

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
OCTOBER 11, 2023

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, October 11, 2023 at 7:30 p.m. at the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

Roman Nestorowicz, Chairman
Paul Jerzy, Secretary
David Sophiea, Vice-Chairman
William Clift, Assistant Secretary
Kevin Higgins
Charles Perry
Anthony Sieracki, Jr.
Michael Sylvester

Members of the Board absent:

Charles Anglin

Also present:

Jennifer Pierce, City Attorney
Steve Watripont, Zoning Inspector
Nicole Jones, Council Office

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

A roll call was taken and Board Member Anglin was absent.

Motion:

Chairman Nestorowicz made a motion to excuse Mr. Anglin; Supported by Board Member Clift.

Voice Vote:

A voice vote was taken. The motion carried (8 – 0).

4. ADOPTION OF THE AGENDA

Motion:

Secretary Jerzy made a motion to approve the agenda; Supported by Board Member Perry.

Voice Vote:

A voice vote was taken. The motion carried (8 – 0).

5. APPROVAL OF THE MINUTES of the Regular Meetings of September 13, 2023 and September 27, 2023.

Motion:

Secretary Jerzy made a motion to approve the minutes of September 13, 2023; Supported by Board Member Higgins.

Voice Vote:

A voice vote was taken. The motion carried (8 – 0).

Motion:

Secretary Jerzy made a motion to approve the minutes of September 27, 2023; Supported by Board Member Higgins.

Voice Vote:

A voice vote was taken. The motion carried (7 – 0). Board Member Sophiea abstained.

6. PUBLIC HEARING:

APPLICANT: 27050 Gloede Investments LLC
(Rescheduled from 9/13/2023)

REPRESENTATIVE: Angelo Jadan
COMMON DESCRIPTION: 27048 Gloede
LEGAL DESCRIPTION: 13-13-477-018
ZONE: M-2

VARIANCES REQUESTED: Permission to

Allow a permanent shipping container (8' x 40' = 320 square ft.) on the exterior of the premises for storage of packing supplies – no cannabis.

ORDINANCES and REQUIREMENTS:

Section 4G.11 Prohibitions: (1) A marihuana business, patient operation, caregiver operation, or personal recreational adult-use is not permitted to have any of the following: (B) Except as permitted by MCL 333.26423(D) and MCL 333.27961(A), Marihuana-related outdoor storage.

Chairman Nestorowicz asked the petitioner to start by stating their name and address for the record, and then take the board through their request.

Angelo Jadan, 1971 Ravenhill Drive, appeared before the board.

Chairman Nestorowicz asked for his request today.

Angelo Jadan is requesting to put a shipping container on the piece of the property. They need a little bit extra storage space for packaging supplies.

Chairman Nestorowicz said quick question. Is the microphone on? It's a little hard to hear.

Angelo Jadan said testing 1, 2, 3. He thinks it works. They just need a little bit of extra space.

They're kind of tied up on the inside. Getting contractors out to finish the job has been tough. It's taking them probably over a year and a half to finish constructing the place. Then a little bit of approvals from certain departments and what not. Again, this would help them kind of get the ball rolling and keep it rolling. As they know, it's a pretty hard business to get into and buying in bulk is everything. That's what they plan to do, to save every penny that they can save. So, the storage container would help them.

Chairman Nestorowicz said this is a public hearing. Before he actually closes it, he knows he sent in a letter. Is there any other items from his letter he would actually want to mention into the record before they move on.

Angelo Jadan replied yes. As an occupant, if they were to ever sell the business, close it down, or what not. The container would also be removed. So, if they did get approval on this, they would go ahead and get that taken care of. Remove it off the property, wouldn't go with the new tenant or whatnot. At the end of the day, he believes it's going to get taxed similar to the property if he's not mistaken. So, therefore, the city sees a little bit more tax dollar out of it.

Chairman Nestorowicz thanked him. This is a public meeting, is there anyone in the audience wishing to speak on this item?

No response.

Chairman Nestorowicz closed the public portion of the meeting and turn it over to the board for discussion.

Board Member Sylvester has a question to the petitioner. He asked if they're going to be going in and out of this container every day or something.

Angelo Jadan explained it's not going to be an everyday thing. It's going to be on a periodic type of schedule. Just depending. They would have some of the storage that is going to be in the container on the inside, but when they run out of stock on the inside, they would go to the container then pull a few boxes and put them on the shelf to keep them stocked. But they have well over about, he wants to say, on that property, well over a hundred cameras. Just on the outside he has to say they have near twelve (12) to fifteen (15) cameras. The way the parcel...

Board Member Sylvester asked if he's saying cameras.

Angelo Jadan replied yes, camera system. Sorry. He continued to explain the way the parcel sits, he doesn't know if he's seen how the parcel sits, but it's kind of like a triangle, right. It's very hard to add anything to the building. If they did, the setbacks wouldn't meet correctly. They already had some issues with parking spaces and what not. So, they had to get permission from next door, the other property, which he owns that as well. So, they're kind of using all the parking as they could use, you know.

Board Member Sylvester asked that he stated in two (2) years they'll be getting rid of this.

Angelo Jadan replied yeah.

Board Member Sylvester asked where all that material that's inside those units.

Angelo Jadan explained that hopefully in two (2) years they'll be picking up another piece of property somewhere in the city and bringing in some more tax revenue for them. Then that bigger facility would end up carrying the majority of the storage. They're actively looking for larger properties. If they did find something...

Board Member Sylvester asked if they would deliver that product.

Angelo Jadan replied definitely, yep.

Board Member Sylvester asked no cannabis.

Angelo Jadan replied no cannabis.

Board Member Sylvester asked if growing will be related to that storage container.

Angelo Jadan replied nope not at all.

Board Member Sylvester thanked him.

Chairman Nestorowicz has one question, because maybe he just didn't see it. Where on that property is the storage container?

Angelo Jadan explained there are two (2) properties, he's sorry, two (2) buildings on that same parcel. There's 27050 and then 27048. Directly behind 27048, which is the larger building that's of 12,500 square foot, it would sit right behind that. Close to the railroad track, away from all the parking spots. There's enough maneuvering back there to a 360 if they needed to get on the other side of the property.

Chairman Nestorowicz asked that it would not be seen from the street at all then.

Angelo Jadan replied no. Not at all actually. Now that he thinks about it, no.

Secretary Jerzy asked the petitioner if the trailer is currently there.

Angelo Jadan replied yes it is. He explained the city allows them to have it there during construction. They decided to keep it because they need some storage space again. They also have replacement parts for mechanical equipment and what not, because as they know, sometimes ordering a part for an air conditioner can take three (3) months or six (6) months, you know.

Secretary Jerzy said the other problem he has with his request is usually when they grant variances it runs with the land forever. So, he doesn't know legally if they can attach it to a year, two (2) year agreement to it. Even though he says he's going to pull it out once that stipulation goes in, there could be a storage container forever more, because it's showing a variance. Even though it shows he sunset it. It would be an enforcement issue at that point. With the way he feels it would get

enforced down the road. Not to say that he wouldn't hold up his end of the bargain, but going forward with the property itself if they end up selling that, somebody else who has maybe not such good intentions comes in and has that variance on the property. So, that's his only concern with it. Everything else looks fine. He doesn't know if maybe Steve can speak to that a little bit more.

Steve Watriont explained yes, they can't attach a sunset on a variance. A variance goes with the land, it stays with the land forever.

Chairman Nestorowicz asked if they were to approve this, the fact that like right now it's behind the building, can they specify that it has to be behind the building so it's not visible. He would just be worried, lets say...

Steve Watriont explained the location can be specific. They can put a clause on that. They can put a clause on the hours they go in and out, but there are certain conditions they can put on, but not the length of the variance.

Chairman Nestorowicz said he would be wanting to put a condition of that it has to be behind the building, not visible from the street, personally. Mr. Clift had a question for Steve.

Board Member Clift has a question for Steve and their counsel. Anything in the state statute that's prohibiting this kind of activity outside storage for marihuana related items.

Jennifer Pierce explained as long as there is no cannabis and it's strictly office supplies and things of that nature, it's allowed.

Board Member Clift asked Mr. Watriont if there is not a mechanism through the Building Department with a temporary structure permit that might address this situation.

Steve Watriont replied yes there is.

Board Member Clift asked why that does not work and why are they here talking about it.

Steve Watriont explained they're allowed, and he doesn't know where this is, he was trying to just research that right now. They're allowed a temporary trailer permit for six (6) months and they can renew it once in a lifetime. So, he has gone through that process after the construction was done and he's... He doesn't know if it's finished now and went before the ZBA or trying to plan before that finishes right now. But he has gone through that process already.

Board Member Clift asked if there is no wiggle room on that.

Steve Watriont explained that's why he was trying to look in there. It wasn't posted this way, but if it's in the zoning ordinance he believes he can ask for a variance to allow it for a total of six (6) times or something like that. Which would give them that sunset clause at that point. He thinks it's in the regulatory, so he doesn't think they can, but not sure.

Board Member Clift said that's where he's going with it. He echoes the sentiments of Mr. Jerzy. They can put whatever they want there, but they don't have any actual recourse to enforce it later

down the road. He's personally a little reluctant to do that. He would be all in favor of tabling it for some additional research to see if there's not a mechanism through the Building Department by virtue of a temporary permit. Who is the overall authority for approving temporary permits in the City of Warren?

Steve Watriont explained essentially what's given to them in the ordinance for a temporary is the ordinance itself, so it would be zoning, but this would be outside that. So, he's not sure where that would go and whether or not if that would have to go through chains.

Board Member Clift said other places he's been a building official is the ultimate authority and they would have the authority to extend permits such as this if it was applied for and there was a reasonable stance to do so, but he's not up to what Warren has going on. He can speak to other places that he's been.

Steve Watriont can try discussing that with the attorney and their bosses tomorrow. It doesn't help today.

Board Member Clift stated for him personally, that's the more fair route to take for the petitioner in this situation instead of leaving the city on the hook for a board saying they're going to do something for "x" time that they can enforce it a little later on down the road. He personally thinks they need a little bit more outside research. By virtue of his personal experience in other places dealing with very similar situations it was always able to be worked out, that things could be taken care of it just depends on who has the authority to do what. That's kind of where he's at with it and he'll yield the floor.

Board Member Sylvester asked if they're talking about the storage container with all this.

Chairman Nestorowicz replied yes.

Board Member Sylvester wondered if the petitioner ask for two (2) years and then after two (2) years they were going to removing it in two (2) years, right.

Angelo Jadan stated he'll be moving it in two (2) years, yeah. Whether he's there for twenty (20) years, but in two (2) years it's gone. All he needs is two (2) years to go with it. So, he's going to be there beyond two (2) years unless the board can find somebody to pay him back all the investment and a little bit more he'll get out of there earlier, but other than that, yeah he'll be there.

Board Member Sylvester asked if they're saying he can only have a permit for six (6) months for this container.

Chairman Nestorowicz explained they're saying he can't put a... As the request stands they can't put a sunset, say he only has it for two (2) years. It would be a variance that would stay with the land. They would just be taking his word that in two (2) years he would take it down, wouldn't be able to enforce it. That's why he was wondering.

Board Member Sylvester stated the gentleman is agreeing that in two (2) years it would be gone, right. That's why he can't...

Secretary Jerzy explained to Mr. Sylvester that it would run with the land. So, there could always be a storage container eight (8) foot by whatever feet on that property for forever more.

Board Member Sylvester realizes that, but the owner is saying he will be getting rid of it in two (2) years. Can't that be included in the agreement.

Steve Watripont explained again they cannot put a sunset clause in a variance. The variance goes with the land, it goes forever. So, the only way to do it is trying to look into a possible extension on a permit that's not allowed either within the realm as it is right now. So, he thinks they would have to get with legal and everything like that. If he sold it in five (5) years, someone else can put that trailer out there forever.

Board Member Sylvester asked because that's in the variance agreement.

Steve Watripont stated the variance goes with the land.

Chairman Nestorowicz asked if they think that if he, if the board, tables this for till next month. Would that allow Steve and legal department to look into how they would extend the permit or do that instead.

Steve Watripont thinks it would allow them to do some research in that regard. It also would give him a month's time with it if that permit is expired, because he's going through the process, so they wouldn't make him remove it right now. So, it would help him also in that, for that term.

Secretary Jerzy asked the petitioner if he would be ok with that.

Angelo Jadan is ok with it. He has taken a drive around the city to other cannabis facilities. He does see a decent amount of containers laying around a processing facilities and what not. He was talking to Steve, you know, they're starting to enforce them a little bit more and what not. He would kind of like to settle it today in a way if they could, but if a month is time needed, he's already been here this long. He doesn't mind waiting, as long as they do it right, that's fine you know.

Chairman Nestorowicz wants to do it right. That way this could allow Steve and their zoning and legal staff to look into what the possibilities area. Then they could actually get them approved and approved properly. That works for him and it works for the board.

Steve Watripont believes there is another one that will be coming forward that is at the end of their second six (6) months as well. That will be coming soon, too. That will help them with others in the future as well.

Chairman Nestorowicz stated while this is outstanding, and can keep storage unit there until the board resolves this.

Steve Watripont stated correct.

Secretary Jerzy said if there is no other discussion he would like to table this item.

Motion:

Secretary Jerzy made a motion to table this item to November 8, 2023 meeting; Supported by Board Member Clift.

Voice Vote:

A voice vote was taken. The motion carried (8 – 0).

The petitioner's request was **POSTPONED** to November 8, 2023.

Chairman Nestorowicz asked the board members to keep their paperwork on this, since they won't get a new packet.

Secretary Jerzy thanked him for his patience.

Angelo Jadan thanked the board for their time.

7. PUBLIC HEARING: **APPLICANT: Hien Nguyen**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 7520 Prospect
LEGAL DESCRIPTION: 13-33-429-061
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Retain the existing fence along the front property line, (that extends 54 ft. past the front building line and 8.5 ft. from the front property line.)

ORDINANCES and REQUIREMENTS:

Section 4D.08 – Fences, Walls and Landscape Screens in Front Yard Between Building Line and Front Property Line: No fence, wall or landscape screen shall be constructed between the established building line and the front property line.

Chairman Nestorowicz asked if the green light is on there.

Hien Nguyen said he got it. He stated his name, 3587 Cedar Brook Drive, and explained that he is an investor in this property. On this property when they got the inspection, the zoning inspection, the zoning inspectors thought the gate is too old and needs to be replaced. So, he just replaced the gate. Brand new gate and it looks nice. When he came back he was told that he needs to ask for a variance, because the ordinance doesn't allow to have a gate or fence anymore. The fence was existing there already, so he's just asking for the little variance so they can keep the fence and the new gate.

Chairman Nestorowicz thanked him for that explanation. This is a public hearing, is there anyone in the audience wishing to speak on this item?

No response.

Chairman Nestorowicz closed the public portion and turned it over to the board for discussion and questions.

Board Member Sophia has some questions for the petitioner.

Chairman Nestorowicz said yes, please go ahead.

Board Member Sophiea wants to understand that the applicant is the owner of the home. It seems like this is a rental property.

Hien Nguyen replied yes, investment property, yes.

Board Member Sophiea stated the fence has been there for many years.

Hien Nguyen stated he bought it with the fence.

Board Member Sophiea stated he purchased the property with the fence. The home was inspected for the annual rental inspection.

Hien Nguyen replied certificate of occupancy. He had to rehab the whole thing.

Board Member Sophiea asked that he replaced the existing gate that was already there. He asked the applicant if he has a photograph of the gate. Is it the same height?

Hien Nguyen replied it's the same height, everything. He had to custom make it a little bit longer than normal, so it's almost twelve (12) feet wide. So, it was very nicely done.

Board Member Sophiea asked what the gate covers. The driveway?

Hien Nguyen replied just the driveway.

Board Member Sophiea yields the floor and thanks the applicant.

Chairman Nestorowicz was looking at this property. He agrees that the house is set far back so they can't put the fence behind the house setback. However, he doesn't like fences that are up at along the property line by the sidewalk. He could support a fence that was beyond the setback of the neighbors houses, so it would inline with the neighborhood.

Secretary Jerzy said that neighborhood is kind of hard. The way they weave in and out, it's so hard to go with an exact line. There are other places in the city he has seen this, but he agrees with him too. He doesn't necessarily care for it, but he also feel that if he's renting to a small family or something, to have a secure front yard, basically, because he doesn't have a back yard, he thinks they're entitled to that. You know, that expectation of safety. It's probably been there for God knows how long. It's probably just been red flagged because he needed the certificate of occupancy. He personally doesn't see any problem with it. Nobody, no neighbors here complaining and just the uniqueness of the property, he doesn't see a problem with it. If nobody else has anything else to say.

Board Member Sylvester was looking at what Mr. Jerzy was talking about. He means, looking at this aerial view that they have, he means this neighborhood, all the houses, none of them line up. So, he really doesn't see what the problem is where the petitioner would like to have his fence. The only thing that he's asking is that the drawing the petitioner gave the board, and he's believing that it's west of the driveway and north of the main house, that square. What is that? What is there?

Hien Nguyen asked if he means the square, the accessory building.

Board Member Sylvester explained before the 54 feet and above the 24 feet.

Hien Nguyen said that's just cement, concrete.

Board Member Sylvester asked cement pad.

Hien Nguyen replied yeah, cement pad.

Board Member Sylvester asked if that's part of the driveway.

Hien Nguyen replied right, yes.

Board Member Sylvester thanked him.

Board Member Jerzy said if there are no other comments. He personally doesn't have a problem with this. He thinks it's a nice improvement. The gate was probably very old and he's sure the new gate looks a lot better. So, with that, if there aren't any comments, he would like to make a motion.

Motion:

Board Member Sophiea made a motion grant permission to retain the existing fence along the front property line, (that extends 54 ft. past the front building line and 8.5 ft. from the front property line.)

Reasons being: Size and shape of the lot; Not a detriment to the area.

Board Member Clift supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Sophiea, support by Mr. Clift to approve the petitioner's request. Roll call.

Roll Call:

A roll call was taken on the motion. The motion carried (7 – 1).

Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	No, would like to get things more in line, more standard around the city.

The petitioner's request was **APPROVED** as written.

8. PUBLIC HEARING: **APPLICANT: Mark Allen Warren**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 29053 Aline
LEGAL DESCRIPTION: 13-10-454-017
ZONE: R-1-B

VARIANCES REQUESTED: Permission to

Construct a 16' x 18' = 288 square ft. accessory structure.

ORDINANCES and REQUIREMENTS:

Section 4.20 – Detached Accessory Buildings: (A) All detached accessory buildings shall not exceed one (1) story or ten (10) feet in height measured to the eaves and shall not occupy more than thirty (30) percent of the rear yard. Such buildings shall conform to, and shall not project beyond, the existing side building lines of the principal building on the lot and shall be one (1) foot from the edge of any easement. The construction of all such accessory structures shall be subject to the following conditions: 5. That all accessory structures, excluding garages, will not exceed a total of 120 square feet.

Mark Warren, 29053 Aline, appeared before the board stating good evening.

Chairman Nestorowicz asked him to take the board through his request.

Mark Warren explained he would like to put a shed in his backyard. He has submitted pictures of what his garage looks like from the front of the street. He would like to get things organized, mitigate any fire hazards that could be involved with what's going on there. He's being kind of pushed into retirement here. He had an injury at work and would like to be able to have the ability to store the things he needs to keep his house maintained, make improvements, and keep the landscape and gardening properly done and upgraded even more than what it is at this point. He needs this area to do that.

Chairman Nestorowicz thanked him for that explanation. This is a public hearing, is there anyone in the audience wishing to speak on this item. He asked them to approach the podium and just state their name and address and then what their comments are.

Keith Sadowski, 4759 Hayman soon to be 29069 Aline Drive, appeared before the board stating the Warren's went over to his father's house and explained the plans to what they wanted to do by putting up the shed over there. His father and him both have no objections to it. As a matter of fact, they're actually looking forward to it, because when one of the neighbors removed their pool about for (4) or five (5) years ago, the noise that comes off Twelve Mile funnels right into their house onto the back porch over there. They're hoping this shed is going to act as a noise barrier as well. They have no objections to the size or to the shed itself. Thank you.

Chairman Nestorowicz thanked him for those comments. Are there any other audience comments on this?

No response.

Chairman Nestorowicz closed the public portion of the meeting and turned it over to the board for discussion.

Board Member Sylvester believes it's the north side, the side of the garage to his house. Is that north side right on the property line?

Mark Warren explained it's off the easement. There's a four (4) foot easement he believes. When he chimneyed the house is a little over five (5) feet off the property line there.

Board Member Sylvester stated it doesn't show it like that off this drawing, that's the reason he asked. What's the side setback regulation that they have?

(Inaudible)

Chairman Nestorowicz said Steve can probably answer it exactly. Be on the safe side.

Steve Watriont explained the ordinance requires it be behind the building lines of the house. So, there isn't a set footage it has to be behind the building lines of the house.

Board Member Sylvester asked if there was a minimum some place. He knows he had that problem on his property. He thinks it's four (4) feet or five (5) feet, something like that.

Board Member Cliff said off the property line, Steve.

Steve Watriont stated it has to be off the property line if it's built within two (2) feet of the property line there has to be a firewall and everything else with it. So, there are some other building codes that none of that pertains to the variance requested here.

Board Member Sylvester asked if the shed could be moved to the south side, so it's behind the property.

Steve Watriont explained it will be behind the building line of the house.

Board Member Sylvester realizes that, but what he's seeing right here.

Steve Watriont informed the GIS is not one hundred percent when they print it out for the board and go from there. It's usually good, but not perfect.

Board Member Sylvester asked if they won't see it, it will be right directly along side the house.

Steve Watriont stated looking straight down they won't see it.

Mark Warren stated he can move it further over, he doesn't have a problem with moving it more inside the house line.

Board Member Sylvester said as long as it's behind the side of the house and in line with it.

Mark Warren said they won't see it from the street driving by, correct.

Board Member Sylvester thanked them.

Secretary Jerzy said if no other board members have anything else to say, he'd like to make a motion.

Motion:

Secretary Jerzy made a motion to grant the petitioner permission to construct a 16' x 18' = 288 square ft. accessory structure.

Reasons being: Size and shape of the lot; Not a detriment to the area.

Board Member Perry supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Jerzy, support by Mr. Perry to approve the requests for the reasons stated in the motion.

Roll Call:

A roll call was taken on the motion. The motion carried (8 – 0).

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request was **APPROVED** as written.

Mark Warren thanked the board for their time this evening.

Secretary Jerzy reminded him to get his drawing.

9. PUBLIC HEARING: **APPLICANT: Paul Lesnau**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 13646 Adams
LEGAL DESCRIPTION: 13-01-105-003
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Construct a second attached garage, 13' x 37' = 481 square ft., in addition to an existing 388.5 square ft. attached garage and an existing 130 square ft. shed (which a permit was issued for in 2009) for a total of 999.5 of accessory structures.

ORDINANCES and REQUIREMENTS:

Section 7.01 – Uses Permitted: (I) Accessory buildings or uses customarily incident to any of the above permitted uses, when located on the same or an adjoining lot and which do not involve any business, profession, trade or occupation. One (1) private garage for each residential lot in which there are houses not more than three (3) vehicles, not more than one (1) of which may be a commercial vehicle, shall be considered a legal accessory use, provided, however, any such commercial vehicle shall not exceed one (1) ton capacity, and shall be kept inside a garage when not in use; and provided, further, that no moving vans shall be housed in private garages. All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

Section 4.20 – Detached Accessory Buildings: (A) All detached accessory buildings shall not exceed one (1) story or ten (10) feet in height measured to the eaves and shall not occupy more than thirty (30) percent of the rear yard. Such buildings shall conform to, and shall not project beyond, the existing side building lines of the principal building on the lot and shall be one (1) foot from the edge of any easement. The construction of all such accessory structures shall be subject to the following conditions: 5. That all accessory structures, excluding garages, will not exceed a total of 120 square feet.

Paul Lesnau, 13646 Adams, appeared before the board stating tonight he comes in front of the board to request a thirteen (13) by thirty-seven (37) attached garage, which will be attached to his colonial with a two (2) car garage. It will be right next to it. It's going to blend right into the house brick veneer, same color as the house, everything matched to it. He's at a unique subdivision, his lot is very unique. It's a corner lot. He has a lot of room there. Right now, where it's at, it's kind of in a dead zone area and has a cement slab there right now. So, he wanted to for his classic cars, he wanted to put a garage attached to it. That is what he's here for today.

Chairman Nestorowicz thanked him for that explanation. This is a public hearing, is there anyone in the audience wishing to speak on this item?

No response.

Chairman Nestorowicz said before he closes the public portion, he asked Mr. Jerzy if he wanted to read the email.

Secretary Jerzy said they received an email from Ray LaVigne, 13624 Adams. He lives next door to 13646 Adams Ave, the home of Paul Lenau. "I have zero opposition to the structure he is seeking to add to his home. It looks like it will add value to his property and enhance the neighborhood. I've spoken to most of the neighbors and they all agree. Sincerely, Raymond LaVigne".

Chairman Nestorowicz said actually there was a phone call they received for this item also. Read that into the record.

Secretary Jerzy said there was a phone call from a Mike and Joanne are fine with it as well. They give a thumbs up and say they are fine with it as well. They couldn't make the public hearing but wanted to leave a message. They were saying they would vote yes for that.

Chairman Nestorowicz closed the public portion of the meeting and turned it over to the board for questions and discussion. Personally, with the size of the lot it's wide enough where adding that garage onto the side, they still have a lot of side room over there. Having it blend into the rest of the house is a good look. He totally understands the need for more storage space.

Board Member Sophiea stated when he was reading this, his first thought was absolutely not. He couldn't believe it. After seeing the drawing of it, he thinks it was very well done and fits the house nicely. He noticed the roll up in the back of the garage. Are there going to be vehicles parked in the back?

Paul Lesnau replied no. He thought it was just easy access if utilities have to come in there, and if he has to open up the doors to start his cars, the exhaust fumes can go right out there and stuff.

Board Member Sophiea has no objections.

Board Member Sylvester has one question. He believes it's to the north, he has thirty-six (36) feet from the garage to the outside of the sidewalk. So, that's based between the sidewalk and the garage would be approximately thirty-three (33) feet.

Paul Lesnau stated sidewalk would be...

Board Member Sylvester said that's thirty-six (36) feet from the garage to the outer dimension of the sidewalk, correct?

Paul Lesnau thinks it's twenty-nine (29) and four (4) inches. The new part is going to be setback six (6) feet from the attached garage. So, it's going to sit back.

Board Member Sylvester said going towards Karns.

Paul Lesnau said Karns, that would be going to the east, sorry. East is thirty-six (36). That would be thirty-nine (39) feet plus, thirty-nine (39) feet nine (9) inches. Karns is to the east side.

Board Member Sylvester asked the grassy area would be approximately thirty-three (33) feet three (3) inches, right?

Paul Lesnau stated there is a fence right there, so to the fence it would be thirty-six (36).

Board Member Sylvester asked if it's over thirty (30) feet, right.

Paul Lesnau replied yes, sir.

Board Member Sylvester thanked him.

Secretary Jerzy said if nobody else has anything else to say he would like to make a motion.

Chairman Nestorowicz said ok.

Motion:

Secretary Jerzy made a motion to grant the petitioner permission to construct a second attached garage, 13' x 37' = 481 square ft., in addition to an existing 388.5 square ft. attached garage and an existing 130 square ft. shed (which a permit was issued for in 2009) for a total of 999.5 square feet of accessory structures.

Reasons being: Size and shape of the lot; Not a detriment to the area.

Board Member Higgins supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Jerzy, support by Mr. Higgins to approve the request for the reasons stated. Roll call.

Roll Call:

A roll call was taken on the motion. The motion carried (8 – 0).

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, to deny for the reasons stated in the motion.

The petitioner's request was **APPROVED** as written.

10. PUBLIC HEARING: **APPLICANT: Ammar Yousef**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 24024 Ryan
LEGAL DESCRIPTION: 13-29-154-039
ZONE: M-1

VARIANCES REQUESTED: Permission to

Erect a pole sign that is:

- 1) Setback 6 ft. from the public sidewalk (5 ft. from the property line) along the south property line.
 - 2) Setback 6 ft. from the public sidewalk (5 ft. from the property line) along the west property line.
- If approved the variance regarding the awning sign issued on 12/13/2000 will be relinquished.

ORDINANCES and REQUIREMENTS:

Section 4A.17 – Setbacks: The following setback regulations shall apply to signs located in all zoning districts: b) all freestanding or ground signs shall be setback from the right-of-way line a minimum distance equal to the height of the sign.

Ammar Yousef appeared before the board stating he's trying to have a pole sign for his business.

Secretary Jerzy asked him to state his name.

Chairman Nestorowicz said oh yeah, please state name and address first.

Ammar Yousef stated his name, he's here for address 24024 Ryan Road.

Chairman Nestorowicz said now with the request.

Ammar Yousef explained he's trying to get a pole sign for his business. His building is too far from the street and nobody knows there's a business there beside the neighborhood. He went to Warren city and said if he does a pole sign there sixteen (16) feet high he has to go six (16) feet inside the parking. He's going to lose two (2) parking from there. He has ten (10) or eleven (11) parking. So, he's trying to get a pole sign for his business, because his business is a little slow. They don't get no business from the street, beside the neighborhood. That's why he's trying to get the pole sign.

Board Member Sylvester said he's having a hard time hearing him.

Chairman Nestorowicz asked him to speak closer to he microphone. It might be easier to hear.

Ammar Yousef said ok.

Chairman Nestorowicz said ok.

Ammar Yousef said thank you.

Chairman Nestorowicz thanked him for that explanation. This is a public hearing. Is there anyone in the audience wishing to speak on this item?

No response.

Chairman Nestorowicz closed the public portion and turned it over to the board for discussion. He has one question. He knows they said the awning sign of that variance would be relinquished. What is he going to have on his building then for signage on the building? He's just wondering.

Ammar Yousef has a sign there. They approved him for a sign there. The building is too far from the street. Nobody can see even the sign there when going south of Ryan. They can't see any business shown there, you know.

Chairman Nestorowicz asked if he's going to have a sign on his building afterwards.

Ammar Yousef has a sign on the building. Small sign. They approved him for that. He took the old sign and has a new sign on the building, but he's trying to put the pole sign so people know there's a business there.

Board Member Clift asked how he's doing this evening.

Ammar Yousef said good.

Board Member Clift said his neighborhood party store. He's going to clear some things up that might make him feel a little better about this. This store went through a complete exterior renovation. The picture in the packet doesn't do it justice. They moved away from the red brick with the awning and now he has pretty slate brick on the outside all the way around, it's gorgeous. He dumped a ton of money into in the last year or so. He has a small sign on the building so he doesn't need that awning variance anymore.

Chairman Nestorowicz said ok.

Board Member Clift said that's what the applicant is trying to get at. He doesn't need that awning variance, he's going to relinquish that in place of putting the pole sign in the road. It does sit an awful ways back. If trucking up there at regular road speed on Ryan, it takes a little bit of looking to find it. Now that the awning sign is gone, because it was illuminated from the interior and stuck out like a sore thumb. Over the years it deteriorated. He took over the property. Two (2) years ago he bought that?

Ammar Yousef replied seven (7) years ago.

Board Member Clift repeated seven (7) years ago.

Ammar Yousef stated yes.

Board Member Clift stated little improvements along the way. So, now it's a fantastic, beautiful little structure. It compliments the neighborhood real well and he doesn't think there is going to be any issue. He wouldn't oppose putting this relatively conservative pole sign up out there. He is going to lose two (2) parking spaces he thinks.

Ammar Yousef explained if he does the sixteen (16) by sixteen (16), he's going to lose two (2) parking.

Board Member Clift said yeah, yeah.

Ammar Yousef apologized and explained it's going to be too far from the street. Sixteen (16) by sixteen (16).

Board Member Clift said when moving along they don't see.

Ammar Yousef said it's going to be a little far, too. Cannot see the sign when going south of Ryan.

Board Member Clift kind of likes the plan. He thinks it's going to compliment the neighborhood and make him a little more visible. It's going to fit in a little more with some of the other upgrades that have gone on in that Ryan corridor from Ten Mile heading south to Nine Mile. There has been some uplift and renovation going on through there. This kind of fits in with the whole plan that's going on there. In fact, within five hundred (500) feet of him there has been some pretty big renovations at the old pipe supply store across the street, just redid their exterior façade. The metal working place did theirs

about two (2) years ago. So, it's all uplifting in the neighborhood there. He's going to yield the floor.

Chairman Nestorowicz asked for any other comments or questions.

Board Member Sylvester will show it to him. Is this an older picture.

Ammar Yousef replied yes.

Chairman Nestorowicz said yes.

Board Member Sylvester said the store he... is this on Stephens?

Board Member Clift explained it's right on the corner of Stephens and Ryan.

Chairman Nestorowicz said yeah.

Board Member Sylvester see's where the sign is, but he doesn't see Stephens.

Board Member Clift informed he's looking right across Stephens in that picture.

Chairman Nestorowicz said the sign is right at the corner.

Board Member Sylvester asked if the store would be on this side of the picture.

Chairman Nestorowicz said no. The store is right there.

Board Member Sylvester repeated the store is right there.

Ammar Yousef explained they did the remodeling outside. This is an old picture.

Board Member Sophiea stated in other words the black car pulling out is going onto Ryan in the photo.

Chairman Nestorowicz repeated the black car is pulling onto Ryan. They can see the store, he calls it the orange kind of colored wall.

Board Member Sylvester said if he's looking at this right, what's all the area to the north of the sign.
Chairman Nestorowicz replied his parking lot.

Board Member Sylvester asked if the store is right on Stephens, right at the corner.

Chairman Nestorowicz replied yeah.

Board Member Sylvester thought it was. Isn't there a store right there built.

Board Member Clift thinks this is kind of a glitchy photo. You can't really see Ryan Road in the picture.

Board Member Sylvester said Ryan Road is to the left.

Board Member Clift apologized and said Stephens Road, in the actual picture.

Chairman Nestorowicz said basically standing in Stephens in this picture.

Board Member Clift said no, no can't be standing on Stephens.

Board Member Sylvester said it's too far of a distance.

Board Member Clift said there is something a little wonky with a couple of different things in this photograph.

(Inaudible)

Board Member Clift said the houses on Stephens Road, for some reason it looks like this parking lot is in the middle of where Stephens Road should actually be in this photograph. He can gather because he knows the area, but he's looking at it too it looks kind of off.

Board Member Sylvester has been through there a lot too and that just doesn't look right.

Board Member Clift said Stephens Road doesn't appear on the photograph.

Board Member Sylvester said in fact Stephens Road looks like where the black car would be, but that's a driveway.

Chairman Nestorowicz thinks the (inaudible) on this photo are slightly off.

Board Member Sylvester said usually photos are pretty right.

Board Member Clift said it's pretty wonky on this one. It's pretty wonky on this one.

Board Member Sylvester said looking at the houses there to the right, there right at the back end of what he's saying is the party store is.

Board Member Clift thinks this was a Google Earth photo taken rolling down Ryan Road, but maybe they hit the pot holes that were all through there and it jarred the camera a little bit.

Board Member Sylvester said they both know what it really looks like.

Board Member Clift said if nothing else, the board can kind of take his word. The dimensions are off and the street doesn't appear there, but what he's wanting to do will be just inside of the driveway apron that runs out onto Ryan Road, just south of Stephens Road at the corner there. He'll lose his two (2) corner parking spaces right there in the corner of that lot. The edge of the parking lot, there should be a sidewalk and then Stephens Road and then the sidewalk they see in the picture. Yeah, it's kind of weird.

Board Member Sylvester said they look at this, and then look at this.

Board Member Clift said correct.

Board Member Sylvester stated they're not the same.

Board Member Clift said correct.

Board Member Sylvester said ok.

(Inaudible)

Board Member Clift said if nobody else has anything on this, he would like to make a motion on it. Anybody else on the board? Ok, let him find his paperwork.

No response.

Motion:

Board Member Clift made a motion to give permission to Erect a pole sign that is:

- 1) Setback 6 ft. from the public sidewalk (5 ft. from the property line) along the south property line.
- 2) Setback 6 ft. from the public sidewalk (5 ft. from the property line) along the west property line.

If approved the variance regarding the awning sign issued on 12/13/2000 will be relinquished.

Reasons being: Not a detriment to the area; Size and shape of the lot; Setback of his store for better visibility.

Board Member Higgins supported the motion.

Chairman Nestorowicz said they have motion by Mr. Clift, support by Mr. Higgins to approve the request for the reasons stated in the motion.

Roll Call:

A roll call was taken on the motion. The motion carried (8 – 0).

Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Sophia	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request was **APPROVED** as written.

11. PUBLIC HEARING: **APPLICANT: MD Urgent Care and Family Medicine**
REPRESENTATIVE: Hussein Awada MD
COMMON DESCRIPTION: 12640 Twelve Mile
LEGAL DESCRIPTION: 13-14-130-001
ZONE: PB

VARIANCES REQUESTED: Permission to

Allow the following related to signage:

- 1) Erect a monument sign as follows:
 - a) Height, 6' 3.5"
 - b) Setback 6' from front property line
 - c) Size, 31 square ft:
 - 1) EMC sign = 19.5 square ft. when 3 square ft. is allowed.
 - 2) "Urgent Care" sign, 11.5 square ft.
- 2) Two wall signs as follows:
 - a) North elevation, "24 Hour Urgent Care" 48 square ft.
 - b) West elevation "24 Hour Urgent Care" 48 square ft.

Total wall signage = 96 square ft.

Total signage 127 square ft. with 3 signs when one 12 square ft. sign is allowed.

ORDINANCES and REQUIREMENTS:

Section 4A.11 – Specific Sign Definitions: 22. Monument sign. A sign mounted directly to the ground with a maximum height not to exceed five (5) feet.

Section 4A.17 – Setbacks: The following setback regulations shall apply to signs located in all zoning districts: B) All freestanding or ground signs shall be set back from the right-of-way line a minimum distance equal to the height of the sign.

Section 4A.27 – Electronic Message Center: In addition to other applicable zoning requirements, a responsible party shall comply with all of the following electronic message center requirements: (B) Except a property where a business has a valid State of Michigan motor fuels retail outlet license, the digital display area of an electronic message center does not exceed 25% of the total permitted free standing sign age.

Section 4A.33 – Signs Permitted in Professional Business and Special Service Districts (P.B., S.S.): (B) One on-premise sign or advertising display of a size not to exceed twelve (12) square feet in area for each business on the premises shall be allowed in professional business districts and special service districts.

Chairman Nestorowicz asked them to start with name and address for the record, then take the board through their request.

Michael Zacks, 16706 Telegraph, appeared before the board stating he is here to represent and present the graphic signs that were requested. He also has Dr. Awada with him, he's the owner of the business and of the property. So, probably everyone has seen and is familiar with this property, and he suffers some significant problems with visibility. There's a large tower that obstructs, and on the other end there is a line of trees that obstruct as well. The doctor has been a good corporate citizen in Warren for many years. Just recently decided to change direction and open this urgent care, which will serve the community in a better fashion. He has spent significant dollars doing both the inside and the outside. He was recently granted his certificate of occupancy. The building has been shut down for over a year during these renovations. The hardships, of course, were not self-

imposed. They feel the small ground sign is actually thirty (30) square feet. The one existing there now is about thirty-nine (39) square feet. The footprint is slightly smaller. They would use the same foot concrete, etc. Set the new small monument on that brick base. They're also asking for two (2) wall signs, so visitors can identify and travelers can identify the building, one on each façade. Those are forty-eight (48) square feet. They feel the request is reasonable. It will allow the doctor to present the new urgent care facility to the community. If the board has any questions about the signs, he would be happy to answer them. If they have any questions about the business, the doctor would be happy to answer those.

Chairman Nestorowicz thanked him for that explanation. This is a public hearing, is there anyone in the audience wishing to speak on this item?

No response.

Chairman Nestorowicz closed the public portion and turned it over to the board for question and discussion.

Board Member Sophiea said at first glance here, he would disagree with the petitioner that this sign package is reasonable. His first instinct is that it's just massive. He's looking at the photograph here with the two (2) wall signs, and they just take up the entire front of the building. He doesn't necessarily care for that. He doesn't have a problem with the monument sign, especially that it's a little bit smaller. He think the trade-off with that is, yes, it's a little bit smaller, but going way over the LED electronic size there. He's curious to hear what other board members thinks on this item.

Secretary Jerzy asked if it's a twenty-four (24) hour facility.

Hussein Awada replied yes, it is.

Secretary Jerzy asked if the signs will be illuminated all night.

Michael Zacks replied at the boards discretion, they can turn the signs off if that's an issue.

Secretary Jerzy asked how much light that would incur.

Michael Zacks replied 3,500 and that's on the wall signs, which is typical for... these are front illuminated channel letters. Of course, they could be made smaller if the board decides that makes more sense.

Secretary Jerzy agrees with Mr. Sophiea with the size of the letters on the side of the building. Granted, they don't want people to miss a spot to seek urgent care. It's when time is of the essence, minutes and seconds count. He is familiar with the building and what he's explaining with the tower and all that, too. He would have a little bit more compassion if the building was set back even further for the argument of the bigger channel letters. Since that building is fairly close to the road, he doesn't see the need for that size. He would like to come to some kind of agreement where they can scale down the letters. He doesn't necessarily see it go away, but to have some kind of compromise is necessary here. He would like to hear if anybody else has anything to say.

Board Member Sylvester said the monument sign. Is that illuminated?

Michael Zacks replied it is.

Board Member Sylvester asked if that could be on all night.

Michael Zacks replied yes.

Board Member Sylvester said ok, so somebody will know where that office is.

Michael Zacks replied correct.

Board Member Sylvester said just down the road they have a hospital. Now, the other thing, the urgent care, getting around town and everything, he means these are popping up all over the place. He has seen especially, there is one at Twelve Mile and Schoenherr, it's a relatively larger building than this one and their signage isn't even close to what these guys have. He's in agreement with his colleagues that there is just too much signage right there. If he can reduce that, he has no problem with one on each corner, but to be that large in that area. They decided to go ahead and look at that office there. Those towers have been there for a very long time and they're needed. So, that's ok, that's a problem, but they decided to go there. So, if they reduce that a little bit and make it to where it fits in and it's where people can see it and doesn't stand out, he would go for it.

Michael Zacks thinks they can easily reduce the size, yes.

Chairman Nestorowicz wants to make his comment. He was going to reiterate. He can totally go along with the monument sign, he agrees, because that's for visibility as people are driving either way down Twelve Mile they'll see it. Therefore, that's where he thinks the signage on the building is more than is needed. Whether they discuss maybe making them both smaller and having a smaller sign on both sides, or maybe just having the sign on the north side of the building and removing one sign. He's open for either, but would like to see the building signage lessened. He's ok with the monument sign.

Board Member Cliff said he'll make the compromise proposal. To the petitioner, he thinks he can get behind this. The monument sign he has no issue with, he's in line with his colleagues that the twenty-four (24) hour urgent care channel signs are a little over-sized. He thinks he can get behind it if they were to reduce those, maybe by half and went down to twenty-four (24) square feet a piece. He's just going to start the ball rolling there. That's just his opinion and thoughts and he's curious what his fellow board members might say to that compromise.

Secretary Jerzy said that's the same thing he kind of came up with in his head, too.

Board Member Higgins was going to weigh in, waiting for Steve to get to the podium. He's just wondering if the one...

Chairman Nestorowicz said to let Mr. Higgins say his comment first and then Steve.

Board Member Higgins said he was just wondering about the necessity for the one on the west

elevation at all. That is the one that is going to impact the neighborhoods, but that's facing into the side street. The one that is going to be on the north is going to be plainly visible and there is the monument sign as well. So, he would like to see the one on the north a little bit smaller and he doesn't think the one on the west is absolutely necessary. He thinks it does pose somewhat of a detriment to the neighborhood. So, that's his two (2) cents.

Chairman Nestorowicz asked Mr. Watripont if he had a comment.

Steve Watripont just asked the petitioner if he looked at different sizes as he was going through this so he had an idea where he would want to be with the boards proposal.

Chairman Nestorowicz asked Mr. Sophiea if he had a comment.

Board Member Sophiea stated his only comment was reading the ordinance of twelve (12) square feet total, that's absurd and not going to work for an urgent care facility, obviously. They're already getting the ground sign, which is more than three (3) times what the ordinance already says. So, he likes the idea of just having the one wall sign on the north side and maybe cutting down at least by a third, if not in half, just given the total square footage here when compared to the twelve (12) square feet allowed. So, those are this thoughts.

Board Member Sylvester said there is a sign, just like he said, over on Twelve Mile Road on the east hand side on Schoenherr rather, north of Twelve Mile Road. There are a couple other places in Warren which have nice compacted signs for urgent care, and you can read them. There are there. He doesn't know if they're familiar with any of them, but look. Even some of the sizes that his fellow members had said, it has to be reduced. Nothing on the west side there.

Michael Zacks asked if he could make a comment.

Chairman Nestorowicz stated Mr. Cliff offered a proposal. So, he guesses to the petitioner. It seems everybody on the board is in approval of the monument sign. The issue is the building signs.

Michael Zacks replied yes. The north side is the important side, as far as they're concerned. They can eliminate the other side and either keep this current size or downsize it by a third to keep it more consistent in the thirty-five (35) square foot range and eliminate the other. So, there would just be one (1) north side wall sign and then the ground sign.

Chairman Nestorowicz asked Mr. Cliff if that would work with what his proposal is saying if they did thirty-five (35) square feet on the north side and eliminated the west side, and kept the monument sign.

Board Member Cliff said it was Mr. Higgins with the elimination on the north side.

Chairman Nestorowicz said no, elimination on the west side.

Board Member Cliff said he was for the reduction of both. He doesn't have a problem with one being on that west elevation, but it needs to.

Chairman Nestorowicz asked if there is anyone on the board that would like to make a motion to do thirty-five (35) square foot sign on the north, eliminating the west and giving the monument sign.

Secretary Jerzy said he will make a motion.

Motion:

Secretary Jerzy made a motion to grant the petitioner permission to:
Allow the following related to signage:

- 1) Erect a monument sign as follows:
 - a) Height, 6' 3.5"
 - b) Setback 6' from front property line
 - c) Size, 31 square ft:
 - 1) EMC sign = 19.5 square ft. when 3 square ft. is allowed.
 - 2) "Urgent Care" sign, 11.5 square ft.
- 2) ~~Two~~ **One** wall signs as follows:
 - a) North elevation, "24 Hour Urgent Care" ~~48~~ **30** square ft.
 - b) ~~West elevation "24 Hour Urgent Care" 48 square ft.~~

Total wall signage = ~~96~~ **30** square ft.

Total signage ~~127~~ **61** square ft. with ~~3~~ **2** signs when one 12 square ft. sign is allowed.

Reasons being: Size and shape of the lot; Not a detriment to the area.

Board Member Perry supported the motion.

Chairman Nestorowicz said they have motion by Mr. Jerzy, support by Mr. Perry to approve the request as motioned for the reasons stated in the motion.

Roll Call:

A roll call was taken on the motion. The motion carried (8 – 0).

Secretary Jery	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request was **APPROVED** as previously stated.

Chairman Nestorowicz thanked them for working with the board on the signage.

Michael Zacks and Hussein Awada thanked the board for their time.

12. PUBLIC HEARING:
REPRESENTATIVE:

APPLICANT: Signs By Crannie, Inc.
Nick Trifon

COMMON DESCRIPTION: 6500 Fourteen Mile
LEGAL DESCRIPTION: 13-04-126-021
ZONE: M-2

VARIANCES REQUESTED: Permission to

Erect a second ground sign as follows:

- a) Monument sign 17' 5.5" high
- b) Monument sign which is 173.5 square ft. (not including the 36 square ft. base)
- c) Setback 2 ft. from the row line along 14 Mile.
- d) Setback 7 ft. from the closest vehicular egress into the parking lot.

Sign is in addition to the existing ground sign approved by the Zoning Board of Appeals on 10/13/1997 for a 20' x 44' = 880 square ft. monument sign, 44 ft. high and 24 banners (16 square ft. each) total of 384 square ft. of banners (approved by Zoning Board of Appeals on 11/10/1999). If approved total ground signage (880 square ft. existing ground sign + 384 square ft. existing banners + 173.5 = 1,437.5 square ft. of ground signage.)

ORDINANCES and REQUIREMENTS:

Section 4A.35 – Signs Permitted in Commercial Business and Industrial Districts (C-1, C-2, C-3, M-1 and M-2: (B) One freestanding on premise sign or advertising display 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, C-3, M-1 and M-2.

Section 4A.11 – Specific Sign Definitions: 22. Monument sign. A sign mounted directly to the ground with a maximum height not to exceed five (5) feet.

Section 4A.17 – Setbacks: The following setback regulations shall apply to signs located in all zoning districts: b) all freestanding or ground signs shall be setback from the right-of-way line a minimum distance equal to the height of the sign.

Nick Trifon stated that's a lot of numbers. He is with Signs By Crannie, 4145 Marketplace. This property is a unique property, unlike a lot of properties around, it's huge. Looking at facilities by themselves they have different tenants in there that they're warehouse space is as big as the Wal-Mart. It's enormous in size. Just to give a little history, they're all familiar if they've been in the area any time, it was Art Van facility, it was their headquarters. Their offices were there, had all their distribution and all that. Of course, they're seeing retail change, right. So, they're seeing a lot of people buying even furniture online, picking up their furniture or having it shipped to their house, that kind of thing. So, Art Van sold to Love's for a little while, then they went bankrupt, now Gardner White is in that front facility with the back facilities which are enormous in size. He's going to go over that here in a minute. There are multiple tenants back there and they have no representation. That's why he is here today, to get them some signage at the road. So, if they look at suite 300, that's Future Dynamics, they occasionally have customers on site. Primarily deliveries and shipments that come in and out of there. They got suite 400, Samsung, that's 283,000 square feet just to give them an idea of the size of that. On average, Wal-Mart's stores are 180,000 square feet. So, it's 100,000 bigger than the average Wal-Mart store, just that one warehouse space. Then they got Ashley Furniture, they have people that come, consumers that come pick up furniture and stuff, so they need to know where they're going. If you could imagine pulling up and seeing Gardner White and picking up furniture from Ashley Furniture, where is Ashley Furniture? There is nothing that says Ashley Furniture at the road, at the building, that kind of thing. They have a suite that's vacant, suite 600. They have another suite, Lipari Foods, that's 139,000 square feet. That would be as big or bigger than the average Kroger store, which is about 110,000 square feet. They've got these great big huge spaces that are being occupied, they've got consumers pulling in there and

have to be able to find where they're going. He actually has a traffic study that he had pulled. If the board is interested, he can give copies of that. For Fourteen Mile Road, they have 24,500 cars a day going by there. It's not hard to believe. He's been down here a lot and the traffic is intense. That's 735,000 a month, nearly nine (9) million vehicles a year that go by there. So, it's really important, kind of a safety thing, for people to be able to see where they're going. It's essentially a directory as well. Each one of those tenant spaces the board is looking at on this sign, probably two (2) by eight (8), which is sixteen (16) square feet. That would be sixteen (16) square feet for Samsung, sixteen (16) square feet for Ashley Furniture and each of the occupants of those warehouses back there. He actually has a representation, he doesn't know what the board has in front of them, but he kind of did a mockup of what the sign would look like in place.

Chairman Nestorowicz asked this one here.

Nick Trifon replied yes. So, it's by the drive that would take people back to where they need to go. There's the existing sign on the property, and that's 256 feet away, it's not nearby. Basically, they want to direct people down this driveway instead of into the Gardner White parking lot. That's another reason for the sign being where it's placed. That's the essence for their request.

Chairman Nestorowicz thanked him for explaining that. This is a public hearing. Is there anyone in the audience wishing to speak on this item?

No response.

Chairman Nestorowicz closed the public portion and turned it over to the board for questions and discussion. He has a question. Based on how that building is, are there going to be any future requests for signage on the building from these tenants, in addition to what they're requesting. Or is there any other directional signage that's going to go on this property directing people?

Nick Trifon thinks they'll probably do something on the building at some point and they'll have to go through the process of permitting or whatever, but this is primarily they wanted to get notification and there's a security gate back there that also helps direct people where they're going.

Chairman Nestorowicz wondered. He knows two (2) of the tenant spaces are called on east side, which is not close to where that driveway is. That's why he was wondering if somebody was going to one of those locations how would they know to get back there.

Steve Watripont has seen where they're talking about a directional sign at the guard shack type thing. They haven't been presented with that. If it's on the guard shack, it would probably be a wall sign at that point. There has been talk. He doesn't know if they would be the sign company or not, but he's assuming. As far as the tenant spaces, they are allowed forty (40) square feet each. Most of them can't be seen from the street, so the forty (40) square foot would be enough for their doors and everything else to let them know where they are.

Chairman Nestorowicz thanked Steve. Now, is the Gardner White portion considered the same as the rest of this building, or is that actually a separated part.

Nick Trifon explained it's part of the same address, yes.

Chairman Nestorowicz said it's a shame Gardner White sign has all that signage on there.

Nick Trifon stated now a days these retailers are requiring a lot of signage. That was Art Van and as things are evolving, they have that sign. Position wise, he likes the idea of putting the sign, it's actually more of a directional sign, by the easement, the drive, that goes back and also keeping the traffic away from Gardner White for the other facilities. It would be confusing to pull up there for Ashley Furniture and pick up furniture at the Gardner White.

Chairman Nestorowicz agrees. Those buildings being back behind the Gardner White location, they're not visible from the street. If driving down Fourteen Mile, you're not going to see what's back there. So, the signage is needed for visibility and putting it on the street is a logical place to put it.

Board Member Sophiea as he touched on, all of this is one parcel, he thinks he speaks for all of the board when they usually grant these sign variances they know they run with the land forever, and this is the result here, the five pages of variances that run with Art Van. His position is since Gardner White is controlling the units for rent, they should be giving up some of their signage on this huge monument sign.

Nick Trifon explained Gardner White is just the tenant.

Chairman Nestorowicz said Gardner White is just the tenant.

Board Member Sophiea said they're just the tenant, so they got lucky enough to have the huge sign on the road, and now the tenants are in the back. That makes this more difficult. Obviously, they need to get some signage to the tenants, but the question is how much and what are they opening the door for now with requests in the future.

Secretary Jerzy has lived in this town all his life and anytime he's gone to that piece of parcel, it's always been confusing no matter how much signage, or little signage, and it just seems to be a confusing spot for anybody that's just coming to it for the first time. He thinks he understands what his colleague is saying about the numerous requests that they could take something off the books as far as that goes. He thinks this is necessary given the traffic patterns on Fourteen Mile with Amazon there across the street, too. Traffic just becoming heavier, and he goes through there quite often. He sees a lot of confused cars doing U-turns in the parking lot, doing U-turns in the driveway just to come back around and it becomes dangerous. Actually, surprisingly, they haven't put a light in there at some point.

Unknown said there is a light there.

Secretary Jerzy said well they did put a light in, eventually. He doesn't think it's an unreasonable request to direct people in the right avenue. The way that property lays with everything in the back there's got to be some kind of direction for people to go. He doesn't think this is an unreasonable request, he thinks the sign looks nice. He thinks it would fit. That's just his input.

Board Member Sylvester asked the petitioner if he's just doing the signage for the property. They

all know it was Art Van, they've all lived here for a long time. As much property that is back there, and the buildings and the square footage and everything, does he know, roughly, since he's in charge of the signage. Does he know how many people they're looking or tenants to have on that property?

Nick Trifon explained it's divided into suites. If he counts them up there are 1, 2, 3, 4, 5, 6, 7 and 8 divided suites.

Board Member Sylvester asked that they're not looking at developing any of the units to a smaller square footage.

Nick Trifon explained they're primarily mostly occupied. He thinks there is just one (1) vacant, and it's 55,000 square feet.

Board Member Sylvester asked if there's a number no matter what this is all the units that are going to be able to be leased.

(Inaudible)

Nick Trifon stated Laurie is with Signature Realty who manages the property. She says...

Board Member Sylvester asked how many total.

(Inaudible)

Chairman Nestorowicz said if there are comments coming from the audience, he would ask that she comes up and state her name and address for the record.

Nick Trifon apologized.

Chairman Nestorowicz explained therefore it's on the minutes captured properly.

Laurie Wood from Signature Associates, 1 Town Square.

Chairman Nestorowicz said answer to Mr. Sylvester's question.

Board Member Sylvester asked when this is all said and done and everything is all occupied, how many units will be occupied?

Laurie Wood explained in that building there are seven (7) units.

Board Member Sylvester asked if they are not looking into splitting any of those up and adding more making it fourteen (14) or eighteen (18) or twenty (20).

Laurie Wood stated it's really not possible the way it's laid out. They kind of followed the original plan that Art Van added onto the building and that's how those are determined with the exterior fire walls.

Board Member Sylvester asked what they have is what they have.

Laurie Wood replied yes.

Board Member Sylvester thanked her.

Board Member Clift said from the ex-truck driver guy, right. He hauled a lot freight in and out of Art Van back in the day. Now that they've got that property separated into different suites with different tenants and clients, this is just common sense. They have to have a way to guide folks in or even let them know where they're at. The traffic light there, now, is a big asset. At one point in time he'd be hauling to that place and you knew where you were going because you going to deliver to Gardner White. Now they're going to seven (7) different places. This is just a common sense antidote for him. He thinks it's needed, he thinks it's required. There is nothing worse than not having adequate signage to guide people in. He also feels his colleague, Mr. Sophiea's pain, where they're kind of come to an agreement what is what is, but he guesses they just have to over look what's going on and around the building that's already in existence and just look into the future of what's happening in order to help these folks navigate their business sights a little bit better. With that, he's going to yield the floor.

Board Member Sophiea has a question for the petitioner. The seven (7) units that they've mentioned, those are seven (7) units in addition to Gardner White.

Laurie Wood replied no, it's seven (7) total. Gardner White actually has two (2) of the units.

Board Member Sophiea said that's why there are five (5) panels on this sign.

Laurie Wood said correct.

Board Member Sophiea stated that was his question. Thank you.

Chairman Nestorowicz wondered if there were any other questions or does anyone have a motion.

Board Member Clift said if nobody has anything else he would like to make a motion on this.

Chairman Nestorowicz asked him to please go ahead.

Motion:

Board Member Clift made a motion to give permission to:

Erect a second ground sign as follows:

- a) Monument sign 17' 5.5" high
- b) Monument sign which is 173.5 square ft. (not including the 36 square ft. base)
- c) Setback 2 ft. from the row line along 14 Mile.
- d) Setback 7 ft. from the closest vehicular egress into the parking lot.

Sign is in addition to the existing ground sign approved by the Zoning Board of Appeals on 10/13/1997 for a 20' x 44' = 880 square ft. monument sign, 44 ft. high and 24 banners (16 square ft. each) total of 384 square ft. of banners (approved by Zoning Board of Appeals on

11/10/1999). If approved total ground signage (880 square ft. existing ground sign + 384 square ft. existing banners + 173.5 = 1,437.5 square ft. of ground signage.)

Reasons being: Not a detriment to the area; Necessity for navigation; Fits in with the general layout and plan of the facility.

Board Member Higgins supported the motion.

Chairman Nestorowicz said they have motion by Mr. Clift, support by Mr. Higgins to approve the request for the reasons stated in the motion.

Roll Call:

A roll call was taken on the motion. The motion carried (8 – 0).

Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Sophia	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request was **APPROVED** as written.

13. PUBLIC HEARING: **APPLICANT: Shuajb Gerguri -USE-**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 27440 Hoover
LEGAL DESCRIPTION: 13-14-351-001
ZONE: PB

VARIANCES REQUESTED: Permission to -USE-

Petitioner seeks to operate a massage therapy and esthetician business in a PB District.

ORDINANCES and REQUIREMENTS:

Section 12.01 – Uses Permitted in PB: Massage therapy and esthetician businesses are not allowed uses.

Shuajb Gerguri appeared before the board stating he's the owner of the small office building on 27440 Hoover.

Chairman Nestorowicz asked him to speak a little closer to the microphone.

Shuajb Gerguri wasn't aware the building is not; the massage therapy cannot be practiced in the building. That office was previously dental office, and he thought this automatically massage therapy is a similar thing, but it appeared that it is not. So, that's why he is here. If the board can grant him the usage.

Chairman Nestorowicz thanked him for those comments. This is a public hearing, is there anyone

in the audience wishing to speak on this item. If so, please approach the podium. Let the citizen speak at the podium. If you could also state name and address prior to comments.

Danielle Taylor appeared before the board stating she is the owner operator of said building at 27440 Hoover Road, which Mr. Gerguri wasn't aware of it being zoned for massage therapy. However, under the dental office was Allied Health, massage therapy falls under Allied Health, it's actually one of the first things under Allied, but because it's stated as massage therapy. It's not separate, but people don't know massage therapy falls under Allied Health. She's not sure when they told them it wasn't zoned for massage therapy.

Chairman Nestorowicz thanked her for those comments. Any other comments from the audience.

No response.

Chairman Nestorowicz closed the public portion and turned it over to the board for questions and discussion.

Board Member Sophiea said he probably has a silly question here; he doesn't recall seeing the PB district before.

Chairman Nestorowicz asked Steve to step forward. Doesn't PB stand for pedestrian business?

Steve Watripont said PB stands for professional business. The PB district zone allows for basically back in the day when a doctor worked out of their house. They could live there and do this. It's mostly medical, law, CPA's, people that would work so it could be a house, it could be a specific business which is very limited to those type of professions, or it can be an office that falls under certain things as well without a house.

Board Member Sophiea thanked him.

Chairman Nestorowicz wants to add on to that question. So, a massage therapy business would fall under what kind of zoning normally.

Steve Watripont replied it would fall under a C-2.

Chairman Nestorowicz asked for any other questions or discussion.

Board Member Sylvester stated to the petitioner. Their drawing he's looking at, park survey, lower level, existing upper level. All he sees is bathroom, corridor, and all suites. It doesn't say what's in them, what they're actually going to be doing.

Shuajb Gerguri explained there are five (5) suites. Suite A is massage therapy, used to be a dental. He has another occupied office which is...

Board Member Sylvester said those are pretty big suites, what's going to be in them?

Shuajb Gerguri replied home care, use to be, now they're vacant. The building being split floor,

many medical professionals cannot use them, because it's hard for handicapped accessible people. It's split floor, it goes either up or down, it's not flat.

Board Member Sylvester said roughly looking at it, he has twelve (12) different rooms right here. How many customers, what are they going to be doing, where are the orders going to be coming from, are doctors going to be sending patients, what's going to go on here.

Chairman Nestorowicz wants to revise that question. So, out of all these suites, what are they occupying? They're not occupying all of this, is he?

Shuajb Gerguri replied no, it's only two (2) occupied. Three (3) are vacant.

Chairman Nestorowicz asked which suite they're occupying.

Shuajb Gerguri explained suite A is massage therapy, which use to be a dental office. There are three (3) rooms, office, corridor and bathroom.

Chairman Nestorowicz asked that's what he's occupying.

Shuajb Gerguri replied yes.

Chairman Nestorowicz asked the other ones are either vacant or are they occupied.

Shuajb Gerguri repeated they're vacant and downstairs he has one (1) occupied, which is suite D.

Chairman Nestorowicz asked that's not a massage business.

Shuajb Gerguri said no, that's accounting.

Board Member Sylvester asked where their patients are going to be coming from. How do they get them?

Danielle Taylor explained she has been in business, originally, she was coming from Roseville. It's at Kely and Frazho medical area, street signage also, Google medical massage therapy and she's also an esthetician, so mainly social media, advertising and marketing is where she gets her clients from. She does medical massage, so now she had to get an NPI number so that she can offer massage therapy to auto injury clients, physical therapy clients. The doctor has to give them a prescription to come there for massage therapy. Esthetician is like a spa, more so a spa. She offers massage therapy and esthetics. Facials, waxing, massage therapy.

Board Member Sylvester asked her to give him the definition.

Danielle Taylor explained an esthetician is a skin specialist. Almost, just under dermatologist, so they work with the skin and provide care to purifying their face. You know, pimples, stuff like that. It's more so in the beauty field.

Board Member Sylvester asked if she's a dermatologist.

Danielle Taylor said no, she's an esthetician, but she's just trying to give him a better example of it. They just don't write Rx. The dermatologist will write an Rx if they have something. She'll clean the skin, wash their face. She is licensed to wash their face.

Board Member Sylvester asked if there's any certificates.

Danielle Taylor explained there is. She's licensed by the State of Michigan for esthetician license, also licensed through the State of Michigan for massage therapy.

Board Member Sylvester asked if she's looking to expand this. He was saying she's only going to be using two (2) rooms.

Danielle Taylor said she is pretty successful. She has a great following cliental right now as she's been in business, like she said, since 2013. She started off in Roseville and she found Mr. Gerguri. As far as the rooms and the way they're set up, the suite is one (1) whole suite. It's one (1) suite upstairs and it's 1, 2, 3, 4 rooms up there. A kitchenette and a bathroom. Just to explain, when going into her suite she has an esthetic room, a message therapy room, and the other room is where the clients will sit at to wait for services or so, you know. Then there is a kitchenette. Board Member Sylvester asked if she has any contacts with any medical professionals or hospitals or anything that would be sending their patients to her for any kind of treatment.

Chairman Nestorowicz said it's not really related.

Danielle Taylor is looking to expand like that since she does have an NPI number where she's able to bill. She's marketing and looking for avenues to find so she can stay in business as long as she can and to grow more medically.

Board Member Sylvester said right now she has no connections with anybody.

Danielle Taylor said when he says connections, she's not understanding.

Chairman Nestorowicz told Mr. Sylvester that doesn't have a variant to the business being run here.

Board Member Sylvester said it does. Thank you.

Board Member Sophiea has no problem with the tenant's business. It's been a vacant building for many years. He would just be happy to have someone in that building and he hopes she has much success with her business. If there aren't any other comments, he would like to make a motion to approve this.

Motion:

Board Member Sophiea made a motion to grant permission to operate a massage therapy and esthetician business in a PB District.

Reasons being: Size and shape of the lot; Not a detriment to the area; Not self-imposed.

Secretary Jerzy supported the motion.

Chairman Nestorowicz said they have motion by Mr. Sophia, support by Mr. Jerzy to approve the request for the reasons stated in the motion.

Roll Call:

A roll call was taken on the motion. The motion carried (6 – 2).

Board Member Sophia	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Board Member Clift	No, self-imposed.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Sylvester	No, self-imposed.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request was **APPROVED** as written.

Chairman Nestorowicz checked to make sure they had six (6) yes votes due to it being a use variance. Just wanted to make sure they were covered.

14. PUBLIC HEARING: **APPLICANT: Matthew Lockhart**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 25800 Flanders
LEGAL DESCRIPTION: 13-24-331-001
ZONE: M-2

VARIANCES REQUESTED: Permission to

- 1) Allow 15,203.6 square ft. of outdoor storage when 2,000 square ft. is allowed.
- 2) Allow open storage no less than 26 feet from the front property line.
- 3) Allow storage, parking and maneuvering on a non-hard gravel surface.
- 4) Retain existing 8 ft. high chain link fence/gate that extends from the building at the front building line to the south property line.
- 5) Retain existing chain link fence (permitted on 11/30/1982 #13356) that extends 26 ft. past the front building line to the front (west) property line and extends along said property line approximately 65.6 ft.
- 6) Retain existing chain link along the south property line that extends past the front building line to the front property line.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards: (S) Open storage other than junk. The designated area shall always be hard surfaced and screen 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 the minimum requires 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. In M-1 and M-2 zones the designated area shall not be located any closer than seventy-five (75) feet to the front

property line.

Section 4.32 – Off-street Parking Requirements: (K) All off-street parking areas shall be provided that adequate ingress and egress, shall be hard surfaced with concrete or plant-mixed bituminous material (base may be stabilized gravel or equivalent).

Section 4D.39 – Location: All fences and walls constructed or installed between lots shall not exceed a height of six (6) feet above the average grade of the two (2) adjoining lots and shall not extend closer to the front lot line than the established building line or front setback line.

Section 4D.38 – Height: Obscuring walls and fences in non-residential zones shall not exceed six (6) feet in height.

Chairman Nestorowicz asked him to start with name and address for the record, and then take the board through the request.

Matt Lockhart, 17400 Penrod, appeared before the board. He's here about 25800 Flanders, representing Lockhart Landscaping. They're trying to get a variance on the outside storage to be able to use for the business that he does. 25800 Flanders is directly across the street from the recycling center also. Just so it gives the board an idea where, it's a dead end street. They're right there. Jim, the engineer, is with him also to help with any other questions.

Chairman Nestorowicz thanked him for that. This is a public hearing. Is there anyone in the audience wishing to speak on this item.

No response.

Chairman Nestorowicz closed the public portion and turned it over to the board for question and discussion.

Board Member Clift asked the petitioner to expound a little bit on what they're going to store there besides the lawn service equipment or vehicles.

Matt Lockhart explained he's all year service. They do winter stuff, also. So, plows, trailers, trucks.

Board Member Clift will just cut to the chase. Is he going to store any debris.

Matt Lockhart replied no.

Board Member Clift asked limbs.

Matt Lockhart replied no.

Board Member Clift asked leaves, rubbish, trash.

Matt Lockhart said no, they have the recycling center right next door.

Board Member Clift said he had to ask. Just to get a little bit of a more clear thing of what's going on. That's all he wanted to know about, Mr. Chairman. He'll yield the floor. He doesn't have an objection to any of it by the way, but he'll yield the floor.

Chairman Nestorowicz said when someone makes a motion, he would like to have the motion where it talks about open storage, maybe define what the storage is going to include. That wasn't clear. That's his only comment.

Board Member Clift said if nobody else has anything he can maybe adapt what he's talking about and make a motion. Basically, say implements and equipment. Would that be fair?

Chairman Nestorowicz said if Mr. Clift makes the motion and unless the petitioner says he needs to add something to that then they can go forward.

Board Member Clift said they don't want a storage spot for junk there like vehicles, trash, accumulations. Now, if he's got a guy coming in late with a trailer full of not piling it up. If it's on the vehicle and they're going to take it across the way the next day, that's one thing. They don't want to see an eyesore develop or grow out of the outside storage. He thinks they're all in agreement on the board. That's kind of like their only real concern with granting anything to do with that. So, let's see what they're going to talk about here. Change number 3 to read something to the effect of allow storage of implements, vehicles and equipment, parking and maneuvering. Is that what we're looking for? Or allow 15,203.6 square feet of outdoor storage of implements, equipment and vehicles, does that work for everybody? Does that sound good?

Motion:

Board Member Clift made a motion to grant permission to:

- 1) Allow 15,203.6 square ft. of outdoor storage **of vehicles, trailers, and assorted landscaping equipment** when 2,000 square ft. is allowed.
- 2) Allow open storage no less than 26 feet from the front property line.
- 3) Allow storage, parking and maneuvering on a non-hard gravel surface.
- 4) Retain existing 8 ft. high chain link fence/gate that extends from the building at the front building line to the south property line.
- 5) Retain existing chain link fence (permitted on 11/30/1982 #13356) that extends 26 ft. past the front building line to the front (west) property line and extends along said property line approximately 65.6 ft.
- 6) Retain existing chain link along the south property line that extends past the front building line to the front property line.

Reasons being: Not a detriment to the area; Size and shape of the lot.

Board Member Perry supported the motion.

Chairman Nestorowicz said they have motion by Mr. Clift, support by Mr. Perry to approve the request as stated in the motion by Mr. Clift for the reasons stated. Roll call.

Roll Call:

A roll call was taken on the motion. The motion carried (7 – 1).

Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.

Board Member Sylvester	Agrees with 4, 5 and 6, but 1, 2 and 3 he believes they're past the variances and what ordinances allow, so he votes no.
Board Member Sophiaea	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request was **APPROVED** with the previously mentioned condition.

15. PUBLIC HEARING: **APPLICANT: Ginkgo Property Group LLC -USE-**
REPRESENTATIVE: MD Haque
COMMON DESCRIPTION: 11 Mile
LEGAL DESCRIPTION: 13-20-227-001
ZONE: C-2

VARIANCES REQUESTED: Permission to -USE-

- 1) Allow a multi-family dwelling, 4 units in a C-2 zone. **USE**
- 2) Allow a lot area of 12,600 square ft. when 19,200 square ft. is required.
- 3) Construct a multi-family dwelling without the required basement.
- 4) Construct a building in the front yard setback, no closer than 25' from the front (west) property line.
- 5) Construct a building in the side yard setback, no closer than 25' from the side (north) property line.

ORDINANCES and REQUIREMENTS:

Section 14.01 – Uses Permitted: In all C-2 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: (A) All uses permitted in C-1 districts, except dwellings for one-family, two-family and multiple-family in which the occupants primarily make their home twelve (12) months out of each yard.

Section 10.03 – Lot Area: Every lot in an R-3 district on which a multiple family dwelling is to be erected shall provide a minimum lot area of seventy-two hundred (7,200) square feet for the first living unit, and not less than four thousand (4,000) square feet of lot area for each additional efficiency unit or dwelling unit with one (1) or two (2) bedrooms, including dens, libraries, and/or any other rooms outside kitchen, living or dining room (except bathroom) exceeding eighty (80) square feet, not exceeding one hundred fifty (150) square feet to be counted as one (1) room, and not less than five thousand (5,000) square feet for each additional three (3) or four (4) bedroom unit.

Section 4.26 – Size of Residential Dwellings: Every principal building within a multiple-family development shall be provided with a full basement as defined in Section 2.02 of this ordinance, except high rise apartment residential buildings.

Section 10.04 – Front Yard: Each lot in R-3 districts shall have a front yard of not less than twenty-five (25) feet in depth for a one (1) story building plus ten (10) feet for each additional story or portion thereof.

Section 10.07 – Side Yard Abutting Upon A Street: In R-3 districts the width of side yards abutting upon a street shall be not less than twenty-five (25) feet.

Chairman Nestorowicz asked them to start with their name and address, then take the board through their request.

MD Haque, 44073 Ginkgo, appeared before the board stating he represents Ginkgo Property Group. They are the applicant requesting the variance for a proposed development that was approved by the Planning Commission.

Secretary Jerzy asked him to bring the mic closer to him.

Chairman Nestorowicz asked him to talk closer to the microphone.

MD Haque explained they're the applicant requesting variance for a proposed development that was approved by the Planning Commission on the August 21st meeting. The approved finding and recommendation were attached with the application for their reference. Just to give the board some of the backgrounds and information they acquired this land about a year ago. Right after, they worked very closely with the Planning Department with the assistant from the zoning to come up with the proposed plan before it was approved by the Planning Commission. There are lots of similar developments surrounding this area that are very similar to their plans. Also, it was welcomed by the neighbors to be used as residential rather than commercial on the meeting. This building structure only covers eighteen (18) percent of the total land mass. Which means, they'll have plenty of open area, lawn and more than required recreational space surrounding this development. Also, this lot is very unique. It is a corner lot on a side street of a major road. There are vacant parcels to the east, they're the twenty (20) feet public alley to the south. To the west there's a side street and to the north is Eleven Mile Road. Thus, creating large distance in between with the neighbors. Which will ensure that the proposed plans will not deprive or distract anyone of space, view, or any other enjoyment that they currently already have and continue to do so. The proposed development has access in and out from Eleven Mile Road. So, therefore, it will also not place any extra traffic burden on the side street or to the other neighbors who are close to it. All in all, this will be a great structure, the proper plan for the place, it will fill the void of the vacant land with the structure matching its surrounding, it will ensure safety of the location, will add to the beauty of the area and raise higher property values for the neighborhood. They have completed all the revisions on the plan as per the recommendation of the Planning Commission approval and they're here tonight seeking the variances, which are also part of this recommendation.

Chairman Nestorowicz thanked him for that explanation. This is a public hearing. Is there anyone in the audience wishing to speak on this item? Please approach the podium. Let the resident give her comments. Start with name and address for the record.

Kristine Kempton, 26759 Blackmar, appeared before the board stating she's about three (3) parcels down from the end of the road here. Her husband and her have been researching this, and she downloaded the whole packet, so she has all the same information.

Board Member Clift asked her to speak a little closer to the microphone please.

Kristine Kempton explained her husband and her have been researching this and looking at all of the different comments that have been made about this, and it seems as if the variances they're asking for are just counter intuitive to all of the laws that are already put in place. She means, it

clearly says with all the things that they're asking for, that they simply don't have the square footage that is necessary. So, on the math of this, they only have about sixty-six (66) percent of the square footage that's necessary for the number 2 variance that they're asking for with the requiring 19,200 square feet. They moved to this neighborhood because it was close enough to all of the access, they needed for all the different roads and they liked it because it was kind off the beaten path and it looked like an extremely safe area to be able to raise their children in. She's concerned that not having the proper amount of square footage could just lead to more and more traffic along the side road, which is the road that her kids live on. Ordinarily, they play in the backyard, but sometimes they want to play in the front yard so they can ride their bikes. She wasn't able to talk to all of her neighborhood prior to this meeting. She did speak to a few different neighbors who said they weren't able to be at the meeting tonight and gave them the information if they wanted to give their opinion on it. She doesn't know if any of them did or not, but it just seems they knew it wasn't going to be large enough and they still proceeded with purchasing. Maybe they didn't know prior to purchasing, she's unsure of that, but they even state in their paperwork here that changing the dwelling to fit some of these criteria without having to have as many variances requested would make it an unreasonable investment, she believes are the exact words that they used. Which sorry, that's not her problem. If the investment wasn't exactly what they thought, it was going to pan out to be.

Board Member Higgins asked if he could make a comment.

Chairman Nestorowicz said to actually let her finish.

Kristine Kempton said she was finished.

Board Member Higgins thought she was getting there.

Chairman Nestorowicz closed the public portion of the meeting and turned it over to the board for questions and discussions.

Board Member Higgins is going to bullet point what he thinks she's saying is that this whole thing seems to be self-imposed. They bought it, and if their idea was to make it a four (4) unit dwelling, he doesn't think he did very good homework. He's asking for a bunch of variances, and they're substantial. So, he's not in favor of this right on the face of it. That's his two (2) cents worth. He wanted to get that comment in early and he'll yield the floor to his colleagues.

Chairman Nestorowicz said a comment he would actually like to make, the property is actually zoned C-2. He thinks the commercial use on that property as it's zoned would actually be more detrimental to the neighbors than a residential. That is zoned commercial, and they could build a commercial property there. It has all these variances because they're trying to put a residential use into a commercial area. His personal comment is commercial would be more detrimental to the area than residential.

(Inaudible)

Chairman Nestorowicz said exactly, but that's just his comment. It's hard to hear him, his microphone was off.

Board Member Clift will echo his sentiment about maybe a commercial use being more of a detriment to that area, but he could maybe get behind this if it was a single family home or something on that line and not requiring this laundry list of variances in order just to put an apartment house in on it. A couple of things maybe not so bad, but most apartment houses are apartment dwellings. They're required to have a basement for a reason. Mechanicals, utilities, and sometimes storage for the tenants. Where are these people going to put their excess stuff. Are they going to start piling stuff outside, erecting plastic sheds around the place? He's not in favor of the idea at all. He agrees with Mr. Higgins. He thinks the entire thing is self-imposed, and he's not in favor of it. He yields the floor.

Board Member Sylvester stated with regard to what his other two board members have expressed. 1, 2, and 3 doesn't fit. It's a residential area. They have ordinances and variances for a reason, but to go ahead and change everything just so they can put a four (4) unit, housing unit there, he doesn't think it's a good idea. He doesn't think it's a good fit and he's not in favor of it.

Secretary Jerzy stated if no other board members have anything else to say he would like to make a motion.

MD Haque asked if he would be able to say something.

Chairman Nestorowicz explained if there is a question directed towards him, he could. Does Mr. Jerzy have a question directed towards the petitioner?

Secretary Jerzy replied no.

Board Member Higgins asked the petitioner if he has anything else to say.

MD Haque said if they look at the neighborhood itself, right. Let's take Eleven Mile and Albany, this is about 500 feet. Looking at the development there, same lot, it's actually smaller, there's a seven (7) unit, which developed the lot. When they purchased it, obviously it's commercial, there could be a party store there, there could be a car wash in a C-2. Anyways, they wanted it to be residential to match the area. If they look at Eleven Mile all in all, especially that side, it's relatively quiet. Majority of it is filled with single family residential and multi-unit. They took their ideas to the Planning. With Planning and Zoning, they came up with the proposed plan. If the board looks at the other developments, they're very similar to what they have. The structure itself only covers eighteen (18) percent of the land. The rest is a parking lot. They have some of the most necessary setbacks, especially the one in the back. The other lot is vacant. There's a twenty (20) feet public alley in the back. So, this is very much far away. Also, the access in and out is to Eleven Mile Road, so this is not touching Blackmar. There will be no traffic in and out. All in all, it will develop the land and the area itself. It will be better for the neighborhood. It will raise the property value for the neighborhood, rather than having something vacant.

Chairman Nestorowicz stated he hopes that answers his question Mr. Higgins. If there is no other discussion.

Board Member Sylvester said he doesn't know if it's going to increase the value of the

neighborhood or be good for the neighbors. He wants that so he can build this. These people live in the neighborhood, they know what they want, they know what they would agree to, they know what... he doesn't want to comment. You know what, they have something to say about their neighborhood. He has 1, 2, and 3 are going away from all the ordinances.

MD Haque said the same development on Albany and Eleven Mile were granted the same variance. If they take his, divide up the 12,000 square feet by four (4), it gives him 3,000 square feet per unit. Eleven Mile and Albany, this was done back in 2008, they have 2,900 square foot per unit and there are seven (7) units there. So, if looking at Eleven and Hoover just recently, 29511 Hoover, seven (7) units on 22,000 square feet, which is around same square footage as him. There is a seven (7) unit there. They are way high, three (3) story building over there. So, they must have had lots of variances.

Chairman Nestorowicz asked if that answered Mr. Sylvester's question.

Board Member Sylvester said no. He doesn't care what's on Hoover. What he cares about is what's on Eleven Mile Road and what's in this neighborhood for these people.

MD Haque said Albany and Eleven Mile...

Board Member Sylvester said no, he doesn't want to hear anymore. He's not in agreement with this, and he will be voting no.

Chairman Nestorowicz asked Mr. Jerzy if he had a motion he wanted to make.

Motion:

Secretary Jerzy made a motion to deny the petitioners request to:

- 1) Allow a multi-family dwelling, 4 units in a C-2 zone. **USE**
- 2) Allow a lot area of 12,600 square ft. when 19,200 square ft. is required.
- 3) Construct a multi-family dwelling without the required basement.
- 4) Construct a building in the front yard setback, no closer than 25' from the front (west) property line.

Reasons being: There is a reasonable burden to the surrounding neighborhood; Self-imposed by the property owner; The property is not unique to grant the variances requested; He does believe it's a detriment to the area; He does believe it's economic; He doesn't believe it's necessary. With all five of those not being filled, he makes the motion to deny.

Board Member Clift supported the motion.

Chairman Nestorowicz said they have motion by Mr. Jerzy to deny, with support by Mr. Clift. Therefore, a yes vote is a yes to deny for the board.

Roll Call:

A roll call was taken on the motion. The motion carried (8 – 0).

Secretary Jerzy

Yes, to deny.

Board Member Clift	Yes, to deny.
Board Member Sophia	Yes, to deny.
Board Member Sylvester	Yes, to deny.
Board Member Sieracki	Yes, to deny.
Board Member Perry	Yes, to deny.
Board Member Higgins	Yes, to deny.
Chairman Nestorowicz	Yes, to deny.

The petitioner's request was **DENIED** as written.

16. NEW BUSINESS

None.

17. ADJOURNMENT

Motion:

Board Member Clift made the motion to adjourn the meeting, Supported by Secretary Jerzy.

Voice Vote:

A voice vote was taken. The motion carried (8 – 0).

The meeting adjourned at 9:26 p.m.

Paul Jerzy
Secretary of the Board