02 Item (v): Off-street parking for any permitted use as required and regulated by Section 4.32.

Section 17.02 Item (t): Open storage other waste products, Allowed in M-4 only – When enclosed within a tight unpierced fence not less than six (6) feet in height, when not less than one hundred fifty (150) feet from any street or right-of-way line, when not less than twenty (20) feet from any interior lot line, when surrounded with a greenbelt planting strip not less than twenty (20) feet in width and not less than eight (8) feet in height to completely screen yard from outside view, and when complying with Section 4.13.

Section 4.13: Storage, dumping of waste, junk, garbage, and other similar materials, The use of land for the storage or collection or accumulation of used lumber, and other used materials, or for the dumping or disposal of broken concrete, scrap iron, junk, garbage, rubbish or other refuse or of ashes, slag or other industrial wastes or by-products shall not be permitted in any district, except as specifically specified in Section 17.02(t) of this Ordinance and under a Temporary Certificate from the Building Department, after approval of the Board of Appeals after the recommendation of the Planning Commission which may be issued in appropriate cases upon the filing of an application accompanied by a suitable agreement and bond that such dumping or disposal will not pollute the waters of the City or cause stagnant water to collect, or leave the surface of the land, at the expiration date of such permits, in an unstable condition or unfit for the growing of turf or for other land uses permitted in the district in which such dumping occurs.

No land within the City, regardless of zoning district, shall be used for dumping, burying or otherwise disposing of any toxic substances. For purposes of this Ordinance, toxic substance means any material in concentrations which, alone or in combination presents a significant threat to the health, safety or welfare of human life or which has the capacity to produce injury or illness through ingestion, inhalation, or absorption through the body surface.

Chairman Nestorowicz asked for name and address for the record, as well as the reason for the petition.

Najib Atisha, 8780 Oak Beach Drive in Commerce Township, appeared before the Board to explain that he has been in front of this Board once before. The request for the variances, first, he submitted a letter and a plan that #2 was withdrawn because they met that. He would like to withdraw #6 and then #7 under an M-3 zoning, under paragraph 17.02s, he believes he qualifies under that for outside storage. As it is listed here it says waste product, they don't have any waste product. The product that they're

looking to store behind the building is super market equipment; such as cooler panels, cases and shelving. It's not waste product, it's product that is meant to be reused at a later date. On #1, this is off of Eight Mile, there is currently water meter pits and other utilities in the area that was discussed a while back with the Planning Commission and Ron Wuerth to offset eighteen feet on the west side where the water meter pit is to go that far and on the east side; remove the fencing and create landscaping along Eight Mile. Number three, there has been an existing parking lot on the east side of the property since the property was constructed back in 1939 or 1940 with hard surface with parking. Currently, there is a cyclone fence and runs about 1400 or 1500 feet, there are trees along the fence. He would say ninety percent of the trees are on the residential side. So for them to construct a wall would be virtually impossible. They are willing to construct the wall if he can get a waiver from the residents saying that they will not hold him harmless. He's willing to go into every house to inspect the basements, inspect the walls because there are residents within thirty-six inches of this wall, which he has pictures. He can show them on the screen, he knows some of the Board has been by the property. The other one, there is an empty field that's in the center of the property, he would like to put asphalt millings surrounding that entire perimeter, there's about fourteen manholes for drainage but they would like to waive the drainage and put asphalt millings. On the western side of the property there is another industrial piece of property, there is a fence dividing him from the neighbor, there is an existing greenbelt that is there, anywhere from fifteen feet to twelve feet; that greenbelt has existed since 1939 or 1940. He would like to maintain that and if they try to expand it any further they would have to tear out the road and that's the main access in and out of that property right now and wouldn't be able to utilize that. The property is large in size, it's been challenging for him. He's had some issues and the city has worked with him tremendously; he has issues going on with the property right now because the Henry Ford Hospital on Ten Mile and Schoenherr is being torn down. He was assisting them with moving some products so they could store it inside and he was staging it outside so he has some product outside now that shouldn't be outside. Back in March when he was here in front of the Planning Commission, there was exactly \$36,326.04 owing to the county. He has a payment arrangement with the county at \$3,000 a month. He thinks out of the months since March he has paid \$4,000 a month except for three months. His goal was to pay it off by December, that \$36,000 which he has it down to \$11,000 but he's incurred other years. There is an additional year at the Wayne County and there are additional years at the city. The building was sitting idle for a couple years before he purchased and like he said, it's been a challenging piece of property for him. He knows the city would like to see it improve tremendously, he's working towards that. The building, however, he doesn't know much but he's talked to a few attorneys and they tell him that some of the issues being discussed now should have been grandfathered or should have been addressed when GE sold the building to Seco-Carboly and since they weren't issued when Seco-Carboly took over the property that maybe they were grandfather but now the city is requiring him to do all this. He has copies of pictures, tax receipts and if anybody from the Board has any questions for him he would be more than happy to answer.

Chairman Nestorowicz thanked him and stated that when they get to the Board section they can discuss that. He said this is a public hearing and wondered if any members of the public who would wish to speak on this item and to approach the podium.

Steve Watripont, Zoning Inspector, appeared before the Board.

Chairman Nestorowicz stated he would like to have the public speak first, if there are any questions.

Steve Watripont said at his wish.

Kirk Sevener, 11211 Sherman in Warren, appeared before the Board. He explained he lives in the second house away from the property line on the east side. He was here in July and as per the record in July the gentleman, Najib Atisha, stated that he was going to be recycling refrigeration units. He explained he was the one that was curious as to whether or not Najib Atisha got a license contractor to evacuate, store and dispose of any refrigeration gases. He has new pictures, he had shown pictures in July of the way the property floods and of the fence line that Najib Atisha says most of the fences are on private, but they're on his side destroying the fence which has the barbed wire on top, which the Board does not like. He has pictures again from August where it flooded. Mr. McDuffie who lives at 11204 Sherman, the water actually flowed into his backyard and up against his foundation. As of now, there is a portable hopper that he has sitting out in the middle of the lot that about three weeks ago they filled up and now there are approximately 2 foot tall weeds. There is also two to four foot weeds growing in the lot on the side of the cyclone fence. He also noted that in the agenda it says asphalt millings, that what Najib Atisha wants to use are actually under section 4.13, they are industrial waste and byproducts from road work, they are not just anything that's really usable unless they reuse them in the asphalt to make new asphalt; they are a byproduct and they are a waste. Najib Atisha wants to use that for a service, which these drains are not working as it is. Number three on the agenda, the open storage of waste products, he had brought a picture then of an eight foot wall that is behind Metro Sanitation that he showed the Board and according to this that with the greenbelt at twenty foot width, not less than an a eight foot height fence, completely screened yard from outside view, which he had suggested back then. It would be perfect; there would be no problem then. As far as having the problem of putting the wall up, he's a union carpenter and has built and poured walls. If Najib Atisha has the problem of getting it done, he's sure he could go down to the union hall and get a list of the union contractors that are more than happy and capable of doing it. This way they don't have to look at any of that stuff. Their concerns are what is going to happen if there are any gases, they have to look at this, the fence is in total disrepair but Najib Atisha wants to get away with not repairing it, most of the trees are on Najib Atisha's side and he has pictures to prove that. They have grown through, destroyed the fence and something needs to be done there. It's getting to the point because it sat vacant for approximately six to eight years; he's lived there forty years and knows what the property is. He was there when GE Carboly was there for all them years and then they tore it down. He doesn't see why Najib Atisha wants to get away with being able to store stuff while they have to look at it. He thanked the Board.

Betty Burrow, 11204 Fisher in Warren, appeared before the Board and stated she lives right by the fence. She stated it's not much fun at one or two o'clock in the morning and they're out there banging on that metal thing they have parked there; it's like they're right in your house. The wall would help a lot on the noise and stuff out there. The water they're talking about, yes, there is a lot of water in that parking lot. That's mainly what she had to say and thanked the Board.

Neil Stevens, 11203 Fisher in Warren, appeared before the Board and wanted to remind them that the neighbors were here last time back in July and actually about half of them showed up tonight because they're getting worn down by inertia because they keep getting cancelled. Last time when he came in he brought twenty-seven letters and presented them to them Board, he wants the Board to keep that in mind. Also, they had about three or four other people to stand up to speak their objections to this last time. As far as the fence goes, they definitely want the cement fence to be built; it will be a sound barrier and protective of the neighbors. The neighbors don't want a cheap sheet metal fence to be put up. As far as them having parking spaces on the east side, the neighbors would be adverse to that too. They already park their trailers up and down there for several months, sometimes it's at night and sometimes it wakes the neighbors up. Even if they put passenger's cars in there and people were coming in and out of there at night, he urges the Board to vote no to put parking spaces on the east side. As far as that asphalt millings there is still so many drainage problems, he lives right behind the man that had the water going right up to his foundation so when there is a good storm it ends up flooding to him and there is a lake out there. He suggests that they do what everyone else has to do and have proper drainage. All those regulations are to protect all of them in that neighborhood and it's a very fragile neighborhood right now. He wants to ask the Board to vote as if he lived in that neighborhood or their son, daughter, someone close to them and vote accordingly. In summation, he hopes that the Board allow him to do just like everyone else, protect the neighbors so there is going to be that cement fence, proper drainage put it, proper blacktop and no parking on the east side. He thanked the Board.

Chairman Nestorowicz stated he didn't see any other comments, he closed the public portion of this item and turned the matter over to the Board. He stated the Board does have an item to read in that was received.

Board Member Furgal explained the Board had a letter from the Building Division in the City of Warren. She read as follows:

"September 26, 2016

To: Zoning Board of Appeals
From: Greg Paliczuk, Building Director

The owner of the property at 11177 Eight Mile Road owes real property taxes as follows:

2014	\$11,000.07
2015	\$19,161.88
2016	\$15,811.00

The total amount of delinquent taxes currently owed is \$45,972.95.

Section 14.4(e) of the City of Warren Chartered prohibits the city from entering into a contract with any person who is in default to the city. I respectfully recommend that the Zoning Board of Appeals postpone the variance request until the property owner has resolved the outstanding taxes owed to the city.

The property has numerous violations and has not been in compliance with the city since September 2011.”

Chairman Nestorowicz gave the floor to Roxanne Canestrelli.

Roxanne Canestrelli stated she would advise the Board to do the same as the Building Director Greg Paliczuk has recommended. He is correct by stating that section 14.4(e) of the City of Warren Charter that prohibits the city entering into contact with any person who's in default to the city. She would advise the Board until the petitioner presents receipt that he is current to indefinitely postpone this item. Again, she is advising so it would be the Board decision. She thanked them.

Motion:

Board Member Pauta made the motion to postpone this agenda item until everything has been paid in full and the Building Department has been supplied with paid in full receipts.

Board Member Sophia supported the motion.

Chairman Nestorowicz stated there is a motion by Board Member Pauta and support by Board Member Sophia to postpone this item indefinitely until the property owner is current on his taxes and is able to prove to the Building Department that he is current. Roll call.

Roll Call:

A roll call was taken on the motion. The motion carried (9 – 0).

Board Member Pauta	Yes, to postpone.
Board Member Sophia	Yes, for the reasons stated.
Board Member Furgal	Yes, to postpone.
Board Member Anglin	Yes, to postpone.
Board Member Wallace	Yes, to postpone.
Chairman Nestorowicz	Yes, to postpone.

for these variances is because the south setback, the existing building that south setback. The owner seeks for more square footage of the building that he can utilize and also for the parking spaces. The owner owns the four properties on the same side. The two properties on the north of the property which are 27423, 27363 is the pain center; the owner is the doctor. He also owns that that pain center clinic that is south of that property. On the discussion with the Planning Commission, since he owns all this property they can share all the parking; that was one in question. So all the properties owned by the same owner. Also, if the Board has seen the pain center there is a nice arch in the front, the owner wants to make that a symbol of all of his properties so that's why he wants the variance for that structure they're going to put in the front of the approach. Also, the hard surface was mentioned lately by Mr. Steven because part of the curb is away from the setback so they get the waiver for the hard surface as well. They are here for any questions from the Board and he thanked them.

Chairman Nestorowicz stated this is a public hearing, any members of the audience who wish to speak on this item to please approach and to state their name and address.

Sheila Ali and Edward Ali, 27272 Seyburn in Warren, appeared before the Board and introduced themselves.

Sheila Ali stated her concerns are about the parking on Hartsig, the eleven parking spots. She owns a corner house and they were here before about the owner putting a fence up in the back of the house. He put the fence up but he also put the parking spots behind the house, which is an alley. They own about half of the alley and they use the alley as an exit. They do have a gate to give access and he did put the gate where she could have access to the alley but the parking spots are still behind the house. When he put the gate up behind the house, he started hanging signs, advertising signs on the fence. She did pull the privacy fence down then they had to look at the advertising signs he started to attach to the gate that he did put up which is still on her side of the property. Eleven parking spots on Hartsig; there is already a lot of traffic coming down that street. The parking spots are not clear where he wants to put them on Hartsig; she does not understand that part. She has no problem with the arch.

Edward Ali mentioned on Hartsig nobody can turn right coming off Van Dyke between the hours of three and six. He asked if that parking area right be right there. They're already getting ticketed by the Police Department and stuff like that so that's going to cause another conflict of interest. On top of that, what his wife just said as far as the fence goes, he appreciates the fence being put up, and it's nice. As far as the signs and all that, they have to look at that and he doesn't think that's appropriate. Everything the owner is doing to the community is great, he appreciates all of that but they're also concerned about how the back of his home looks as well.

Sheila Ali mentioned all the traffic. She wondered where the eleven parking spots going to be on Hartsig.

Chairman Nestorowicz informed the owner is asking to waive. Normally, that property would need eleven more parking spaces and the owner is asking to waive it so he wouldn't have to have it on his property. He asked if they had a photo of the signs he had up.

Edward Ali nodded.

Chairman Nestorowicz asked if they would pass those up for the Board to look at.

Edward Ali stated that's right at the back of his house.

Board Member H. Brasza asked if there was any concerns with the parking over flowing onto the residential street.

Edward Ali and Shelia Ali both replied yes, it is.

Board Member H. Brasza asked if that happens often.

Shelia Ali stated behind her house they have parking spots in the alley. There's not supposed to be parking spots in the alley; he did paint over them but it wore off. She complained about it so the owner did try to cover it up last year but the paint faded off, the parking spots are still there and people still park in the alley.

Board Member H. Brasza asked about the street itself.

Edward Ali said it's also along the side of the property coming from the new clinic, what used to be Fat Katz. The customers are also parking along the side which interrupts his parking and stuff like that. It's highly traffic.

Board Member H. Brasza thanked him.

Board Member Pauta said it's true, she saw it yesterday.

Chairman Nestorowicz wondered if there were any other members who wished to speak on this item.

No response.

Chairman Nestorowicz said not seeing any; he turned this matter over to the Board.

A gentleman there for the property yelled from the audience asking if he could answer.

Chairman Nestorowicz informed that if the Board has questions, yes. Let's see what the Board has to say. He asked Board Member H. Brasza if he had questions regarding the parking that he might want to direct towards the petitioner.

Board Member H. Brasza replied yes.

James Jayakar, Chief Operating Officer for Kaser Real Estate and for the pain center with the properties that are being talked about. He appreciates what the neighbors are saying and he does understand. The pictures of the signs seen are trying to litigate that problem. They don't have any parking on the alley was. There was at one point there he did put stripes there, didn't realize they could not, so they removed the stripes. If it is faded he will do what he has to to paint them back so there is nothing there, but that is not an intended parking spot. Secondly, the only reason the sign is there is so they can tell people that instead of parking there, they can park... They're talking about the annex and the variance is not for the annex, which is at 27253; they're talking about 27333 right now and 333 is not what they're bringing up.

Board Member H. Brasza stated right, but the petitioner is the one that brought it up as a group thing saying that all the parking is together, so it can go both ways.

James Jayakar said he does agree with that. The only reason that sign is there is to tell the customers there are other lots to park in. When Fat Katz was there, they don't have any night time activity and done by five or five-thirty at the latest so the parking lot is empty from that time on. During the day it is busy, but it's no busier than it was prior to this time. The intent of that sign in the picture is so that people will know he has four lots, and not to occupy that area. The street usage, he could take pictures all day long, people park in the lot and not in the street. He has transportation that brings approximately sixty to seventy percent of the patients in; the reason he has transportation is because he takes all insurances and very few clinics do that. He appreciates what Warren has done for them and that's why he tries to serve back to the community, so he takes everybody, because of that he provides transportation to bring people in. The transportation people park on the main property.

Imad Potres mentioned there is no access out to that street.

James Jayakar informed that is address 27423 which is where the pain center is. Any of the parking that is going on has been mitigated as much as possible and that's the only reason the sign is there. If the Board wants, he will take the sign down immediately but he was just trying to tell people there are other lots to park in.

Board Member H. Brasza understands. He asked if this particular piece of parcel has been in front of Planning already to say this is what they want to do.

Imad Potres replied yes.

Board Member H. Brasza stated he doesn't see anything and wondered if there was a diagram. He wondered if anybody else has anything that has how it's going to be laid out and here is what is going on, what parking exists; he doesn't see that.

James Jayakar stated they're talking about 27333 and the neighbors were talking about 27253.

Board Member H. Brasza said understood, but for 333 he doesn't see a plan showing how it's going to be laid out. When the petitioner is saying waive some parking, he doesn't see how many parking spaces are actually there to even say...

James Jayakar said that was submitted and approved. He gave the floor to Imad Potres.

Imad Potres explained this was submitted back in July and was approved, then they had to go before the Zoning Board of Appeals. He submitted all the plans to the Zoning.

Board Member H. Brasza wondered if anybody else got them.

Board Member Pauta answered no.

Chairman Nestorowicz stated he doesn't have a copy of it. He has two questions, one for the petitioner and one for Mr. Watripont. He wants to understand so he wondered if this building is going to part of the pain center business or is this going to be a retail store.

Imad Potres said no it's the same owner, it's going to be a retail center, but owned by the same owner. That retail can be used on office or some kind of supplies belong to medical, he doesn't know, that is the owner's business. The property was bought by the same owner, they tore the gas station out, proposed brand new building as retail.

Chairman Nestorowicz stated he sometimes has a concern that currently the property owner owns all four properties so he could say that his folk's park at all of these, but they are four separate properties. The owner could turn around in a year and say he wants to sell this property, now people can't park on that property anymore because it's not the same owner. That is one of the concerns he has when they can waive parking spaces for a retail building but there are other lots than can be parked in. When there is not agreement out there, that is a concern. He called Mr. Watripont up to the podium. He was looking at the staff report, the one that Board has. There is a mention of a concern about the use of a basement.

Steve Watripont explained in the plans show to put a basement in and the concerns that he has is that basement becomes usable space. Since he did that staff report, the petitioner informed him that the basement is only going to be for utilities and mechanical equipment, there won't even be storage down there.

Imad Potres said no occupancy.

Steve Watripont stated if the Board does approve, he wish they would include that there be no storage and it's not used space; it is stated on the plans. He informed Board Member H. Brasza that this was at the last meeting so that's probably where the plans are.

Board Member H. Brasza wondered if they have changed since then.

Steve Watripont replied, no it is has not changed. He explained what was re-noticed from the last meeting and why it was rescheduled was that fourth variance, it's a foot and a half paved in the front setback. Nothing has changed on the plans at all. He believes those are the same plans that the Planning Commission has approved as well, nothing changed even for them. Except for possible wording on the variances.

Inaudible.

Board Member H. Brasza said the plan he has is dated 5/6/2016 and wondered if that is the same date on Mr. Watripont's; bottom right.

Board Member H. Brasza got up and compared plans with Steve Watripont.

Inaudible.

Steve Watripont stated yes, the date on the bottom is 5/6 but the revision up near the top is 8/23.

Board Member H. Brasza said ok, but he doesn't see a basement. There is no basement mentioned in anything that he sees.

Inaudible.

Steve Watripont explained there is going to be a basement but there is not going to be anything in there. The site plan doesn't show a basement but in all the application stuff he got from Planning it had indicated a basement.

Board Member H. Brasza asked if Planning saw a different drawing than the Board.

Steve Watripont said it was the same site plan, but Planning has all the elevations and everything else.

Board Member H. Brasza mentioned the construction.

Steve Watripont said they just see more plans.

Board Member H. Brasza said to the petitioner in regards to the number of parking spots, he is not comfortable giving up half of the parking for this. He wondered how many spots there are right now; how many spots are going to be on this?

Imad Potres thinks twenty or nineteen; twenty-two.

Board Member H. Brasza mentioned twenty-two and they're giving up eleven. He asked if there should be thirty-three; that is quite a bit to give up. He is concerned because this is a retail establishment; it's not going to be a pain center annex. It's part

retail and the Board doesn't know what is going in there.

Imad Potres said that is true.

Board Member H. Brasza is not comfortable giving up that many spots, that is just his opinion.

Board Member Pauta agrees with Board Member H. Brasza. She stated the Board should have updated plans, that's not enough parking for a retail building. She was out there yesterday and she did see people parking on the side street, which should not be. She thinks they could make the building a little bit smaller and show the basement someplace, even if it is just utilities; show the Board where it is at.

Chairman Nestorowicz thanked Board Member Pauta.

Board Member Furgal said she tends to agree with Board Member H. Brasza regarding the parking since it is a retail establishment. She wondered if there was a particular reason why they chose that size building.

Imad Potres replied no, the owner just wanted to make the building as big as he can. Also because...

Board Member Furgal said as big as he can would include having eleven more parking spaces. He doesn't have it as big as he can, he has it bigger than he can. Her suggestion would be to have the building size be reduced.

Imad Potres said his suggestion was probably after hours, the pain center how they work till five, they still can use the other parking because they own. That was part of the site and the planning.

Board Member Furgal said again, as Chairman Nestorowicz had pointed out, the Board doesn't know he'll own that property forever, he didn't always own it.

Imad Potres said that is true.

Board Member Furgal said when it was a gas station, this owner didn't own it.

Imad Potres explained the owner started in this city about thirty years ago and he's expanding rather than selling or living, for the time being.

Board Member Furgal said nothing stays the same, ever.

Imad Potres understands.

Board Member Furgal said it might be wiser to just reduce the size of the building a little bit and ask for maybe five parking spaces. That is just a suggestion, that's not saying that is what she would be for, but maybe he should consider this. It looks to her

that they might not get this passed if they don't.

James Jayakar asked because of what he heard, would be more plausible to make it part of the pain center and actually let them use it as the pain center? He's just asking a question because they have not actually thought that through, but if that is a possibility and is something more acceptable he would definitely look at combining the lots and making it part as all one but he has not ran that through his head or the owners head yet.

Chairman Nestorowicz replied that if he combines the lots then all the lots are looked at as one piece of property, because they are one piece of property; if Mr. Watripont wants to comment on that. The way he looks at it is if the lots are combined then the buildings and the parking are all considered as one. Now they're four separate.

Steve Watripont stated yes, they would have to do a whole site plan on the whole thing with the parking calc on it. If it was changed to a pain center where it is medical, that has even more parking requirements than a retail center has also, so it would require more parking and have to waive even more if that was a medical center. That was another thing that was brought up when going through the process of this.

James Jayakar said honestly what is happening is they're trying to serve the community and they are over whelmed with the amount of people that are coming through, that is why they're buying properties next to them to make this all work. Very few clinics accept all insurances; less than five percent and he takes them all. Because of that and their philosophy to serve the community, he needs this.

Chairman Nestorowicz understands. Based on the comments heard from his fellow board members, he thinks that the board has concerns approving what was brought to the board right now. He's wondering if the petitioner would be open to table this item to give him a chance to back and consider maybe doing a lot combination, look at a smaller building and go from there; work with the Building Department.

James Jayakar has always had the philosophy of working with the city so if that's the Board's recommendation then he will definitely look at all those.

Chairman Nestorowicz said based on the comments, he feels this is not going to get this approved.

James Jayakar said he is pretty perceptive on those things.

Motion:

Chairman Nestorowicz made the motion to postpone to a date indefinite to give the petitioner to work with the Building Department to come back with a different proposal or site plan or combination.

Board Member H. Brasza supported the motion.

Voice Vote:

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

Chairman Nestorowicz stated this item is going to be postponed indefinitely for them to work with the Building Department to see how they want to move forward on this, take into account the neighbors concerns. This will be re-noticed and neighbors will get new notification once it comes back with a new date.

James Jayakar thanked the Board.

Imad Potres said they will seek less variances.

Chairman Nestorowicz explained in the mean time, the signs they have in back really shouldn't be there.

Board Member Furgal said they have to vote.

Chairman Nestorowicz stated he did a voice vote. He asked if he could do that.

Board Member Furgal said no.

Chairman Nestorowicz said they do have to do an actual individual roll call vote on that.

Roll Call:

A roll call was taken on the motion. The motion carried (7 – 0).

Chairman Nestorowicz	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes..
Board Member Furgal	Yes, to postpone.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, to postpone.
Board Member Sophiea	Yes, to postpone.
Board Member Wallace	Yes, to postpone.

8. PUBLIC HEARING: **APPLICANT: Ameer Jameel Abdulahad**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 8275 Essex
LEGAL DESCRIPTION: 13-27-307-025
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Install 64 linear feet of four (4) foot high chain link fence to 15 feet from the front (south) property line, as well as the side property to the 15 feet from the front property line.

ORDINANCES and REQUIREMENTS:

Section 4D.08 – Fences in front yard between building line and front property line: No fence shall be constructed between the established building line and the front property line.

Chairman Nestorowicz asked for name and address for the record, as well as the reason for the petition.

Ameer Jameel Abdulahad, 8275 Essex Avenue in Warren, appeared before the Board to introduce to himself and gave the floor to his friend because he is not good at English.

Chairman Nestorowicz said he understands and told him to state his name and address and then the reasons.

Rafid Saleem, 101 Hazelcrest Place in Hazel Park, appeared before the Board and introduced himself.

Chairman Nestorowicz asked him to state the reasons for the petition being made today.

Rafid Saleem stated to explain the petitioners case to the Board today.

Chairman Nestorowicz said to please explain it then.

Rafid Saleem explained that the petitioner wants to install a fence because he has a long front yard; it's sixty feet from the sidewalk toward the house. To install even farther from that it's not going to give him much space to park his car, that's why the petitioner is asking for this variance.

Chairman Nestorowicz said ok.

Inaudible.

Chairman Nestorowicz said ok thank you. He asked if that was the end of the comments, he just wanted to make sure.

Rafid Saleem asked if they wanted the reason for that. The fence is to protect the petitioner's children and it's helpful for not letting other animals or children from getting in, that's why the petitioner wants this fence; the safety of his children.

Chairman Nestorowicz thanked him. He wondered if there were any members of the audience wishing to speak on this item.

No response.

Chairman Nestorowicz turned this matter over to the Board. He drove by this property, this is needed because there is no backyard, this house is actually very unique

compared to the houses in that area because it is set so far back compared to all his neighbors. Basically, his fence will pretty much be in line with the other neighbors whose houses are actually in the front. He personally thinks that this would actually be a good thing for him and the neighborhood.

Board Member Furgal said Chairman Nestorowicz has to open it for a public hearing.

Chairman Nestorowicz said he did, there were no other comments.

Board Member Furgal apologized.

Chairman Nestorowicz wondered if there were any other comments from the Board.

Motion:

Board Member Sophiea made a motion to grant the petitioner's request to install 64 linear feet of four (4) foot high chain link fence to 15 feet from the front (south) property line, as well as the side property to the 15 feet from the front property line. Reasons being: property has very unique configuration; not a detriment to the area.

Board Member Wallace supported the motion.

Chairman Nestorowicz stated there is a motion by Board Member Sophiea and support by Board Member Wallace to approve the petitioner's request for the reasons stated in the motion. Roll call.

Roll Call:

A roll call was taken on the motion. The motion carried (7 – 0).

Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Wallace	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request is **GRANTED** as written.

9. PUBLIC HEARING: **APPLICANT: Billy Foster-USE-**
REPRESENTATIVE: Robert Naeyaut/Sean Horvath
(Great Lakes Home Improvement)
COMMON DESCRIPTION: 2324 Eleven Mile Road, Lot 12 E. Maple
LEGAL DESCRIPTION: 13-19-127-002
ZONE: R-4

VARIANCES REQUESTED: Permission to-USE-

Chairman Nestorowicz thanked him. He stated this is a public hearing and asked if any members of the audience wished to speak on this item.

No response.

Chairman Nestorowicz closed the public hearing and turned this matter over to the board.

Board Member Furgal stated that Mr. Arcori had some seventeen foot parking spaces and wondered the reason for that.

Joseph Arcori explained that looking at the site plan, he has a twenty-four foot aisle, egress and ingress, which he could reduce down to twenty-two and make the spaces twenty feet if really had to do. If the Board looks at the drawing on the west side of the property, he didn't realize that until the zoning official brought it to his attention. He stated if the Board looks at the parking spaces, there is a twenty-four foot decel and accel lane to the rear of both of them, he believes only twenty-two is required, or twenty; twenty or twenty-two, he doesn't know off the top of his head.

Board Member Furgal stated so you're saying...

Joseph Arcori said there is even more space than that if looking behind that island. He wondered if the Board was familiar with space being talked about that has the seventeen foot spaces.

Board Member Furgal said the seventeen foot spaces are the ones that are on the west side of the building and there also the ones that are on Eight Mile which do not. She thinks he probably chose to do those because that what gave the maximum parking.

Joseph Arcori stated he is sure that is probably why they were striped that way. He wasn't really aware that they were only seventeen feet long, to be honest with the Board.

Board Member Furgal said the ones next to the building she thinks he could probably make them longer.

Joseph Arcori said right.

Board Member Furgal asked if he would like to amend his petition to just include the twenty-one parking spaces along Eight Mile.

Joseph Arcori asked her to say that again.

Board Member Furgal asked if he would like to amend his request to include only the twenty-one spaces along Eight Mile and not include the twenty-six spaces west of the building.

Joseph Arcori suggested to talk to the zoning ordinance gentleman because he was the one that brought it to their attention. He'll do whatever that is required.

Steve Watripont said he would be still be a couple feet short to make those twenty feet, he'll need twenty-two feet maneuvering lane, he's only got two feet so he would be a foot short on the other side.

Board Member Furgal wanted to make sure before she made a motion.

Steve Watripont said she could make the motion to make some nineteen and some on the other side seventeen.

Board Member Furgal said she is ok.

Motion:

Board Member Furgal made a motion to grant the petitioner's request for permission to waive twenty-one parking spaces and to allow twenty-one parking spaces along Eight Mile and twenty-six parking spaces west of the buildings to be at a length of seventeen feet. Reasons being: size and shape of the lot; not a detriment to the area.

Board Member H. Brasza.

Chairman Nestorowicz stated there was a motion by Board Member Furgal, support by Board Member H. Brasza to approve the petitioner's request for the reasons stated in the motion. Roll call.

Roll Call:

A roll call was taken on the motion. The motion carried (6 – 0).

Board Member Furgal	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 Anglin	Yes, for the reasons stated in the motion.
Board Member Wallace	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request is **GRANTED** as written.

11. PUBLIC HEARING:	APPLICANT: Mike Shaba
REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	4415 E Eight Mile Road
LEGAL DESCRIPTION:	13-32-357-025
ZONE:	M-2

VARIANCES REQUESTED: Permission to

Operate a major auto repair facility, in Suite A, that is 105 feet from a residential district.

ORDINANCES and REQUIREMENTS:

Section 14.01 Item (j): 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.

Chairman Nestorowicz asked for name and address for the record, as well as the reason for the petition.

Mike Shaba, 3970 Forester Lane in Shelby Township, appeared before the Board.

Marvin Steiner, 15735 Norwich Road in Livonia, appeared before the Board. He introduced himself stating he is with Steiner Associates Architects. The site that is being discussed as existing buildings on it. One has been used as an auto repair facility for some reasons, Mr. Shaba at first thought it was ten years but it might be twenty. Looking at the age of the building it might even be longer than that, it's possible that it has been auto repair since before the enacting of the ordinance but he doesn't know that for a fact. It's an obvious auto repair facility, there are signs, alignment breaks, shocks and that kind of thing on the building; it's not a secret, everybody knows about it. They may ask why they're even here because the city has allowed this to continue for some unknown period of time, Mr. Shaba has a potential tenant that would like to align with a major brand. The two brands considered are Goodyear and Napa. Both brands have indicated they would like to make sure this site is absolutely ok with the city and it meets all the ordinance requirements, it does not meet this ordinance requirement and that is why they are here tonight to ask for this variance. As stated on the agenda, the building is one hundred and five feet from the nearest residential district as opposed to the two hundred feet that is required. That residential district is an R-1-P, parking zone, as the board knows is a transitional parking meant to eventually be parking for the buildings up front, which is an M-2 zone currently. That property immediately to north is owned by Mr. Shaba to use this parking for the facility as figured in the calculation of the parking count. Even if Mr. Shaba were to find someone who would want to find someone to buy it and build a house he can't do that because it's utilized as parking necessary for the property. Including that property and moving to the next property, they're one hundred and fifty-five feet from the nearest R-1-P property that is actually used as a house currently. Skipping ahead to the property that is zoned R-1, foreseeable R-1 in the future, they're three hundred and five feet from that property; at that point they are within in the ordinance. The land use is legal in an M-2 zone. They have looked for tenants who might want to use those buildings as an M-2, they are hard to find. On the other hand, tenants that want to use the building as an auto repair facility is easy to find and there has been a line, more or less, of those. The building is set up for that purpose and has been since it was constructed. They don't see where there would be an detriment to allowing the use to continue as auto repair. There are certainly more M-2 uses that might be more of a detriment that are permitted and would not require a variance. Those are the reasons for asking and he would be happy to take any questions or comments the Board might have.

Chairman Nestorowicz thanked him and stated this is a public hearing, any members of the audience wishing to speak on this item please approach the podium and start by stating name and address for the record.

Neil Lollar, 20867 Behrendt in Warren, appeared before the Board. He is here to address a few concerns that he has with this property used for auto repair. He has lived on and off the street since about 1982; before that his great grandfather owned the house. As far back as he could remember it was Detroit Radiator at the end of the street. He personally doesn't have a problem with it being used for auto repair. Detroit Radiator had all three buildings; A, B and C suites. They recored radiators and all that good stuff there. His issue has been about the last few years and it has no reflection on the owner, but the tenants that have been in there. He has worked at auto repair facilities, he's managed them. Most of the ones he has worked at there is a standard to cars being parked certain ways, keeping the lot picked up, not using residential streets to test drive vehicles. In the last few years some of the tenants that have been in there, he has children, there is numerous kids on the street and he lives two houses away from it, mechanics take the cars out for test drives fly up and down the street; he has contacted Warren Police a few times for it. The way the cars are kept out in the lot, the last couple guys that were in there doing whatever left cars on jack stands in a lot. There are kids riding a bike up and down a street with a car on a jack stand. He had his car towed about fifteen years ago just because he had it out in his driveway while he was repairing it and had it out there too long so they towed it. He is more concerned if it's going to be a commercial like the owner stated some bigger names, Napa or Goodyear, they obviously have a higher standard to keeping their facility. He also wants to know what is going to be done with suite B and C. As of a few years ago, suite B was a fancy car wash. He has some videos taken in August of 2013 of inappropriate style dancing being done on the sidewalks by females in revealing bathing suits to try to draw in business; first thing he saw when he got off the bus across the street. Like he said, the mechanics driving up and down the streets, a lot of the cars that were on the lots were unregistered, in various states of total disrepair; front ends missing, windows missing, jack stands, cinderblocks. His concern is if it's going to be used as an auto repair facility that's great. He lives down the street and likes to get his car worked on sometimes, he doesn't necessarily like to freeze his butt off in the winter time. What is the responsibility of the owner and then the tenant to make it neat and presentable? To make it where the citizens and them on the street want to have that business at the end of their street? He lives at the end of the street where the new Goodyear place is, it's awesome! That is his concern and how those problems are going to be addressed and taken care of by the new tenants.

Martell Flagg, 20804 Behrendt in Warren, appeared before the Board. His concerns are about cleaning up the property a little bit, paint it and make it nicer. He's been living on Behrendt since about 2009, tenants come in there and tenants leave, the same building. They clean up the one outside of Eight Mile, that's the only one that has been painted; A, B, C & D still look the same. Whoever it's going to be, he doesn't have a problem with it but keep it clean. Quit bringing tenants in there driving up and down the street fast like his neighbor said. He lives two houses down there, kids ride bikes

through there. They drive through there like a bad out of hell, excuse his language. Kids are all through there, that's not hanging spot for kids so keep it safe for them. He wants Warren to look good, wants the neighbors to look good, make the building look good. How can someone have a good building? Kids come around and play around there. Just the keep the kids away, keep it safe, keep it clean; that's his concern. He thanked the board and told them to have a blessed night.

Brenda Bartlett appeared before the Board. She stated she lives right next to or behind the building. She wanted to mention that Mike Shaba has been a wonderful owner; her and him have a great relationship. She takes care of part of the front of the parking lot that is along Behrendt and she's constantly out there, she take care of the property with gardening. As a matter of fact, she just called him the other day before she received the notice because she asked if she could put a few plants in. He's great and he says he would love to have her as a neighbor and she welcome's him. Again, it is not Mike Shaba it has been in the past it is the tenants that really haven't kept up the property. She is sure that Mike Shaba has been a responsible enough landlord to have put that in his lease, they maintain the grass and what have you. Regardless, it hasn't been kept up to the standard that it really should be kept up. As a property owner it is a challenge being so close to Eight Mile Road. People have an idea that comes to their head and it's very hard to beat that idea that people have. It effects the property the values in and of itself that they're so close to Eight Mile. That's why she has to try harder and her neighbors are trying harder as well. She has beautiful pictures of her property and the adjacent properties. They all try to take care of their property. She is really all for a great business being in this property. It would be wonderful if he got Napa or Goodyear or some big brand in there, but she really would like to see it be kept to the standards of Swartz, Frank Bacon as far as landscaping and the condition of their lot and what have you. Hopefully that will come, she wished that will. She is a little confused and needs a little clarification; she's a layman here. There was some mention about a three hundred foot up to a certain residential that she doesn't quite understand. She wanted to know if this was limited to as to what they're stating the A building because there is the B building and the C building. If the measurements are coming from the back of the A building of course it's going to be different than the back of the C building which she is closest to. Like she say, Mike Shaba has been a good landlord she feels, maybe he can improve on that by having a little more stricter guidelines than his leasing to his tenants. She would like to see some progress along Eight Mile Road, some niceness and some uniformity in the three different buildings as well so it looks like a nice unit. She does have the adjacent property and for him to get a variance is going to increase his property value, it's going to open it up to a lot of great tenants. Her interest as well as her neighbors, she wondered what it's going to do to their property value. She thinks really having a good vital business in there will kind of help. There are the concerns of cars speeding up and down the street. She so much have bought her own signs and Neil Lollar installed them along the street saying there are children and to slow down. She has actually followed people that have raced down their street, very nicely tapped on the window and asked them to kindly slow down. She is involved, she cares, she really does and don't plan on moving. It's a great investment for her. Like she said, she would like to know that the noise and what have you are going to be limited to that A building because it's very confusing. There is one

address but three different parcels. If he's operating in building C it's a lot closer to her and of course if she was to go sell her house and it's louder because there is work going on in building C it's not going to appeal to a lot of potential buyers from her home. So, it is quite confusing with the three different units and a variance, she would think, gives a lot of leeway there. She doesn't know if that variance could be stated in such a way that it is limited to that building A; that is a concern she has. In any case, she just wanted to stated a few things and thanked the Board.

Neil Lollar wondered if he could state a question.

Chairman Nestorowicz replied yes, he can ask a question, one more.

Neil Lollar asked what exactly defines an M-2 commercial, that this property is.

Chairman Nestorowicz asked Steve Watripont if he would like to answer that for everyone.

Neil Lollar started saying he means...

Chairman Nestorowicz suggested that Steve Watripont could address that over there.

Neil Lollar said they can take this off the record, no problem.

Chairman Nestorowicz closed the public part of the hearing and turned this matter over to the Board. He wanted to make a comment to the last resident. The way the variance is requested it only talks about for Suite A. If he gets the variance for the auto repair facility it's only for Suite A, it's not for B & C. That measurement of one hundred and five was actually from Suite A and believes it's her property, the one to the north. It would be limited, it's not for the other two suites.

Board Member Pauta said she went out and looked at this, she is totally against it because of the fact that there is very limited parking, Suite B has zero parking, there was a box truck parked next to Suite C and the only parking available was in front of park A, which was about maybe seven or eight parking spaces. These people want to open up a major auto repair, she doesn't think so. They're going to have parking up and down the residential streets, she drove around the neighborhood and the neighborhood is very nice. She is just totally against it. She thanked them.

Board Member Anglin said when setting up a zoning for auto repair, he wondered if there is automatically something in that zoning that states that cars cannot be left there over a certain period of time, if it's just an auto repair they have to be running, or plated or something along that line. The only reason he is stating this is the fact that he has properties and he made the mistake of allowing one of them to be an auto repair, and he personally will never rent to them again because they pile cars everywhere; he's actually had to evict. His question is, is there something in that that limits what they can park there, the condition it's there? For instance, he has half a car, that's not auto repair.

Roxanne Canestrelli added some clarity or insight. The Board would be placing those conditions into their approval.

Board Member Anglin asked if they can add these conditions, it's not part of an auto repair zoning for auto repair, it's not written already?

Roxanne Canestrelli said that's correct, the Board can add conditions and limitations, yes.

Board Member Anglin thanked her and stated that is what he wanted to know.

Roxanne Canestrelli also wanted to point out to the Board, the issue that was brought up by the petitioner stating that they, from the architect standpoint, stating that the history of this property. This wasn't an issue that she researched because it wasn't brought to her attention by the petitioner, but she does have some evidence through the documents that she looked at which is before the Board. As far as back May 10, 1957 the property was used as a Detroit radiator service. She is not sure if it was used as a auto place even further back. The ordinance was enacted and adopted July 21, 1960 regarding properties. Again, she didn't have any time to do any further research but if the Board has questions they could probably direct them to Steve Watripont regarding what she brought to the Boards attention.

Board Member Pauta stated she is very familiar with Detroit Radiator because one of her old hobbies was working on cars. They never did auto repair there, majority of the time either the dealerships or the service center in the area used to send representatives to Detroit Radiator to pick up the radiator and they left right away. They're talking about the proposal right now is they want major auto repair. That means it's going to be an awful a lot of cars sitting around. She doesn't think there is enough parking and she just thinks it's too close to the residential.

Chairman Nestorowicz said yeah, ok. He's got two comments, first he's got a comment for the petitioner and then he's going a question for Steve Watripont.

Inaudible.

Chairman Nestorowicz stated he knows. One of the things that, when he looks at this plan he's always for improvements of buildings and bringing in businesses that are successful and such. The concerns he has is there are three businesses on this property, the parking that is out there; where does everyone park? Is the auto repair going to be using any of these parking spaces to store cars? His concern would be he wouldn't want, the residents didn't say it, but he would always worry about is the auto repair going to park some cars in that R-1-P zone closest to the house. Where is the auto repair, whose parking is whose? That worry he has, he doesn't know if the petitioner would like to comment on that him. How many spaces of this parking can the repair facility take up?

Marvin Steiner said if looking at the site plan, there is about thirty-two spaces which is the calculated the number of spaces for all three buildings. They in fact have the parking spaces that meet the ordinance.

Chairman Nestorowicz said ok.

Marvin Steiner said which one goes to which building, he can go backwards because he doesn't have them on the top of their head, some of them are for one of the suite, some are for the other suite and because they're all calculated on a square footage bases.

Inaudible.

Marvin Steiner said while he's here he can take the opportunity to asked some of the questions the neighbor had presented.

Inaudible.

Chairman Nestorowicz said if a board member asks for clarification.

Inaudible.

Chairman Nestorowicz said his question actually....

Marvin Steiner stated that suite B doesn't have zero parking, some of Suite B has some of those spaces, suite A has some of them and suite C has some of them, depending upon the use and the square footage.

Chairman Nestorowicz said he always worries about, especially when you go and say auto repair. He's a firm believer it needs to be limited on what can be stored and where. He doesn't want to have cars in the back that are not in running order and just put off somewhere. Those are the concerns he has, but his question is for Steve Watriont. He asked him to come forward for a second.

Roxanne Canestrelli stated it should be a use variance.

Chairman Nestorowicz wondered why this is not a use variance; maybe he's just not sure about that.

Steve Watriont explained it is in an M-2 zone, which is more strict than a C-2.

Inaudible.

Chairman Nestorowicz said ok.

Steve Watriont continued to explain that it is an allowed use in the M-2, but it still has to go according to...

Chairman Nestorowicz stated the distance.

Steve Watripont said the rules of the C-2 which is the two hundred feet.

Chairman Nestorowicz said ok.

Steve Watripont stated he likes the easy ones.

Board Member Furgal has a couple questions for the petitioner. She wondered if he has any of these buildings leased out right now.

Mike Shaba asked are any of the buildings leased out?

Board Member Furgal replied yes.

Mike Shaba answered no.

Board Member Furgal wondered if any were leased at all.

Mike Shaba replied no.

Board Member Furgal said one of the petitioner's mentioned that the maintenance of the buildings, how they look. That is his responsibility, correct?

Mike Shaba said as of right now the maintenance of the building is his responsibility because until he gets a tenant. That is the reason why he doesn't have a tenant there at this time because the last tenant did not according to what the leased specified; he has a really strict lease and that is the reason why he is here today. Basically, the potential tenant of course with the success of this request, based on this request, they are two partners, both are managers of a major national chain which is Goodyear and they want to bring their lifework into it. To give the high lights, they're looking into invest more than \$100,000.00 what they put into the place. That is the reason he is here, the life of the deal is based on the success of the request of today. With the respect of the neighbors of course, he will make sure that it is very specified in the lease that maintenance, test drives, he wrote down and made notes of all of these concerns that the neighbors have expressed. Brenda Bartlett can tell the Board, she has his personal cell phone number. Any time she calls he is right there taking care of whatever needs to be done. Of course he doesn't operate it, he is the landlord, but he owns the property. He pays close to \$19,000.00 a year in property taxes. It is very important he gets a tenant in there and this is an opportunity for a good tenant. With the respect to Board Member Pauta, light auto repair right now is permitted, he doesn't have to before the Council here for that reason. He does have a list of people for that occupation. He believes strongly and the new tenant that's coming in for the professional looks of the place and that's why he is here. It cost him money, time and that's why he is here. For his property to look good, to have this particular tenant, for the neighbors to be more happy with him and that's his target. He's owned property over ten years, close to

fifteen years and he owned several properties in the City of Warren. He has turned some properties, some not very good looking properties around. One of them, and the Board probably knows, it was that dive bar, 2971...

Board Member Furgal stated she wanted to finish asking him questions; he's getting a little off topic. She wondered if he had a potential tenant who wants to be a Goodyear dealer or is similar to Goodyear?

Mike Shaba replied yes ma'am.

Board Member Furgal asked if they wanted to just do tires like Goodyear or do they want to do...? To tell him the truth, she doesn't think Suite A is large enough to do any kind of major auto repair.

Inaudible.

Mike Shaba said there is a very big garage that.

Board Member Furgal stated she is very familiar.

Mike Shaba said he is just trying to explain, he is answering the question.

Board Member Furgal stated yes.

Mike Shaba said she asked him a question now he's trying to answer the question.

Board Member Furgal said right.

Mike Shaba said he's been a landlord, a property owner and an automotive, over twenty-five years. Having a big garage with the parking that he has right now, running a light automotive or a heavy automotive it's really how it's managed. Just to answer her question and his humble opinion, it's how it's managed. You can run a very light auto shop, not manage well and have a mess on hand. The people just wanted, the potential tenants, just want that freedom. Not necessary they're going to do the heavy repair, they're not going to rebuild engines and transmissions. If they need to replace a transmission, they can do so. That's actually not a very time consuming job done right now.

Board Member Furgal said the reason she is asking is because if it's going to be major auto repair that all of the place would be used for that for a major auto repair, not just one little section of the building. Like Board Member Pauta, she has lived there sixty-five years; she lives around the corner and her husband used to buy trucks from Detroit Radiator all the time. She is very familiar with the place and she has noticed that it's not very well maintained, vehicles parked in places where they're not supposed to be. She's a little concerned because if he had a little bit more specific information it might be better for him.

Mike Shaba wondered what specific information they're looking for.

Board Member Furgal said like exactly who he's renting it to and how they plan to expand their business. At this point, he wants one little section of all these buildings and then the others ones are not.

Mike Shaba will give an example.

Board Member Furgal said she doesn't need an example.

Mike Shaba said he will give the answer to the question. One of the things they want to do is an alignment, wheel alignment. It requires...

Board Member Furgal stated it requires a machine.

Mike Shaba stated it requires \$60,000.00 worth of a wheel alignment rack. That falls under major, it falls under heavy repairs; when doing wheel alignment, tire alignment and replacing a tie rod end and what not. They're not looking to do a major engine repair, but he's just giving that as example of what they want to do. In order for them to invest \$60,000.00 in a wheel alignment rack they have to fit under this umbrella as major auto repair, but that falls under that.

Board Member Furgal said he didn't say that before.

Mike Shaba apologized that he didn't and that's why they're talking.

Board Member Furgal said he didn't say what they want to do, that's what she's telling him. It would be a lot better for him if he had a more specific list of the kind of work these people plan to do, not just major auto repair; the Board doesn't know what that means.

Mike Shaba said of course, and you know what...

Board Member Furgal said she doesn't personally believe, she is on the school that has an auto shop, it's much larger than this building and they do major auto repair there because they have all that stuff. But it's much larger than this and that's why she is concerned about it.

Mike Shaba said he understands her concern. When people hear minor auto repair...

Roxanne Canestrelli apologized for interrupting but she wants to make a statement. Just for clarification purposes to the Board, again she apologizes because she didn't have time to research it. Prior to the ordinance that was enacted this facility was used, through the research she has presented in front of her, as a minor auto repair. Currently, this facility can continue to do minor but because they want to do major they are not two hundred feet away from residential. If they want to do major, they need the variance to do because they are shy of the two hundred feet. However, if they want

to do minor they can continue to do minor. She hopes that clarifies to the Board.

Board Member Pauta said the other thing she noticed that is in violation of the ordinance is three stacks of old tires parked out in front of the doorway. Maybe Steve Watrion wants to send an inspector out there tomorrow and take a look at them.

Board Member H. Brasza stated to the petitioner, one of the things that everyone is concerned about is the storage of vehicles outside and the number of vehicles that would be allowed to be stored.

Inaudible.

Board Member H. Brasza wondered if he would be ok with elimination on that storage of vehicles outside of the building, because that is where the neighbors are concerned. He thinks the specificity would be there, but if someone is going to spend \$60,000.00 they're not going to want to do it in an area where they're not going to make money off of it. They're going to have to turn it over and they're not going to be able to just have these vehicles floating all over the place. He knows it has been a repair place for a long time. The difference between minor and major in that facility, he agrees with Board Member Furgal, they can't put the big stuff in there. It's too small for any kind of major rebuilding of engines and that kind of stuff; it's just not a big enough building for that. For some of the things that are classified as major, he agrees they need to have the permission for it, they're talking a hundred foot difference and he thinks Mike Shaba has shown to be a good landlord and will have it be put into the contract. He's ok with this request, that is just his opinion, but he's ok with it. He thinks that with the right structure in the lease and the landlord is experience and really shown he is dedicated to making that right. He thinks the just the size of Suite A is going to limit them from doing too much. As long as the Board can limit the amount of storage of outside vehicles that are not going to be stored or any kind of trash out there, he's ok with it; that is just his opinion.

Board Member Anglin wants to make a motion but will tell the Board so they have an insight what he's looking at. First of all, no outside storage will be put right into it. Second, there will be no street parking allowed from that facility. Which means they cannot line up cars on the street if they need the space. Third, there will be no vehicles left over a forty-eight hour period outside. If they have a vehicle that has to be there because they needed a special part ordered, they have to put that vehicle in doors.

Chairman Nestorowicz stated before he makes the motion, Board Member Wallace had a comment. When he makes his comment, then make the motion.

Board Member Wallace said the question he has is the major auto repair. What happens if this tenant comes and the next tenant comes in and they want to rebuild motors and they want to rebuild transmissions? That variance is going to stay and the next thing there is a little motor rebuild shop in that little building, that is the concern he has. That variance is going to run concurrent if this major tenant leaves, he's going to try to fill that building with another tenant.

Mike Shaba asked where the concern is.

Board Member Wallace said the concern is that if the Board approves major repair that building can always be major repair no matter who he has in there.

Roxanne Canestrelli said he is correct, that is correct.

Board Member Wallace said these people might be doing wheel alignments. Let's say something happens and they leave, what happens if he needs to fill that space and it becomes a motor rebuild shop. He apologized for keep saying motor rebuild but that's messy, that's not something you're going to do that day. That is a car sitting there a couple days.

Chairman Nestorowicz stated ok.

Board Member Wallace said that might be several cars if that's the business that comes in.

Mike Shaba said just from owning a shop for the last twenty-five years, to have a motor rebuild facility now a days, it requires at least five to ten times more space than what he has there, it would never work from his point of view. He couldn't get someone to do motor rebuild shops because...

Board Member Wallace said what he is saying that is if he grants this variance he'll be able to do that in that space; that's what concerns him.

Mike Shaba understands, but it will not be able to survive in that small space.

Board Member Wallace said the other question is what if he sells the property.

Mike Shaba didn't hear him.

Board Member Wallace explained if Mike Shaba was to sell the property. The next owner says he doesn't care what goes in that space; this is what it is zoned for.

Mike Shaba asked if the Board wanted to stipulate it while he owns the property, he doesn't have a problem with that.

Inaudible.

Board Member H. Brasza said to keep in mind that it is only for Suite A, they can't go into any other suite with this variance, this variance is only for Suite A.

Board Member Wallace asked him to say that again.

Board Member H. Brasza stated this is only for Suite A, they can't go into the next

building and put in major equipment, they only have thirty feet so you can't get the big equipment into that thirty feet they have. It just won't go, he agrees with him on that.

Chairman Nestorowicz said Board Member Anglin wanted to make a comment.

Board Member Wallace said they could.

Board Member Anglin said the only other thing he would add to it at this point.

Chairman Nestorowicz said they can put conditions.

Board Member Anglin said he wanted the Board to know before he read it. No mechanical work outdoors. So they can't pull engines out or anything like that in the parking lot, no mechanical. That is how he will read it. He wondered if there were any other questions from the Board.

Motion:

Board Member Anglin made a motion to grant the petitioner's request to operate a major auto repair facility in Suite A that is one hundred and five feet from the residential district. With the conditions that there is no outside storage, no street parking for vehicles, no vehicles left over a forty-eight hour period outside and no mechanical work to be performed outdoors.

Inaudible.

Board Member Anglin asked pardon?

Inaudible.

Board Member Anglin included no outside storage.

Chairman Nestorowicz asked discussion.

Board Member Anglin said the reason for the uniqueness of the property and would not be detrimental to the area with the stipulations.

Chairman Nestorowicz wanted to add for discussion, if he wanted to add a condition for how late hours can be.

Board Member Anglin stated yes.

Chairman Nestorowicz wondered if the petitioner would like to... He wondered if it's nine.

Mike Shaba stated usually shops shut down at six o'clock, let's just say eight?

Board Member Anglin said eight to six.

Inaudible.

Chairman Nestorowicz said what, no.

Inaudible.

Board Member Anglin asked if the Chair wanted him to read this again.

Chairman Nestorowicz said he can read it again but he wants to make sure before they move on the motion if any other board members had discussion or questions.

No response.

Board Member Furgal said they still need a second.

Chairman Nestorowicz said they still need a second and asked him to read that again before they had a second.

Board Member Anglin said he is going to read it again and number the issues.

Chairman Nestorowicz said then the petitioner can say if he agrees with those conditions.

Mike Shaba said ok.

Motion:

Board Member Anglin made a motion to grant the petitioner's request to operate a major auto repair facility in Suite A that is one hundred and five feet from the residential district with the following stipulations: 1) No outside storage; 2) No street parking; 3) No vehicles left over a forty-eight hour period outside; 4) No mechanical work to be performed outdoors; and 5) Hours to be maintained between 8:00 am and 6:00 pm. Reasons being: Uniqueness of the property and not a detriment to the area.

Board Member H. Brasza supported the motion.

Chairman Nestorowicz and Board Member H. Brasza asked the petitioner if he agrees.

Mike Shaba said he does agree, but with the respect to the hours he asked if the Board could give them earlier, like seven in the morning.

Board Member Anglin stated no.

Mike Shaba said just to give them that...

Board Member Anglin said he is already seeing residents saying giving them eight o'clock is giving them too much.

Audience member started to approach the podium.

Chairman Nestorowicz apologized and said the public portion is closed.

Board Member H. Brasza stated they could say it to the petitioner.

Chairman Nestorowicz said they could say it to the petitioner later.

Mike Shaba said eight to six is fine, they will work with that. He will make sure...

Board Member Anglin said as the owner of the property, he is responsible to make sure these are...

Mike Shaba said yes sir, he will do that.

Board Member Anglin said he had a motion.

Inaudible.

Chairman Nestorowicz stated they have a motion by Board Member Anglin and support by Board Member H. Brasza to approve the petitioner's request with the conditions that were articulated by Board Member Anglin in his proposal. Roll call.

Roll Call:

A roll call was taken on the motion. The motion carried (6 – 1).

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Pauta	No.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Wallace	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request is **GRANTED** with said conditions.

Board Member Furgal said while they're waiting, she wanted to mention that on the last item, item ten, she failed to ask Board Member Sophiea how he voted.

Board Member Sophiea said his vote would be yes, for the reasons stated in the motion.

Chairman Nestorowicz stated item number twelve.

**12. PUBLIC HEARING:
REPRESENTATIVE:**

**APPLICANT: National Illumination & Sign
George Jeakle – National Illumination & Sign**

COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

Kevin Foley – Speedway
32123 Van Dyke
13-04-276-006
M-1

VARIANCES REQUESTED: Permission to

Erect signs as follows:

1. On canopy:

a) North elevation:

- i) Total side 28' x 4' = 112 sq ft
- ii) 15' 3" x 3' illuminated "Speedway" = 47.25 sq ft
- iii) Total with verbiage 47.25 sq ft and 64.75 sq ft of non verbiage

b) South elevation:

- i) Total side 28' x 4' = 112 sq ft
- ii) 15' 3" x 3' illuminated "Speedway" = 47.25 sq ft
- iii) Total with verbiage 47.25 sq ft and 64.75 sq ft of non verbiage

c) East elevation:

- i) Total side 148' x 4' = 592 sq ft
- ii) 5' 8" x 3' illuminated "Speedy Cafe" = 17 sq ft
- iii) 13' x 3' non illuminated "made fresh for you" = 39 sq ft
- iv) Total with verbiage 56 sq ft and 536 sq ft of non verbiage

Total wall signage on the canopy 816 sq ft with 150.5 sq ft of verbiage and 665.5 sq ft of non verbiage.

2. On building above door:

5' 8" x 3' illuminated "Speedy Cafe" = 17 sq ft

ORDINANCES and REQUIREMENTS:

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

Section 4A.16 Measurement of sign area (a): The surface area of a sign shall be measured and defined by the area which encloses the extreme limits of individual letters, words, symbols or message of the sign together with any frame.

George Jeakle started to introduce himself.

Chairman Nestorowicz interrupted and apologized, he has to wait for Board Member Furgal to read what the item is.

Board Member Furgal said he is so eager.

Board Member Furgal read the item.

Chairman Nestorowicz asked for name and address for the record, as well as the reason for the petition.

George Jeakle said he is with National Illumination & Sign, 6525 Angola Road in Holland, OH introduced himself. He thanked the Board for being here, it's been a long night already for all of them and he has a two hour drive home. Those numbers

sounded really big when she was saying all of them. What they are trying to do and basically to summarize it, he's sure they will talk details. They're doing a full rebuild for a brand new Speedway station. The old one is very dilapidated, it's mostly in poor condition and the sign structures all look pretty rough; they're planning on rebuilding all of this. Unfortunately, in the process of them getting their approvals and so on in the front end of all of this, they asked for some of the wrong things. If he's not mistaken, they already have a variance already in place for the two channel letter sets. They accidentally asked for twenty-six inch letters but what they meant was thirty-six inch letters; that is something they see on here. If he's not mistaken, forty square feet of wall sign is what is allowed. What's currently there at the Speedway store is significantly more than that and he doesn't know if it was a problem before. These two sets of thirty-six inch Speedway letters that he's asking for tonight, are currently there on the canopy as they speak. On top of that, a couple other logos and wall signs and that sort of thing. In addition to that, he thinks some of these very large numbers that are here are from what they call dithered vinyl. The Board can see it on the page before, item number 12, 13, 14 and 11 are basically just vinyl prints on the canopy fascia. This is to avoid it being blank, white canopy fascia that is very boring; it's simple and they don't get very elaborate as say a Sonoco gas station where they have checkered flags and rainbow colors and that sort of thing. It's basically just decoration; it's not a sign per se. He knows that is an interpretation issue but that's not. He guesses this speedy café is something they have been doing for the last half a decade or so and this is the first time he has been before a Board asking for permission as if those were a sign. He has never seen those before, that doesn't mean they have to interpret the way other people do, he's not telling them that, it's certainly their prerogative but it's not a sign in his sign professional opinion. It is basically a background with painted colors on it, the speedway obviously is. That is what they're asking for, to be similar to other locations and to be similar to this existing location as it was before. He could probably ramble on for another ten minutes about some specifics but he would rather what the Board's concerns are and address them directly. He thanked the Board for their time.

Chairman Nestorowicz asked if there were any members of the audience wishing to speak on this item.

No response.

Chairman Nestorowicz turned this matter over to the Board. He does have a few questions. He was looking back at 2015, March 33th when the Board granted previous requests. He wants to make sure he understands correctly and if he or anyone on the Board can correct this. What he is asking for in number one, the various canopy signs for the north, south and east elevations with that one hundred and fifty square feet of verbiage, that would be as he reads it, replacing items eight and nine that were granted on March 11, 2015. Those were the illuminated Speedway canopy signs on the north and south elevation and the moving "S" logo on the east.

Inaudible.

Chairman Nestorowicz said he probably wasn't here when it was approved back in 2015.

George Jeakle said no, but he is familiar with what's there.

Chairman Nestorowicz explained what he is trying to get at. He wants to make sure that if they approve these new canopy signs that part of the proposal is to relinquish eight and nine from 2015.

George Jeakle said those are direct replacements. Number eight is exactly what they're asking for again or maybe they should say that they're asking for it to remain in place, he doesn't know if that's the right way to put it. Number nine would be the two illuminated logos; they will not be on there anymore. Those have also been replaced, requesting permitted. He thinks they have already been permitted; there is a small café logo that goes up on the front side, that's already been permitted because it was allowable.

Steve Watripont said it's actually replacing it in general, in the Board's print it doesn't have the café but the wording was so they could replace these items.

Chairman Nestorowicz said whoever will be making the motion, if the petitioner agrees; they relinquish eight and nine previously for this new sign request. Whoever is making that motion please mention that.

Board Member Anglin asked from what date.

Chairman Nestorowicz said from March 11, 2015.

George Jeakle stated as long as this is approved he has no problem; he wouldn't want to have that in addition to.

Board Member H. Brasza wondered if anybody had any other comments.

Motion:

Board Member H. Brasza made a motion to approve the petitioner's request to erect signs as follows:

1. On canopy:

a) North elevation:

- i) Total side 28' x 4' = 112 sq ft
- ii) 15' 3" x 3' illuminated "Speedway" = 47.25 sq ft
- iii) Total with verbiage 47.25 sq ft and 64.75 sq ft of non verbiage

b) South elevation:

- i) Total side 28' x 4' = 112 sq ft
- ii) 15' 3" x 3' illuminated "Speedway" = 47.25 sq ft
- iii) Total with verbiage 47.25 sq ft and 64.75 sq ft of non verbiage

c) East elevation:

- i) Total side 148' x 4' = 592 sq ft
- ii) 5' 8" x 3' illuminated "Speedy Cafe" = 17 sq ft

- iii) 13' x 3' non illuminated "made fresh for you" = 39 sq ft
- iv) Total with verbiage 56 sq ft and 536 sq ft of non verbiage
Total wall signage on the canopy 816 sq ft with 150.5 sq ft of verbiage and 665.5 sq ft of non verbiage.
- d) On building above door:
5'8" x 3' illuminated "Speedy Café" = 17 sq ft.

The petitioner agrees to relinquish two previous granted previous variances from March 11, 2015, item number eight for the two illuminated speedy canopy signs and number nine for the two illuminated moving s logo signs. Reasons being: Lack of identification and not a detriment to the area.

Board Member Anglin supported the motion.

Board Member Anglin thinks he said sixty-five point five square feet; it was six hundred and sixty-five point five square feet.

Board Member H. Brasza stands corrected if that's what he said.

Chairman Nestorowicz stated they have a motion by Board Member H. Brasza, support by Board Member Anglin to support to the petitioner's request for the reasons stated in the motion. Roll call.

Roll Call:

A roll call was taken on the motion. The motion carried (7 – 0).

Board Member H. Brasza	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Pauta	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Wallace	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request is **GRANTED** as is.

George Jeakle thanked the Board for their help and that he's glad he didn't talk for any longer.

Chairman Nestorowicz told him to have a safe drive home.

13. NEW BUSINESS

No new business.

11. ADJOURNMENT

Motion:

Board Member Anglin made the motion to adjourn the meeting and supported by Board Member H. Brasza.

Voice Vote:

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

The meeting was adjourned at 9:30 p.m.

Roman Nestorowicz
Chairman