

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
NOVEMBER 13, 2024

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, November 13, 2024 at 7:30 p.m. at the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

David Sophiea, Chairman
Roman Nestorowicz, Vice-Chairman
Paul Jerzy, Secretary
Charles Perry, Assistant Secretary
Charles Anglin
William Clift
Kevin Higgins
Shaun Lindsey

Members of the Board absent:

None

Also present:

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

A roll call was taken and all members were present.

4. ADOPTION OF THE AGENDA

Motion:

Secretary Jerzy Secretary Jerzy made a motion to move 7 on the agenda and make it 9a. That's the only change to the agenda; Supported by Board Member Anglin.

Voice Vote:

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

Motion:

Board Member Anglin made a motion to approve the agenda as revised; Supported by Board Member Clift.

Voice Vote:

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

5. APPROVAL OF THE MINUTES of the Regular Meetings of September 25, 2024 and October 9, 2024.

Board Member Clift stated he had an opportunity to review the minutes for September 25th.

Motion:

Board Member Clift made a motion to approve the minutes of September 25, 2024; Supported by Board Member Perry.

Voice Vote:

A voice vote was taken. The motion carried (7 – 0). (Chairman Sophiae abstained.)

Board Member Clift had the opportunity to review the October 9th minutes in totality. He didn't find any issues or errors.

Motion:

Board Member Clift made a motion to approve the minutes of October 9, 2024; Supported by Board Member Perry.

Voice Vote:

A voice vote was taken. The motion carried (7 – 0). (Secretary Jerzy abstained.)

6. PUBLIC HEARING:

APPLICANT: John Ashaka

(Rescheduled from 10/9/2024)

REPRESENTATIVE:

Firas Shuker

COMMON DESCRIPTION:

5273 Ten Mile

LEGAL DESCRIPTION:

13-20-454-017

ZONE:

C-2

VARIANCES REQUESTED: Permission to

Retain 100% sign coverage on nineteen (19) windows.

ORDINANCES and REQUIREMENTS:

Section 4A.28 – Window Signs: In addition to other applicable zoning requirements, a responsible party shall comply with all of the following requirements.

(A): Total non-illuminated window signage shall not exceed 50% percent of the window where it is placed.

Chairman Sophiae said good evening. Please start with name and address for the record.

Firas Shuker appeared before the board stating his address, 5273 East Ten Mile Road.

Chairman Sophiae welcomed him back and asked if he would like to tell the board about his revised request.

Firas Shuker discussed the matter with this brother. They're going to go with fifty (50) percent of the entire windows coverage and they can put anything. It doesn't have to be a regular, they can put advertising or something.

Chairman Sophiea stated this is a public hearing. Is there anyone in the audience who wishes to speak on this item?

No response.

Chairman Sophiea closed the public portion of the meeting and turned it over to the board for discussion. He wanted to bring up a point madam attorney brought up. He believes the zoning ordinance, as she indicated, fifty (50) percent of window covering is allowed already. Can we confirm by the zoning department?

Firas Shuker explained fifty (50) percent was already approved, but on each individual window. They discussed last time they can make fifty (50) percent of the entire windows in one spot, because he has so many windows if they get fifty (50) percent of each individual window it will be not nice around. So, they told him he can pick fifty (50) percent of his entire windows or he can get one hundred (100) percent without advertising. Those were the options he got last time and he's picking the one with fifty (50) percent where he can advertise as well.

Chairman Sophiea asked that he wanted to reduce the number of windows by fifty (50) percent, but the windows he is keeping covered one hundred (100) percent.

Firas Shuker replied yes. The fifty (50) percent he can put something in the middle, like one piece of advertising. So, it doesn't have to be fifty (50) percent of each individual window.

Steve Watripont explained that will still need the boards approval to be one hundred (100) percent of fifty (50) percent of the windows.

Chairman Sophiea said if he wanted to make... He guesses it gives him some flexibility then.

Secretary Jerzy asked that the motion would read one hundred (100) percent of fifty (50) percent of the windows.

Chairman Sophiea said he guesses they could say if there's nineteen (19) windows in the request.

Secretary Jerzy said eight (8) windows.

Chairman Sophiea said eight (8) windows.

Secretary Jerzy asked if they'd rather go with fifty (50) percent of...

Board Member Clift was just trying to figure out how that was going to be done. He thinks he's got a grasp. Is he to understand they're allowing one hundred (100) percent coverage on only windows.

Chairman Sophiea stated that's his understanding, yes.

Board Member Anglin worded it as fifty (50) percent of coverage where ever he wants to place it of the total square footage of windows.

Secretary Jerzy said no, fifty (50) percent of the one hundred (100) percent. Correct?

Firas Shuker explained the way he's looking at it. Because it's a little different when looking at it. The windows are up and down and so many different levels. He was trying to get whatever square footage he has on the entire front building. He's trying to get fifty (50) percent. He calculated and only used fifty (50) percent of it as an advertisement. Of course, he's going to tint the rest because it's not going to look nice. He's going to try to tint the rest with something.

Board Member Clift asked if they're back to fifty (50) percent coverage on nineteen (19) windows.

Jennifer Pierce explained the way she understands it. He wants to put one hundred (100) percent coverage on fifty (50) percent of the windows.

Firas Shuker replied now.

Board Member Anglin said no, because they're smaller windows. Different sizes. So, he'll be able to cover fifty (50) percent of total window space, placed wherever he wants to place it.

Steve Watriont explained it could cover the side of three (3) windows, or whatever, so what he wants is fifty (50) percent coverage, like Chuck said of wherever the total window space, is what he's understanding. The applicant agreed and Chuck agrees.

Chairman Sophiea asked the ordinance says he can cover fifty (50) percent of each window.

Steve Watriont replied correct.

Chairman Sophiea said the boards motion will just give him the flexibility to cover fifty (50) percent of the total glass.

Board Member Clift said that's how he was going to say it.

Chairman Sophiea thanked him.

Board Member Clift asked if anybody has anything else, he'll make a motion.

Chairman Sophiea said please do.

Motion:

Board Member Clift made a motion to allow fifty (50) percent sign coverage on the total front window space.

Reasons being: Not a detriment to the area; Will be appealing on the front of the building.

Board Member Anglin supported the motion.

Chairman Sophiea said they have a motion by Mr. Clift, with support by Mr. Anglin to approve the request as read.

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 Anglin	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Lindsey	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 Sophiea	Yes, for the reasons stated in the motion.

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

7. PUBLIC HEARING: **APPLICANT: Carole Riggio**
REPRESENTATIVE: John Dinardo
COMMON DESCRIPTION: 29120 Dover
LEGAL DESCRIPTION: 13-11-479-003
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Construct a 14' x 21' (294 square ft.) awning in the rear yard in addition to a 8' x 8' (64 square ft.) shed and a 399 square ft. attached garage for a total of 757 square ft. of accessory structure floor area.

ORDINANCES and REQUIREMENTS:

Section 5.01 – Paragraph (i) Uses Permitted: All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

This item was moved to 9a during the adoption of the agenda.

8. PUBLIC HEARING: **APPLICANT: Paul and Mary Crowley**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 32604 Tecla
LEGAL DESCRIPTION: 13-01-231-005
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Construct an attached carport 14' x 23' (322 square ft.) constructed on the north side of the dwelling to within 1' 1" of the property line and with a side yard on the south side of 5', having a combined width of both side yards of 6' 1" in addition to a 693 square ft. detached garage for a total of 1,015 square ft. of accessory structure floor area.

ORDINANCES and REQUIREMENTS:

Section 5.01 (i) – Uses Permitted: All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

Section 7.06 – Side Yards: All lots in R-1-C Districts shall have two (2) side yards, each having a width of not less than five (5) feet and the combined width of both side yards shall be not less than thirteen (13) feet; provided, that principal buildings on adjoining lots shall be located not less than thirteen (13) feet apart, provided the overhang shall not exceed twenty-four (24) inches, not including gutter. On lots less than sixty (60) feet in width, which were of record on the date of adoption of this ordinance, or on lots in a proposed subdivision which has received the approval of the City Council as to lot and street layout at the time of the adoption of this ordinance, a minimum side yard of three (3) feet and a minimum combined width of both side yards of eleven (11) feet shall be permitted, provided that the principal buildings on adjoining lots shall be located not less than ten (10) feet apart, and provided the width of the overhang shall not exceed twelve (12) inches, not including gutter.

Chairman Sophia asked the applicants to start with name and address for the record.

Paul Crowley and Mary Crowley stated their names and 32605 Tecla.

Chairman Sophia thanked them. Please tell the board about their request.

Paul Crowley would like to build a carport. That would cover their driveway. They have a double wide driveway. So, essentially it covers the entire property on the north side of their house. Their neighborhood is built with primarily attached garages to the side of the main living part of the building. The roof that they're proposing would be very similar to what everybody else's garage roof looks like. It's not going to be a flat garage, that's not what they're proposing. It's going to have a hip roof, that sort of thing. There will be no doors on it. It will be just a pass through. So, when they decided to investigate this, they didn't realize all the regulations that would be involved. That's kind of where they're at now. They would still like to be able to proceed with the project, if the board deems it ok. They think it would not be a eyesore for the subdivision. It's going to be very similar to what everybody else has there. It would be very helpful to them, as the board can see they're not getting any younger. They could stop the car there and unload whatever they're going to do in inclement weather. So, they're here to ask the board to give them variance, hopefully, so they can proceed with this project. Something they've had in mind for a long time. They're finally able to monetarily proceed with it. They were original people in that part of the city, extreme north east corner. The house was built for them. There was no other subdivisions within a quarter or three, maybe even a half mile of them at that time. So, they've been in there for over fifty (50) years. It's a nice neighborhood. They think they could still keep it a nice neighborhood. They would ask for the boards consideration and hopefully they would approve of it.

Chairman Sophia thanked him for those comments. This is a public hearing. Is there anyone in the audience who wishes to speak on this item?

No response.

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

Board Member Nestorowicz drove by this property, he took a look at all the houses to the north and south of them. All of them have attached garages up front. Having a carport will not stand

out on that side of the street very much at all. He sees no issue with this.

Board Member Anglin said if it was an awning setup, like an awning setup over it, he would not be in favor of it. This is actually, looks like the way, what he has there, its going to be constructed with a peaked roof, shingles that match the house, and he does understand the need for safety reasons. Not trying to get out of the car when there is snow or rain, especially at their age. They are very careful about that. He's going to put it as a big thing as being safety reasons for one of their residents. So, he has no objection to it.

Secretary Jerzy thought this was a pretty well thought through process and project. Instead of just deciding to throw up, you know, half hazard carport. You can tell they've been planning this for a long time just based off the sketch. He couldn't draw something like this from scratch. This is pretty impressive. He's always a firm believer people should be able to do what their property, to some degree, what they want to do with their properties. Especially, being life long citizens of the city as well. Within reason, you know. He thinks this is very tasteful addition to the house. It would probably add a little more value to their house when they decide to sell it. He's in favor of this. Doesn't see anything wrong with it. He'll yield the floor.

Chairman Sophia asked for any other comments from the board or possible motions.

Motion:

Board Member Anglin made a motion to give permission to construct an attached carport 14' x 23' (322 square ft.) constructed on the north side of the dwelling to within 1' 1" of the property line and with a side yard on the south side of 5', having a combined width of both side yards of 6' 1" in addition to a 693 square ft. detached garage for a total of 1,015 square ft. of accessory structure floor area.

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

Secretary Jerzy supported the motion.

Chairman Sophia said they have a motion by Mr. Anglin, support by Mr. Jerzy to approve the request as read.

Roll Call:

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

Board Member Anglin	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Lindsey	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 Sophia	Yes, for the reasons stated in the motion.

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

Mary Crowley thanked the board and asked if they can call a contractor.

Secretary Jerzy stated Steve will tell them what their next steps would be.

9. PUBLIC HEARING: **APPLICANT: Blanca Llamas**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 3765 Wasmund
LEGAL DESCRIPTION: 13-31-429-027
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Install 100 linear feet of 6' high black iron fencing along the front property line adjacent to the neighbors non-conforming fences.

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.

Section 4D.32 – Specifications for Residential Areas: Fences in residential areas shall not exceed four (4) feet in height ... except privacy fences allowed as provided in Section 4D.33 may not exceed six (6) feet in height.

Blanca Llamas introduced herself and her mom. Her English isn't so good, so she's here translating for her.

Chairman Sophia asked for her address, please.

Blanca Llamas replied 3765 Wasmund.

Chairman Sophia thanked her. Please tell the board about the request.

Blanca Llamas explained they want to put a fence in their front yard because her mom has a daughter. She has two (2) sisters. They have gone through stuff that is not safe for them. She's eighteen (18), she's scared for herself. There has been robberies, people coming into the house, people knocking on the door, pressuring them to open the door. They're just scared. They have a little dog also. They walk out to the mail, he'll run out. Just for their safety. That's pretty much it.

Chairman Sophia thanked her for those comments. This is a public hearing. Is there anyone in the audience who wishes to speak on this item?

No response.

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

Board Member Anglin stated they have reasons why they don't allow fencing in the line of sight in front of a house. He's not in favor of that even though it's a nice fence, but it's still in the line of sight in the front of the house. He has looked around that neighborhood, he doesn't see it...

It's not necessary. There are some places in Warren in the south end where there is no backyard. The house is built on the rear fence line basically. So, the front yard is their yard for the kids. He doesn't see that being this incident. He feels it's self-imposed, that putting that fence right up to the front... he's just not in favor of. His reasoning is that. Line of sight, the rules are there for a reason and it doesn't seem to be enough information here to waive that reasoning.

Chairman Sophiea explained there are other homes on that street that have a nonconforming fence in the front yard. He's not in favor of having the fence beyond the front build line. There's an argument that there's other homes there that have a similar fence on the sidewalk. He thinks the problem with that is at some point there's got to be a cleanup of that nonconforming fence in the neighborhood. He sees both sides of this, but ultimately the fence shouldn't extend past the front property line.

Board Member Anglin said they have to start this somewhere sometime. Eventually those homes will come in front of the board because they have to replace the fence. So, they don't have that grandfather setup with them any longer. As far as he's concerned, they need to bring that fence back for line of sight no further than the front of the house.

Secretary Jerzy tends to agree with Mr. Anglin. The houses they usually grant the front fencing, their front yard is their backyard. Where this particular property has an extensive backyard. The way the house sits to the front. He actually understands her security reasoning for wanting a fence. He thinks it would actually take away from the aesthetics of the property as well. Having a big wrought iron fence right across the front of it. It's a beautiful house. It's a nice big house. They have a great plot of land there. He might be in favor if she's coming before the board to replace the cyclone fence that's existing, but to just slap a wrought iron fence across the fence of the house, he's not in favor of it at this point. He'll yield the floor.

Board Member Anglin stated as a note on what he said. Especially, a six (6) foot high fence.

Chairman Sophiea said true.

Board Member Anglin said it's not like he wouldn't want to see any fence put up there, but especially not a six (6) foot high.

Chairman Sophiea said the neighboring fences that are nonconforming are mostly cyclone four (4) feet.

Blanca Llamas said if the board would be willing to give them the fence, even if it's four (4) foot, five (5) foot, they would accept that, too. There is children on her street that do not have a front fence. Their ball ran out to the street and they'll go out running. They'll have to break on the car like real hard. So, they wish for others to also have safety, not just them. They don't like when the ball goes out from the kinds and they'll have to break it because they ran out to get the ball.

Chairman Sophiea thanked her for those comments. You know, a question hasn't been asked by the board. They understand the safety concern they have, but it's the position of the board tonight. It sounds like they want the fence to be in line with the front of the house, and that still gives them the option of putting up a fence and securing their backyard and having a place for pets and kids and whatever else. Are there any other comments from the board?

Board Member Anglin would like to make a motion. Madam attorney make sure he phrases this properly.

Motion:

Board Member Anglin made a motion to deny installing 100 linear feet of 6’ high black iron fencing along the front property line adjacent to the neighbors non-conforming fences.

Reasons being: Self-imposed; Detriment to the neighborhood.

Board Member Perry supported the motion.

Chairman Sophiaea said they have a motion to deny by Mr. Anglin, support by Mr. Perry for the reasons stated. He said self-imposed and detriment to the area. A yes vote is to deny.

Roll Call:

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

Board Member Anglin	Yes, to deny.
Board Member Perry	Yes, to deny.
Board Member Lindsey	Yes, to deny.
Board Member Nestorowicz	Yes, to deny.
Board Member Clift	Yes, to deny.
Board Member Higgins	Yes, to deny.
Secretary Jerzy	Yes, to deny.
Chairman Sophiaea	Yes, to deny.

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

9a. PUBLIC HEARING:	APPLICANT: Carole Riggio
REPRESENTATIVE:	John Dinardo
COMMON DESCRIPTION:	29120 Dover
LEGAL DESCRIPTION:	13-11-479-003
ZONE:	R-1-C

VARIANCES REQUESTED: Permission to

Construct a 14’ x 21’ (294 square ft.) awning in the rear yard in addition to a 8’ x 8’ (64 square ft.) shed and a 399 square ft. attached garage for a total of 757 square ft. of accessory structure floor area.

ORDINANCES and REQUIREMENTS:

Section 5.01 – Paragraph (i) Uses Permitted: All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

Chairman Sophiaea asked the applicant to start with name and address.

John Dinardo appeared before the board stating he lives at 29095 Congress.

Chairman Sophia thanked him and asked him to please tell the board about his request.

John Dinardo explained the request is to rebuild the existing awning. It was the original awning that was behind the house. They were looking to build the exact same size awning. What happened is a couple years ago it had so much snow on the awning, the original aluminum awning, the awning collapsed. It took them this long to finally get insurance to approve the awning. In the process of getting the awning approved, the awning blew over the house and now it's no longer there no more. Regardless, they just want to go back to the same size it was before. No bigger, no smaller. There's a cement pad there already. Just trying to get it back the way it was.

Chairman Sophia thanked him for those comments. This is a public hearing. Is there anyone in the audience who wishes to speak on this item?

No response.

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

Board Member Anglin doesn't have an objection to this. He's looking at the aerial view of this and there is no trees or anything in that yard, there's no shade available for them. He thinks it considers to be a health hazard, too, if they don't have some shade or can't use the backyard. So, he has no objections to this.

Chairman Sophia said not to mention, it's a small deviation just fifty-seven (57) square feet.

Board Member Anglin said that's correct.

Chairman Sophia asked for any other comments from the board tonight.

Secretary Jerzy stated if nobody else has any comments he would like to make a motion.

Motion:

Secretary Jerzy made a motion to grant the petitioner permission to construct a 14' x 21' (294 square ft.) awning in the rear yard in addition to a 8' x 8' (64 square ft.) shed and a 399 square ft. attached garage for a total of 757 square ft. of accessory structure floor area.

Reasons being: Not a detriment to the area.

Board Member Anglin supported the motion.

Chairman Sophia said they have a motion by Secretary Jerzy, support by Mr. Anglin to approve the request as read.

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 Anglin	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Lindsey	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 Sophia	Yes, for the reasons stated in the motion.

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

10. PUBLIC HEARING: **APPLICANT: Michael Dorosz**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 2454 Cromie
LEGAL DESCRIPTION: 13-07-177-003
ZONE: R-1-B

VARIANCES REQUESTED: Permission to

Construct a 16' x 22' (352 square ft.) shed beyond the side building lines of the dwelling, in addition to 24' x 24' (576 square ft.) attached garage for a total of 928 square ft. of accessory structure floor area. Existing makeshift shed behind garage to be removed.

ORDINANCES and REQUIREMENTS:

Section 4.20 (a) – Detached Accessory Buildings: Such buildings shall conform to, and shall not project beyond, the existing side building lines of the principal building on the lot.

Section 4.20 (a) Item 5: That all accessory structures, excluding garages, will not exceed a total of 120 square feet.

Section 5.01 (I) – Uses Permitted: All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

Chairman Sophia said good evening and asked the applicant to start with name and address.

Michael Dorosz appeared before the board, 2454 Cromie.

Chairman Sophia thanked him and asked him to please tell the board about his request.

Michael Dorosz said life long resident of Warren. They were lucky enough to find this property about eight (8) years ago. Lovely one (1) acre property on a dirt road, which kind of like country living almost. He wishes to construct a sixteen (16) by twenty-two (22) shed/garage just for storage. They have a bigger property so he needs a tractor. His wife and him love gardening. Need tools for the gardening, storage. Winter time storage for all their outdoor patio equipment, patio furniture. If they have an overhead view of his property, where the shed is going to be constructed was a deteriorating pool. It was a sixteen (16) by twenty-two (22) with a deck all the way around. They did tear that down and that's where he does wish to construct the shed. Give it the same look as the house. Compliments with siding, roof shingles and same color. Landscape it nicely with a strawberry patch for his wife and a raspberry for the grandkids and that. That's pretty much it.

Chairman Sophia thanked him for those comments. This is a public hearing. Is there anyone in

the audience who wishes to speak on this item?

No response.

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

Secretary Jerzy said they have one (1) email from Neil Strefling: "We are his neighbors and have no objection. Please approve the variance requested." He wanted to read that into the record.

Chairman Sophiea thanked him.

Board Member Anglin stated when he first looked at this aerial view of this lot and where that shed was going to be at, he thought he was going to maybe construct an indoor pool there for a minute. He understands that. He has no objections. It's a large piece of property and he knows by maintaining a large piece of property they have to have certain equipment. He surely doesn't want it sitting outside through the winter. So, he firmly believes it's a necessary thing for this size lot.

Secretary Jerzy said he knows the one thing they always granted as a board is try to keep things out of sight. He was wondering if the petitioner would be open to having that shed within the build line, just to maintain the boards integrity as a board of trying to keep sheds in parameters of the side building line of the house. How much would that infringe on his backyard?

Michael Dorosz explained his property line is one hundred and fifty (150) feet wide. The house is pretty much set in the middle. So, the shed would almost have to be like in the middle of the yard. He doesn't think it would look...

Secretary Jerzy asked how many feet are they looking at difference from outside the line. They're looking at what...

Chairman Sophiea said he would have to shift it quite a bit.

Board Member Anglin said it's got to be thirty-five (35), forty (40) feet to have to shift it over.

Michael Dorosz said it's going to be eight (8) feet from the property line fence and the twenty-two (22) foot shed... he thought he had the measurement. It's probably going to sit ten (10) or fifteen (15) feet out of the property line of the house line.

Secretary Jerzy wanted to put it on the record that usually the board tries to, you know, but every property is unique to it's own. So, he just wanted to bring that up to the board. He'll yield the floor.

Board Member Nestorowicz sees no objection with this, because even though it's outside the site lines, it is such a large piece of property and you don't want to then be stuck with this shed right in the center of the yard. That will take away the enjoyment of the backyard.

Secretary Jerzy agrees.

Board Member Nestorowicz stated considering that was the place for the pool, it's like the pool was already outside the sight lines. He has no issues with it.

Board Member Anglin said if there's no other board members got anything, he would like to make a motion.

Chairman Sophiea said please do.

Motion:

Board Member Anglin made a motion to give permission to construct a 16' x 22' (352 square ft.) shed beyond the side building lines of the dwelling, in addition to 24' x 24' (576 square ft.) attached garage for a total of 928 square ft. of accessory structure floor area. Existing makeshift shed behind garage to be removed.

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

Board Member Nestorowicz supported the motion.

Chairman Sophiea said they have a motion by Mr. Anglin, support by Mr. Nestorowicz to approve the request as read.

Roll Call:

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

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Lindsey	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.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Sophiea	Yes, for the reasons stated in the motion.

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

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| 11. PUBLIC HEARING: | APPLICANT: Diane Strauss |
| REPRESENTATIVE: | Courtney Strauss |
| COMMON DESCRIPTION: | 23529 Lauren |
| LEGAL DESCRIPTION: | 13-25-402-027 |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to

Retain hard surface in front yard per plan.

ORDINANCES and REQUIREMENTS:

Section 4.06 – Yard Use: No part of any required yard, except a rear or side yard shall be used for any detached garage or any accessory building other than a garage or use, or for the storage of vehicles. Any portion of a lot in front of the front building line shall be used for ornamental

purposes only and nothing shall be placed thereon except trees, shrubs or items of similar nature.

Chairman Sophiea asked the petitioner to please start with name and address for the record.

Courtney Strauss appeared before the board, 23529 Lauren.

Chairman Sophiea thanked her. Please tell the board about the request.

Courtney Strauss explained they're looking to get a variance. Her mom met with a contractor over the plans of getting a new driveway put it. She asked about a permit and the contractor said no permit was needed for flat work. So, going forward cement got done and they got a notice from the city saying they were in violation. So, they're looking for a variance because according to the contractor they didn't need any permit or anything for the flat work. The driveway, both her mom and dad have medical issues. So, it's easier for them to get in and out of the vehicle to get to the house because of their ongoing medical issues.

Chairman Sophiea thanked her for those comments. This is a public hearing. Is there anyone in the audience who wishes to speak on this item? Please approach, sir.

Tom Brewer appeared before the board, 23423 Bolam. He liked to ask and understand...

Chairman Sophiea asked him to address the board.

Tom Brewer continued asking if they're paving the whole front of the yard. Is that what they're doing?

Courtney Strauss started to explain...

Chairman Sophiea stated there should be no dialogue between the petitioner and the neighbor. If he would ask the questions to the board and they will address it during their discussion.

Tom Brewer stated what it says here, you know, paving the front yard. The whole front yard turning that into a parking lot.

Chairman Sophiea said he'll address that during the boards discussion to get more detail.

Tom Brewer stated around there, there's several places that they have had garages built. They heat them, got them rented. In this letter they sent here, there's a place down the street that they got a post that there's four (4) more people there rather than mailing the individual thing to them. This is a residential neighborhood, this is not, you know... He's been by the place. It has a good size drive, he doesn't see why, unless they want just right in front of the door to get within a few feet. It just don't seem to make sense.

Chairman Sophiea said they'll get some clarity during their discussion. Any other comments he would like to add?

Tom Brewer said no other than it doesn't seem (inaudible). They have the ordinances the way they

are for a reason. This is quite a stretch.

Chairman Sophiea thanked him. This is a public hearing. Is there anyone else in the audience who would like to speak on this item?

No response.

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

Steve Watripont explained for the gentleman in the audience, the cement work was done by the contractor already. So, it is the existing cement work. It's not expanding anymore than what is there. From his understanding.

Chairman Sophiea asked while he was up there, what triggers the permit process? Was there something done with the approach or curb?

Steve Watripont replied yes, it's the sidewalk or approach, anything in front of the sidewalk or anything in front of it would require a permit. That's actually an engineering permit, not a Building Division permit.

Chairman Sophiea asked ordinarily you can extend the driveway.

Steve Watripont explained the ordinance doesn't allow to extend it past the sides of the garage, but flat work doesn't need a permit. So, he doesn't know where the disconnect with the building division was with all this.

Chairman Sophiea asked that the petitioner modified the sidewalk and the approach, which is triggering this.

Steve Watripont replied no. He asked the petitioner if she modified the approach.

(Inaudible)

Steve Watripont said there was some fill there, yes.

Chairman Sophiea said the petitioner can come back up to the podium. Thank you. The approach had some work done. He'll ask the petitioner to clarify.

Courtney Strauss stated with the approach, when the contractor brought in equipment, it was already cracked and it cracked it up even more. He dug it all out and replaced it exactly how it was.

Board Member Anglin said you have to pull a permit for that.

Chairman Sophiea said that's what usually requires the permitting process. Whatever they might approve today is going to require an inspection and it has to be up to the engineering standards.

Board Member Anglin said it's his understanding it looks like they went in front of the house a

couple of feet on the...

Courtney Strauss said they created a front patio for her to sit on, not a patio but a flat cement.

Board Member Anglin asked if it's in front of the house.

Courtney Strauss replied yes.

Board Member Anglin stated they need to have a variance on that, too. They can't put a driveway in front of the house. It can only be in front of the garage from what he's looking at here. The other thing is, since it's not just in front of the garage, they also widened it all the way back on the side of the garage. So, that's why they also need to be in front of us. His understanding, that's the major two (2) reasons. They expanded into the front of the house and they expanded it past the left side of the garage.

Steve Watripont added in the front yard. Yes. The part in front of the house would be considered flat work that is allowed for a porch to step up and a walkway to that. So, that is allowed as long as it doesn't go down to the sidewalk.

Board Member Anglin said if this aerial view is of what... oh, no this aerial view is not what has been poured yet.

Steve Watripont said no, it's the only aerial they had.

Board Member Anglin said the diagram shows where the house sits and it shows they extended probably two (2) feet or so all the way from the house to the sidewalk.

Steve Watripont said from the edge of the house straight down.

Board Member Anglin stated it's hard to tell, but that's the edge of the house then. So, they're not pouring cement in front of the house for a driveway.

Steve Watripont stated the other side.

Board Member Anglin said the only variance then he sees is the fact that they needed to get something from the board because of the cement that's poured on the left hand side as you're facing the garage because its outside the preview of the garage.

Chairman Sophia said it appears to be about thirteen (13) feet.

Board Member Anglin said thirteen (13) feet. They still have a fourteen (14) foot clearance, according this, from the edge of that to the fence line, property line. He doesn't see an objection to this.

Chairman Sophia doesn't have any.

Board Member Clift believes it's fourteen (14) inches.

Board Member Anglin said oh fourteen (14) inches, that is pretty close then. He said he has to get new glasses and apologized. Fourteen (14) inches. He still doesn't have an objection.

Chairman Sophiea doesn't have any issue with it. He thinks if the neighbor had an issue they would've been notified. That's not uncommon for the driveway or approach to be that close.

Board Member Anglin said not at all.

Board Member Clift asked if anybody else has anything or can he run it.

No response.

Motion:

Board Member Clift made a motion to give permission to retain hard surface in front yard per the plan submitted before this board.

Reasons being: Not a detriment to the area; Rather becoming to the property.
Board Member Anglin supported the motion.

Chairman Sophiea said they have a motion by Mr. Clift, support by Mr. Anglin to approve the request as read.

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 Anglin	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Lindsey	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 Sophiea	Yes, for the reasons stated in the motion.

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

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| 12. PUBLIC HEARING: | APPLICANT: Damon Jones |
| REPRESENTATIVE: | Same as above. |
| COMMON DESCRIPTION: | 31731 Schoenherr |
| LEGAL DESCRIPTION: | 13-02-427-035 |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to

Retain 145 lineal feet of 6' chain link fence in a R-1-C district.

ORDINANCES and REQUIREMENTS:

Section 4D.32 – Specifications for Residential Areas: All fences in residential areas shall be of an ornamental type. Fences in residential areas shall not exceed four (4) feet in height and may be constructed of either metal, iron, chain link, wire, ornamental aluminum, vinyl or solid

material construction such as wood, brick or masonry, except privacy fences allowed as provided in Section 4D.33 may not exceed six (6) feet in height.

Damon Jones, 31731 Schoenherr, appeared before the board.

Chairman Sophia asked him to please tell the board about his request.

Damon Jones received a rezoning for a daycare service at this particular address. In the backyard directly behind the building a playground was installed and a six (6) foot fence was installed under the daycare. They were notified they didn't rezone the backyard, it's still a residential area. Make sure it's on record that the backyard is also rezoned because it's still a residential R-1-C. So, they installed a six (6) foot fence, because the area is a major road and the dogs are walking, the kids in the area. So, they tried to make sure everything stay safe according to the daycare rules of having a fence.

Chairman Sophia thanked him for those comments. This is a public hearing. Is there anyone in the audience who wishes to speak on this item?

No response.

Chairman Sophia closed the public portion of the meeting and turned it over to the board for discussion. He does just want to clarify for the record that they're not here tonight to change the zoning designation for this parcel, they're here just about the variance for the six (6) foot chain link fence.

Secretary Jerzy asked the petitioner if they're just looking to retain the existing structure that's already behind the building in essence, right?

Damon Jones stated that is correct.

Secretary Jerzy said the other thing he wanted to add, too, since they've taken ownership of the property it's come a long way. The dirt is gone in the back. The lot is repaved. In their packets they have an extensive history of not cut grass, non-shoveled snow with past tenants of that property. As his business states it's Lovely Daycare, so they would like to keep that lovely outside as well. So, if they could. He just wanted to add that to the mix. Sometimes at that corner, he's lived in that area his whole life, it's been always crazy heightened with grass every spring, snow doesn't get moved. He knows there's people in that area with wheel chairs and stuff like that though. If he can just keep doing what he's doing over there and just keep the property great. He doesn't see anything that's off with this request. He'll yield the floor.

Board Member Anglin said the only thing he has is they had the fence installed.

Damon Jones explained they had to have it installed by the playground to make sure it meets all the standards.

Board Member Anglin asked if it was under his authorization to have it installed.

Board Member Anglin said just a word of wisdom, anytime you do anything on a piece of property

like that, there has to be permits pulled. So, anything that comes up in the future with he needs to pull permits for it, because if he would have went and asked for a permit, they would have told him this before he put the fence up. So, he just wanted to give him a little inside advice. The city is going to want it's piece of the pie for the permits. He probably shouldn't have said that, but they are. But be aware, they're watching. Thank you. He would like to make a motion if nobody else has any other comments.

Chairman Sophiea said please do.

Motion:

Board Member Anglin made a motion to give permission to retain 145 lineal feet of 6' chain link fence in a R-1-C district.

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

Secretary Jerzy supported the motion.

Chairman Sophiea said they have a motion by Mr. Anglin, support by Secretary Jerzy to approve the request as read.

Roll Call:

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

Board Member Anglin	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Lindsey	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 Sophiea	Yes, for the reasons stated in the motion.

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

13. PUBLIC HEARING: **APPLICANT: Babacar Tall**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 22545 Van Dyke
LEGAL DESCRIPTION: 13-33-230-027
ZONE: C-2

VARIANCES REQUESTED: Permission to

Erect two (2) 2' x 4' wall signs (8 square ft. each) on the south elevation, in addition to the existing 37.88 square ft. of wall signage on the east elevation for total of 53.88 square ft. of wall signage.

ORDINANCES and REQUIREMENTS:

Section 4A.35 (c) – Signs Permitted in Commercial Business and Industrial Districts: Total wall signage of a size not to exceed forty (40) square feet shall be allowed for each business in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.

Chairman Sophiea said good evening. Please start with name and address please.

Babacar Tall, 22545 Van Dyke, appeared before the board.

Chairman Sophiae thanked him. Please tell the board about the revised request.

Babacar Tall explained his business sits very close to Van Dyke. It is hard for traffic on north bound and south bound Van Dyke to see their sign without taking sign off road. He means, without taking eyes off road. He would like to take advantage of their parking lot wall to place signage for people going northbound to see. Last time he was here he applied for four (4) sign, and they proposed for him to have two (2). Without them signs they lose a lot of business because people cannot see them. Down the street about three (3) blocks there is another hair salon. So, when they pass them they go straight to the other hair salon and lose a lot of business.

Chairman Sophiae thanked him for those comments. This is a public hearing. Is there anyone in the audience who wishes to speak on this item?

No response.

Chairman Sophiae closed the public portion of the meeting and turned it over to the board for discussion. He does see the photograph in here. There were four (4) signs on the last request that they denied. It looks like he has two (2) of them marked out. So, he's reducing the number of signs by half.

Secretary Jerzy recalls offering a compromise of two (2) for four (4) last time the gentleman was here. He denied that request and wanted to go with the four (4). So, he just wanted to add that.

Chairman Sophiae personally has no problem with the two (2). That's what he recommended.

Board Member Anglin said he thought he recommended that at the last meeting and he came back with their recommendations for it so he see's no objections to this. If there is not anybody else that has a comment he would like to make a motion.

No response.

Motion:

Board Member Anglin made a motion to give permission to erect two (2) 2' x 4' wall signs (8 square ft. each) on the south elevation, in addition to the existing 37.88 square ft. of wall signage on the east elevation for total of 53.88 square ft. of wall signage.

Reasons being: Size of the building; Positioning of the building; Not a detriment to the area.

Board Member Perry supported the motion.

Chairman Sophiae said they have a motion by Mr. Anglin, support by Mr. Perry to approve the request as read.

Roll Call:

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

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Lindsey	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.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Sophiaea	Yes, for the reasons stated in the motion.

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

14. PUBLIC HEARING: **APPLICANT: Table 53 Pizzeria**
REPRESENTATIVE: Assaad Sobh
COMMON DESCRIPTION: 32270 Van Dyke
LEGAL DESCRIPTION: 13-03-151-046
ZONE: C-1

VARIANCES REQUESTED: Permission to

Petitioner seeks to erect two (2) 4' x 13' (52 square ft.) awnings with signage on them in addition to a 34 square ft. existing wall sign, for a total of 138 square ft. of wall signage.

ORDINANCES and REQUIREMENTS:

Section 4A.35 Paragraph (c) – Signs Permitted in Commercial Business and Industrial Districts (C-1, C-2, C-3, M-1 and M-2): Total wall signage of a size not to exceed forty (40) square feet shall be allowed for each business in commercial business and industrial districts zoned C-1.

Chairman Sophiaea said good evening.

Assaad Sobh, 32270 Van Dyke, appeared before the board stating he's here on behalf of Table 53.

Chairman Sophiaea asked him to please tell the board about the request.

Assaad Sobh explained the building was a former Taco Bell building. He purchased the building and he is the business owner. Turned it into a pizzeria. He did major renovations on the outside. The building has a drive-thru. The things it was facing when it was raining and the snow was coming. The drive-thru is flat, the entire arch is flat. The minute they go to open up the window and hand the food, the rain is pouring, it's getting on the boxes. Customers are exchanging money, same thing, their hands are getting wet. They're getting major complaints about their drive-thru when it's raining. People are coming in where they're putting a bag on it or things of that nature. What he's asking for is two (2) canopies professionally done to match the building, the colors. It would be four (4) feet out to cover. When the car pulls over to the drive-thru one of the employees will open the window, exchange the food and taking the money, there is no rain. The canopy will cover part of the car at the same time. In the front, the same thing. The issue is the minute they open that door there's nothing. The rain is immediately pouring over their heads and it's becoming a nuisance. He's seen on rainy days where they're having less traffic. They're

also approaching for an outdoor patio. They recently got their beer and wine license. It has become a tavern. It's really cozy inside. Having a patio on the outside will compliment it. So, on the canopy they're just asking it to say tavern on it so people know that it is a place where they can have a beer with their sandwich or pizza. The only sign he has on the building is on the side where it's facing Van Dyke. The front doesn't have any signage whatsoever. There's a total of four (4) arches on that building. Three (3) of them don't have anything on them besides lights. They'll dress it up real nicely and will compliment it being on Van Dyke.

Chairman Sophiea thanked him for those comments. This is a public hearing. Is there anyone in the audience who wishes to speak on this item?

No response.

Chairman Sophiea closed the public portion of the meeting. Turned it over to the board for discussion.

Board Member Nestorowicz is familiar with this building. He thinks the awnings would be good, because an awning over a drive-thru, he agrees to keep the rain away. He does have... The awning over the front door, having that say tavern and information he has no problems with the signage on that awning, because the entrance doesn't have a sign over it. So, that makes sense. The one over the drive-thru, even the wording, does not provide anything. The main name of the business Table 53 Pizzeria is on that wall. Having the awning say drive-thru and all that stuff is not needed. The awning, yes, but he's fine basically with the wordage on the awning over the door. He's not in favor of the wording on the awning over the drive-thru.

Chairman Sophiea said just keeping it a decorative element.

Secretary Jerzy serves along the same lines as his colleagues. He's not in favor of the tavern beer wine mixed spirits thing. He thinks if he just took Table 53 Pizzeria on either side it would be a little more tasteful awning. That's just his personal opinion. Then maybe in the future. He is kind of surprised he didn't put a sign over the main door. He's got the Table 53 Pizzeria on the one side, having it duplicated about the door he thinks it would enhance the building as well. That's a discussion for another day. He's not in favor of having the internal panel with tavern, beer, wine, mixed spirits and all that. Having the company logo that he has on there is fine, but he's just not in favor of the internal wording on the awning.

Chairman Sophiea would like to mention to the petitioner that he echoes the comments of his fellow board members here. He doesn't have a problem with the language over the door personally. He finds it a little odd that the only sign over that door is going to be the writing on the awning. Typically, awning isn't the signage on the building. It's just a decorative element. That was the first thing he noticed. The other thing he noticed, too, he doesn't necessarily have a problem with a little more signage on the property. If they look on the variance history here, the Taco Bell actually had 183 square feet of signage at some point. Of course some of it has probably been rescinded or whatever, but he's not sure. He guesses he'll ask the petitioners, are they trying to get more advertising and signage out of this?

Assaad Sobh explained they're just trying to let them know that forever it was Taco Bell, they opened up as a pizzeria and people think it's just a pizzeria. They're getting people when they

come to pick up their food they're surprised that there's beer and wine. While they're waiting for their order they're having a glass of wine or bottle of beer. He's excited for the patio. He has a full architectural, they're waiting on the survey to finish so they can submit to do in the spring. He's open minded. He just wants to cover the drive-thru. He has no problem taking the drive-thru, but believe it or not a lot of people still drive by and don't know that there's a drive-thru. If they're concerned about the writing at the drive-thru that can be eliminated. Mentioning the tavern is important to let them know that there is. They don't have it on the main sign by the road. It just says Table 53 Pizzeria. So, he really needs that tavern. They can take the mixed spirits out if they want. Just the tavern, beer and wine just to let them know.

(Inaudible)

Board Member Anglin said no.

Board Member Clift said Mr. Chairman.

Chairman Sophiea said to Mr. Clift he does just want to point out, he guesses the request here is about the awning and additional signage. He doesn't think it's up to the board to tell the petitioner what can and cannot be on the sign. The board's job is just to decide on the square footage of the signage they're going to allow. The wording and the text is up to the petitioner as he understands from madam attorney.

Board Member Clift was just going to echo that very sentiment. He doesn't think it's this body's place to dictate what is or isn't put on the signage request. They're just here to hear request about additional signage based on square footing. They've heard some pretty crazy things over the years, just different façade colors on a building dictates that they have to have a variance put in place for signage. So, he just wanted to chime in that he doesn't really think it's their place to dictate what it says. Just whether or not he can put it up there. He'll yield the floor. Oh, by the way, he has no problem with it. He thinks it's going to look great.

Board Member Anglin understands they can't do the verbiage that's on the sign. Saying that as he has no objections to the sign thirteen (13) by four (4) foot being over the front of the building, because of the width of the building, the size of the building that's facing it. The only objection he has is the sign over the drive-thru. If the reasoning for having an awning over the drive-thru so product and people exchanging money do not get wet, they don't need a thirteen (13) foot awning. His suggestion would be to cut that awning in half. Six and a half feet by four (4) foot, whatever verbiage he wants to put on it and the front awning will stay the same.

Assaad Sobh said sir, if he could, that window is pretty wide. They've tried numerous things when it would (inaudible) the sign that's already up there. At the same time, they would be surprised. Sometimes somebody in the backseat is paying instead of the front seat. They're on the phone to hand the credit card to the kids. If they look at it from that back window to the front, it would literally kill that look. He needs that size at the drive-thru more than he needs it in the front.

Board Member Anglin said his opinion at that point is it's self-imposed that he wants it that size. So, he's just letting him know what he personally would vote on it. He doesn't know what the rest of the board wants. Go ahead, Steve.

Steve Watripont explained the board can limit the size of the signage, it wouldn't limit the size of the awning. The board limit how much size of the signage can be on that one. So, if they wanted to limit that to a smaller one they could. Also, to correct, or not to correct but to clarify, the signage that Taco Bell had was mostly menu boards and ground signs, which wouldn't fall under the ordinance for wall signs. He thinks they're allowed three (3) seven (7) square feet wall signs on that building.

Chairman Sophiea thanked him for clarifying. He does just want to mention that he sides with the petitioner in terms of the size of the awning. He likes the length of it. When going through a McDonald's drive-thru or Starbucks drive-thru and it's pouring rain, it drives him crazy when the awning is four (4) feet wide and still get soaked on a windy day with the rain coming in from the side. So, he doesn't have a problem with that. Also, it looks like there is some decorative brick element that's about the same size of the awning. So, it makes sense that it would be that width.

Assaad Sobh said that's what they're trying to do is to cover that. He's open minded to their suggestions. He really is. Being on the main road, seven (7) lanes, he's also concerned about it. He does own the building, so he doesn't want to do anything that might kill the appeal of it because they have some beautiful plans coming up. Landscaping, bushes in the front, just to kind of hide the building a little bit where they're not too tall. Just to decorate it a little bit.

Board Member Anglin said then again, ok. Having the thirteen (13) foot awning, which awnings are allowed up. It's just they would limit the drive-thru awning to read within eighteen (18) square feet. That would give him plenty of room to put drive-thru.

Chairman Sophiea said he would get the one sign over the door as presented and he could keep the same size for the drive-thru sign.

Board Member Anglin said eighteen (18) square feet.

Chairman Sophiea thinks that sounds like a good compromise to him. He'll ask the petitioner if he would.

Assaad Sobh doesn't know what the eighteen (18) square feet will do. They can shrink the writing, but they have to remember seven (7) lanes.

Board Member Anglin doesn't think he'll be shrinking that writing.

Steve Watripont said basically eighteen (18) square feet would be like that.

Board Member Anglin doesn't think that writing would shrink at eighteen (18) square feet. It might even give him a little more space.

(Inaudible)

Chairman Sophiea asked if the logos are part of...

Board Member Anglin said he wouldn't be able to put the logos and beer mugs and all that stuff on it.

Chairman Sophiea said he might have to cut that out, but so what it's for the drive-thru.

(Inaudible)

Chairman Sophiea said you can't get beer...

Board Member Anglin said he'll have to figure out what he wants in that eighteen (18) square feet.

Chairman Sophiea said right. Is that agreeable to the petitioner?

Assaad Sobh appreciates whatever they're willing to give, he really does. He just doesn't want it to be so small and they can present it to the Building Department. He really needs them to see the two (2) mugs. They can eliminate maybe mixed spirits. He's willing to work it. Maybe shrink the drive-thru a little bit, or take the logo out.

Board Member Higgins said it sounds like to him it's a six (6) by three (3) area for the eighteen (18), right?

Board Member Anglin said that's what he's got, six (6) by three (3).

Board Member Higgins continued saying six (6) by three (3). They can do a lot with a six (6) by three (3). As he's looking at this, you know, he's three (3) high already probably given the margins on the awning and they're just going to trim a little bit from the side, not much at all. They're going to have plenty of room. He really believes that's. That's his take on what he's looking at. He doesn't think he's going to have to do much shrinking. In other words, if he just took off a logo, the beer, and the logo to the right, got rid of those altogether, the font would be the same.

Assaad Sobh really wanted that beer logo just so they can see it off the road.

Board Member Anglin said again that's self-imposed.

Chairman Sophiea would like to ask the zoning department or city attorney. Do they have to...

Assaad Sobh explained the front one doesn't... You cannot see the front one from the road. Again, he's grateful to whatever they're willing to give, but as a building owner and business owner he needs to capture as much as he can. He's done a beautiful job on maintaining that, getting rid of that clay look. Did a lot there.

Chairman Sophiea said his question is do they have to allocate a certain square footage to the drive-thru sign or a certain square footage over the door. He was thinking they could say give him both awnings and a certain square footage. Maybe thirty (30) or forty (40) square foot total and whatever he wanted to do with it he can do.

Steve Watriont replied that the board can do that. They have tried to write so they allocate what frontage has what signage, but the board would definitely be within their right to say it can be

wherever he wants.

Chairman Sophiea said that might be a compromise, too. If he's asking for 128 square feet total. He's not sure what's already up on the property, so there's already thirty-four (34) square feet up on the wall. So, it's about 104. Which is a lot.

Board Member Anglin thinks it makes it much easier to say eighteen (18) square foot on the drive-thru awning and he can have what he wants in front of the board on the front of the building. He can make that, if he wants the beer mugs on it, just put it in the eighteen (18) square foot area.

Board Member Higgins would back him up on that, Chuck. He thinks that makes sense. He thinks that's... the room is there.

Assaad Sobh asked Mr. Anglin to raise that up to twenty-four (24) to give them a chance to...

Board Member Anglin said no, he calculated it out and he thinks that sixteen (16) square feet is plenty. Or eighteen (18) square feet is plenty. He took the size of what's there and its...

Assaad Sobh asked what makes it different on that one. He's just to clarify and answer all. What makes the drive-thru side different from the front side. He would rather see the drive-thru because that's the one seen off of Van Dyke.

Board Member Anglin said they can leave the drive-thru the way it is and make the front eighteen (18) square feet. He doesn't think he'll want that.

Chairman Sophiea said his problem is he's going to have three (3) signs on one (1) side of the wall. The door has nothing on it. Really, there should be... If he was the building owner he'd want to see a separate sign above the door and then a solid awning or awning of a beer and a...

Assaad Sobh doesn't want to run into that tight square footage. Again, if they did... He's mainly concerned about the drive-thru. If they raised it up to twenty-four (24) and shrunk the above they could take something out. Trying to capture that tavern where they know they're able to have a glass of beer or glass of wine with it. Again, beggars are choosey and he doesn't want to sit here. He just doesn't want small writing on that awning.

Board Member Clift asked for Mr. Watripont, please. He's just going to read it the way it's requested. Petitioner seeks to erect two (2) 4' x 13' (52 square ft.) awnings with signage on them in addition to a 34 square ft. existing wall sign, for a total of 138 square ft. of wall signage. So, here's his question. Does that entire four (4) by thirteen (13) foot get calculated as square footage for a sign.

Steve Watripont replied that's how it was presented, so that's how they presented it as a whole awning as signage. But what they do calculate on awnings is there is an area within an awning they will square that off, too. If they write it from edge to edge they're counting the whole awning. If they center it, they will square it in the middle. If that makes sense.

Board Member Clift explained he's trying to wrap his head around the way it's written versus

what they're stumbling around here with as far as square footage on the sign. He wanted to be clear on the way this was written, how the square footage on the signage came to be 138 square feet.

(Inaudible)

Chairman Sophiea said the awning is thirteen (13) by four (4) correct. They're just taking that square footage and multiplying it by two (2). He knows this is just shown with the word tavern, beer and wine in the center, but the petitioner could pack it, right?

Steve Watripont replied yes.

Chairman Sophiea said he could put a hundred words on the sign and fill it edge to edge. Not that he would do it.

Steve Watripont said the way it was written, yes.

Chairman Sophiea said most awnings approved by this zoning board where it's a green or red awning, it's a decorative display element where they can put the sports logo or the beer bottle or something where it's not.

Steve Watripont explained if there's a beer logo involved on both upper and lower corners of both sides, they include the whole awning in that calc. Edge to edge of what's on there. They center, they will count that.

Chairman Sophiea stated when they say their going to cut the square footage in half, all they're doing is taking the... they're shrinking the... if the logos are gone on the edges they can shrink the actual...

Steve Watripont replied yes.

Board Member Cliff understands and thanked him.

Board Member Anglin said the way under what he's proposing they would have to re-word this to be one (1) four (4) foot by thirteen (13) foot equaling fifty-two (52) square foot and one (1) six (6) foot by three (3) foot sign, not awning, sign, because he can put up his awning.

Chairman Sophiea said he can put up his awning the same size.

Board Member Anglin said but one (1) six (6) foot by three (3) foot, eighteen (18) square foot with a total, and he's calculating between the awnings on the other side of 104 feet.

Chairman Sophiea said that would make sense. He does just want to caution the petitioner here. Using these awnings as a tool for more advertising and signage. Is he certain he wants to move forward and kind of use up his signage allotment on these awnings? He's saying, if he has a plan in the future to add tavern under his current sign on Van Dyke or put up an additional wall sign over the door, that's probably not going to be approved in the future. He's stretching his allotment here.

Assaad Sobh already has the license, he's already serving beer and wine. So, what he's proposing to the board he will not be here to ask for anything additional.

Chairman Sophiaea said ok. Then he thinks Mr. Anglin's compromise would be fair. It gives him...

Steve Watirpont told Mr. Anglin if he could. Read it sense it was to include 104 square feet and he wants to reduce it by how much?

Board Member Nestorowicz said no it was originally 138.

Board Member Anglin said it's originally 138 square feet of wall signage, which it would end up being 104 square feet of wall signage.

Steve Watripont asked that he wants to get rid of thirty-four (34) square feet. If he read it as the first starts and just put where it says signage, put with seventy (70) square footage of signage would take care of the same thing.

Board Member Anglin said ok, so word it as petitioner seeks to erect two (2) four (4) foot by thirteen (13) foot equaling fifty-two (52) square feet awnings, with signage on them.

Steve Watripont said nope. With seventy (70) square foot of signage on them.

(Inaudible)

Chairman Sophiaea said with seventy (70) and thirty-four (34) already there that gets them to 104 total.

Board Member Anglin asked what he wants to change. The gentleman has to approve this, but he wants to present it to him with the numbers.

Chairman Sophiaea states the petitioner seeks to erect two (2) four (4) by thirteen (13) awnings with signage of seventy (70) square feet total.

(Inaudible)

Board Member Anglin said with signage of... he can put it wherever he wants.

Board Member Nestorowicz said they're trying to limit his square feet.

Board Member Anglin said he's just going to have to take it from the front. He's trying to limit over signage.

Chairman Sophiaea doesn't care what's on what sign. Give him the seventy (70) square feet and he can run with it. That's his opinion.

Board Member Anglin said that's his opinion on it, too, really. He just thought it was easiest to take it from the drive-thru. He wouldn't approve that much signage for that size building.

Chairman Sophiea said he can take the whole... He can take fifty-two (52) of it and put in the drive-thru and less on the... He doesn't really care frankly.

Board Member Anglin said him neither. So, it would read with signage of seventy (70) square feet. Right? Is that what Steve is saying?

Steve Watripont replied yep.

Chairman Sophiea said in addition to the thirty-four (34) square foot existing wall sign for a total of 104 square feet.

Board Member Anglin said addition of thirty-four (34) square feet of existing wall sign with a total of 104 square feet. Let him read this to him, sir, and then tell him. This is the only one he's going to vote for. He'll vote no on anything else.

Assaad Sobh said yes, sir.

Board Member Anglin said petitioner seeks to erect two (2) four (4) foot by thirteen (13) foot, fifty-two (52) square feet of awning with signage of seventy (70) square feet in addition to thirty-four (34) square feet of existing wall signage for total of 104 square feet of wall signage. Place the words wherever he wants to place them.

Assaad Sobh thanked him and said that's perfect. They'll have the awning guy comply with Steve and they'll be able to work it out.

Board Member Anglin asked if anybody else has any questions.

Chairman Sophiea has one question to the petitioner, not that it really matters. Are the lights currently on the building or is that part of the awning work.

Assaad Sobh replied the lights are already there. They're the goose necks.

Chairman Sophiea said great, so it's going to illuminate them.

Board Member Anglin said if there's no other board member has any other comments he would like to give permission to the petitioner.

Motion:

Board Member Anglin made a motion to give permission to erect two (2) four (4) foot by thirteen (13) foot, fifty-two (52) square feet of awning with signage of seventy (70) square feet, in addition to thirty-four (34) square feet of existing wall signage, for total of 104 square feet of wall signage.

Reasons being: Size of the building; Placement in the lots; Not a detriment to the area.

Board Member Perry supported the motion.

Chairman Sophiea said they have a motion by Mr. Anglin, support by Mr. Perry to approve the request as read.

Roll Call:

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

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Lindsey	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.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Sophiea	Yes, for the reasons stated in the motion.

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

15. PUBLIC HEARING: **APPLICANT: Metro Detroit Signs**
REPRESENTATIVE: Kevin Deters
COMMON DESCRIPTION: 28001 Schoenherr Unit 2
LEGAL DESCRIPTION: 13-14-281-002
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Erect a 6' x 7' (42 square ft.) monument sign with an overall height of 8', with a 3' x 6.833' (20.49 square ft.) electronic message center to within 1' of the property line in a R-1-C district.

ORDINANCES and REQUIREMENTS:

Section 4A.31 (d) – Signs Permitted in Residential Zones (R-1-C): Permitted non-residential uses. One (1) freestanding and one (1) wall sign not to exceed thirty-two (32) square feet in sign area for each sign for permitted non-residential uses.

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

Section 4A.27 (b) – Electronic Message Center: ...the digital display area of an electronic message center does not exceed 25% of the total permitted free standing sign area.

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

Chairman Sophiea said good evening.

Paul Deters, 11444 Kaltz, appeared before the board stating he's with Metro Detroit Signs.

Stephen Plomaritis, 28001 Schoenherr, appeared before the board stating it's Martin Medical Center. He's here representing the tenants and owners of that building, as well as himself. He's a tenant of that building. He's been an orthopedic surgeon here in Warren for over thirty (30) years, he's been in that building for fifteen (15) years. He thinks the board can probably appreciate they've made significant efforts to maintain the classic presentation of the architecture. They've maintained the building, landscape and parking structure as well, if not better, than anyone on that strip. They're here to ask for improvements on the sign.

Paul Deters thanked the board for consideration this evening. As Mr. Plomaritis has mentioned here, they have the sign that's in place that's been there for a long time. It's a little dated. They would like to modernize that. They're proposing to put a very similar sign, like for like, that's on the same pad that there's right now and they understand it's a little bit out of the ordinance because of the zoning that it's in. Particularly, in light of the display that they're asking for is a little larger than what typically would be allowed as a percentage of the sign area. They would hope that the board may consider, too, is there is no wall signs on this building. It's a very clean look. He's looking for something to eliminate clutter and this will enable him to do that. Yet will also give the tenants in there, there's a lot that goes on inside that building, and a lot of first time visitors from out of the area, and this is something he's hoping will be able to display messages like flu shots available now, or this doctor is taking new patients. It's not going to be something that will be scrolling and continuing changing messages like a retail establishment would be. So, it's going to be very understated and just, hopefully, be a nice service for the community.

Chairman Sophiea thanked him for those comments. This is a public hearing. Is there anyone in the audience who wishes to speak on this item?

No response.

Chairman Sophiea closed the public portion of the meeting and turned it over to the board for discussion. His first comment on this is as the petitioner mentioned, there is no wall signage on this property. It looks like by the ordinance that they could have a thirty-two (32) square foot wall sign and a thirty-two (32) foot free standing sign. So, that's sixty-four (64) square feet total signage. They're asking for forty-two (42), so it's still below the overall amount of signage they have. The issue, if you want to call it that, is just about the LED display. He doesn't have a problem with the sign going back in the same spot. Actually, the sign that's there it looks like a nice sign, but he knows they want to modernize it. Are there other comments from the board tonight?

Board Member Lindsey would echo. He doesn't really have an issue with the location of the sign, but how this is zoned in a residential area, there's houses all around. He's concerned about the brightness of the electronic sign. So, that's his big concern.

Paul Deters understands. They want to be very respectful of the neighbors as well. He thinks they would be willing to say is that whether it's a light level, certainly there is an automatic dimming feature on the signs that dims it down significantly in the evening so it's not screaming to the passing motorists. Plus, they're not open in the evening. He's sure that they'd be willing to modify the hours of operation to that sign in terms of when it is illuminated, that would be suitable to the board as well. Really, they just need it for daytime functionality.

Board Member Lindsey said he thinks his concern on this, though, if they approve the electronic sign they have no control over how the tenant is going to use it and if the tenant sells the building they have new tenants and the sign is up, the electronic is still a concern.

Secretary Jerzy would like to echo Mr. Lindsey's sentiment, too. As he drives around town they do see a lot of LED signs popping up all over. A lot of them are bright. They don't have any kind of mechanism, he knows they do on the books, to try to limit the brightness of it, but they can't

really tell the business owner how to illuminate their signs to some degree or another. To have that kind of sign when they're not even open in the evenings, to him, becomes a detriment to the area. So, he's not in favor of the LED's as much as he used to just because they're becoming harder to manage it seems like, from a zoning aspect. Understands the necessity of it without a doubt, but going back to Mr. Lindsey's comment, it just seems there's a lot of them around town that are starting to become too bright. Some that aren't. Some do maintain their integrity, but he has a hard time getting behind the LED. He is for the new signage, because he does believe they need a new sign. That sign is pretty old and disheveled out front. That's his comments.

Paul Deters asked Mr. Jerzy if he may respond to that. Just to let the board know, and he's sure he's speaking for Mr. Plomaritis here is that they would be happy to work with the city. As a number of other city's do that set and establish a light level that is acceptable. They certainly don't want or need anything that's going to scream to cars that are a mile down the road, in fact that would be a detriment to them. That would not be the intent of this sign at all, nor changing messages frequently either. It's really just to communicate services that are available. So, that would be well within what they would agree to do is a light level that wouldn't exceed a certain amount that would be acceptable to the board. And time restraints, too.

Board Member Anglin is in favor of LED signs. Yes, he understands the light, but the board up there... He doesn't have the knowledge to say how many candle lights can come out of an LED sign and what is appropriate. He thinks that's something their city council should set up and put into the building codes that they cannot be illuminated over this, if they don't have it already. So, until that happens it's pretty hard for them to kind of set guidelines when they really don't know what they're setting. So, for right now they pretty have to take the petitioner's word that they're going to limit the light and they're going to limit the hours of use until they set some type of guidelines for that.

Chairman Sophia said to Mr. Anglin driving by that building, it's obvious that both the landlord and the tenants have impeccable taste. They have been managing the building very nicely. It's one of the nicest buildings in that long stretch there. Obviously, the building could change hands down the line. Who knows what it's going to be. He was thinking what if the board put up some type of restriction that the LED sign is to turn off maybe at midnight.

Board Member Anglin said they can set it to operate from eight (8) to ten (10).

Chairman Sophia thinks that would be a good compromise. These health care providers probably don't have any use for a sign after that time of night.

Board Member Anglin said they can set that, yes.

Chairman Sophia said that would make him a little more comfortable about a future who knows what in there. At least it would shut off.

Board Member Anglin asked if he wanted him to put on this hours of operation from eight (8) to ten (10)?

Chairman Sophia asked Mr. Watriont if he had something to add.

Steve Watriont said the ordinance currently reads that from one (1) hour before dusk to one (1)

hour after dawn the light emitted from an electronic message center does not exceed point three foot candles over the ambient lights levels measured from anywhere on the public right-of-way or along the lot line.

Board Member Anglin said they have a ruling.

Steve Watripont continued saying this is very close to the lot line already, so that means it's probably got to be dimmer than most others because of it's closeness. He would think that Metro would be able to set that up and go from there.

Chairman Sophiea doesn't know what any of that means, but he's sure somebody in the city like him know exactly what it means and how to calculate it.

Board Member Clift said parking lot illumination at that facility is on it all evening, does it shut on, does it turn off at certain times? He knows it comes on at dusk. Does it turn off through the night or is it on till daytime the next day?

Stephen Plomaritis explained the back of the parking lot is on in the evenings. There's motion detectors on the back of the building. There are limited lights on the front, which they're working on getting a permit for additional lighting to light the front of the building. Of course that's only on at night. The front of the building is not as well lit as they would like for patient safety in the winter time.

Board Member Clift asked if the façade is illuminated at all. External lights shining onto the building? From the front. He's trying to set a point of reference in his mind about the candle power emission of, what he say point three (3), over the ambient lighting existing around the area of the sign. If their parking lot is lit up, and the building has some façade lights on it or whatever, this monument LED sign is not going to stand out like a sore thumb because it has ambient lights surrounding illuminating the area. So, he's just trying to get a grasp on. He hasn't been by the facility at night. If he has, he doesn't recall what he has going on out there. That's why he's asking.

Stephen Plomaritis said there's lights coming down from the soffits in the building, there's landscape lights on the building, there is some parking lighting.

Secretary Jerzy asked him to speak into the microphone.

Stephen Plomaritis said there's soffit lighting in the front and the back, there's motion detectors in the back of the building that will come on, so that doesn't pertain to the question. In the front, the soffit lights, and there is lighting on the driveway on the north and south ends of the driveway.

Board Member Clift said based on what he's telling him, with his sign on in the evening at the reduced level, his perception is it's not going to be a glaring beacon out there because he has ambient lighting accruing all the way around that monument sign on his property.

Stephen Plomaritis said that's correct.

Board Member Clift thanked him and doesn't see a problem with the way it sits. If the ordinance

is already dictating .03 candle power above the ambient light surrounding this monument at night time, he'll kind of be hard pressed even knowing it's there when it's on if it functions like other signs that he's equated with in other areas that he's actually performed enforcements on. So, with that he's going to yield the floor and thanked him for his answers.

Chairman Sophiaea thinks that answers their concern about...

Board Member Clift asked if anybody has anything else, if they don't he'll make a motion on this. He feels comfortable moving forward with it the way it's written.

Motion:

Board Member Clift made a motion to give permission to Erect a 6' x 7' (42 square ft.) monument sign with an overall height of 8', with a 3' x 6.833' (20.49 square ft.) electronic message center to within 1' of the property line in a R-1-C district.

Reasons being: Not a detriment to the area; Complimentary to the business.

Board Member Anglin supported the motion.

Chairman Sophiaea said they have a motion by Mr. Clift, support by Mr. Anglin to approve the request as read.

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 Anglin	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Lindsey	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Secretary Jerzy	No, believes it's a detriment to the area.
Chairman Sophiaea	Yes, for the reasons stated in the motion.

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

- | | |
|----------------------------|-------------------------------|
| 16. PUBLIC HEARING: | APPLICANT: Dan LeBlanc |
| REPRESENTATIVE: | Eric Bergen |
| COMMON DESCRIPTION: | 27767 George Merrelli Drive |
| LEGAL DESCRIPTION: | 13-16-401-009 |
| ZONE: | AD |

VARIANCES REQUESTED: Permission to

Allow/retain 8' fencing on parcel in accordance with the plan.

ORDINANCES and REQUIREMENTS:

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

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 set back line.

Dan LeBlanc, 27767 George Merrelli Drive, appeared before the board stating he's the facility manager for Avancez Assembly, LLC. Seeking a variance along the railroad tracks to put up an eight (8) foot fence. They are a supplier to Stellantis. They are a light assembly sequencer just in time. So, they service Warren Truck. They also ship to Sterling Heights assembly plant. One of their requirements under contract is that they have to secure the product. They usually carry one and a half days of inventory on consignment from Stellantis. Some of the things they've assembled are tire and rim. So, they would have one to one and a half day inventory on their facility. So, they are under contract to secure it. So, what he's seeking is because of that, and prior to his employment, they have an eight (8) foot fence along the south end of the building coming from George Merrelli Drive. They also have an extension of an eight (8) foot fence that was pre-existing roughly 120 feet along the railroad track. From their southwest corner of their building they put a fence there. They pretty much made that their secure area with a gate. The problem with that is per the city, which he agrees, they have closed off the fire lane for a fire truck to come off George Merrelli and go out the north end. But he also wants to honor his contract with Stellantis and he's seeking to finish the fence line along the railroad track with the gate up front and gate off George Merrelli Drive. The gates are open pretty much during operation. They do close them a lot during the evening. The intent is to two-fold. One, keep that fire lane open for safety issues, obviously. Two, honor the contract that they have the product secured in a gated area. So, he's seeking a variance to finish out that pre-existing eight (8) foot fence that runs north and south along the railroad track and then they'll have a gate up at the front.

Chairman Sophia thanked him for those comments. This is a public hearing. Is there anyone in the audience who wishes to speak on this item?

No response.

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

Board Member Anglin said the only part of this plan he doesn't like, or doesn't agree with, is the fact they're running an eight (8) foot fence on the east property line, which is the non-truck parking. It looks like it's automotive parking for the staff that would be in the building. Which means, he's looking at that to be the front part of the building. Then running an eight (8) foot fence all the way around this property. It would look too much like a compound. If they're securing it, he understand securing the, especially on the railroad tracks, the back section where the trucks and inventory is being maneuvered around in.

Dan LeBlanc said that's the area he's referring to.

Board Member Anglin agrees with that.

Board Member Nestorowicz said he's not doing the front.

Dan LeBlanc said there's no fence along George Merrelli Drive. Where all the parking, there is

no fence.

Board Member Anglin said well, he'll shut his mouth. Thank you.

(Inaudible)

Board Member Clift said he's pretty familiar with this property. He used to drop deliveries there back in the day. He watched it kind of evolve and change and grow. From a security standpoint along that railroad track, that's a definitive need. Their neighbor essentially needs to move forward with his securing that facility in order to remain their and stay in business and stay in town. He personally doesn't have an issue with it. He thinks it's a great idea. The photograph that was included in the packet with all the truck trailers blocking off the fire lane scared him pretty bad when he first opened it up.

Dan LeBlanc explained they're trying to work on that right now. He does have the lane open.

Board Member Clift said please.

Dan LeBlanc explained they're getting more trailers pulled out. They're right in the middle of a launch so that's complicated things. It complicated it a little more because Stellantis delayed their start of production on their launch.

Board Member Clift said so, he's sitting on product.

Dan LeBlanc thinks he should be able to flush that out within the next two (2) to three (3) weeks.

Board Member Clift just wanted to point out an observation, sir. That's all he was trying to do. Please, they're willing to work with him, but if their guys need to get in there for heaven forbid something happens at the property and they need to turn around and go the other way, it's a big hassle and could be detrimental. That's all he has on the issue, he'll yield the floor. Unless nobody else has anything, he'll make a motion.

Chairman Sophia said please do.

Motion:

Board Member Clift made a motion to give permission to allow/retain 8' fencing on parcel in accordance with the plan presented to the board.

Reasons being: Not a detriment to the area; Enhances safety.

Secretary Jerzy supported the motion.

Chairman Sophia said they have a motion by Mr. Clift, support by Secretary Jerzy to approve the request as read.

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.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Lindsey	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Chairman Sophia	Yes, for the reasons stated in the motion.

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

17. PUBLIC HEARING: **APPLICANT: Ashley Nathan**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 31925 Van Dyke
LEGAL DESCRIPTION: 13-04-278-010
ZONE: MZ, M-1, M-2

VARIANCES REQUESTED: Permission to

- 1) Waive the required chain-link fence to completely enclose the use.
- 2) Erect an 8' high, 16' x 35' dumpster screen wall.

ORDINANCES and REQUIREMENTS:

Section 14.01 (k) 4 – Uses Permitted: Drive-in restaurant properties shall be completely enclosed with a chain link fence.

Section 4D.40 – Refuse, Recycling Container Screening: Containers for refuse and recycling uses shall be screened from view from any adjacent residential use or public right-of-way, excluding alleys. Screening may consist of a six (6) foot high opaque wall.

David B., 39300 Twelve Mile Road, appeared before the board stating he's with Sheetz. He thanked the board for having them here tonight. They're back again. They have another site that they got approved through Planning Commission. Once before they were in front of the board to get a dumpster height variance to make the dumpster height a little taller, to cover the physical dumpsters that will go inside of the enclosure. They're going to make that same request again tonight. As well as make a request to eliminate the chain link fence requirement around a drive-thru restaurant. It's something that seems to be a little outdated in the code and they worked with the Planning staff to provide a good landscaping plan to buffer and all that kind of thing to have a good looking site and eliminate this chain link fence is what they're intending to do. Here to answer any questions the board has tonight. With that he'll be pretty brief. He provided three (3) drawings for them tonight. The first is a site plan, the second is the landscaping plan, followed by the dumpster elevation and structural drawing. Happy to answer any questions the board may have.

Chairman Sophia thanked him for those comments. This is a public hearing. Is there anyone in the audience who wishes to speak on this item?

No response.

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

Board Member Nestorowicz said this is very similar to their request they did for the location at Twelve and Mound where they already approved the higher height for the dumpster and so forth.

Chairman Sophia said very well done.

Board Member Nestorowicz sees no problem with that for this location since it's the same stuff they approved at the other.

Chairman Sophia asked if there's any comments on the drive-thru waiver. He personally doesn't have a problem with it.

Board Member Nestorowicz always felt like that's an ordinance line that needs to be removed.

Board Member Clift said since he was asking for opinions, he doesn't have a problem with any of this.

Board Member Nestorowicz said if there's no other comments, he'd like to make a motion.

Motion:

Board Member Nestorowicz made a motion to give permission to:

- 1) Waive the required chain-link fence to completely enclose the use.
- 2) Erect an 8' high, 16' x 35' dumpster screen wall.

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

Board Member Anglin supported the motion.

Chairman Sophia said they have a motion by Mr. Nestorowicz, support by Mr. Anglin to approve the request as read.

Roll Call:

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

Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Lindsey	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.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Sophia	Yes, for the reasons stated in the motion.

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

18. NEW BUSINESS

Board Member Clift took a moment to wish everybody a good holiday, good Thanksgiving

coming up. They're not going to see each other until after that passes. Have a good time and think of him and Paul when they're watching the parade on Sunday morning. Thanksgiving morning.

Secretary Jerzy echoed Mr. Clift's sentiment. Please watch the Thanksgiving Day Parade on Thanksgiving.

Chairman Sophiea said he's looking forward to it.

Steve Watripont said America's Thanksgiving.

Secretary Jerzy said presented by Gardner White.

Chairman Sophiea asked for any other new business.

Board Member Clift said for his fellow veterans at the table. There's a little get together Friday, this coming Friday on the 15th at City Hall hear the atrium in one of the conference rooms. He guesses they're going to have Warren Symphony playing some music for them and they're supposed to be feeding them a little bit of food. Please come. It would be great to see some of them there.

Board Member Anglin asked what time.

Board Member Clift believes it's 10:30.

19. ADJOURNMENT

Motion:

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

Voice Vote:

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

The meeting adjourned at 9:15 p.m.

Paul Jerzy
Secretary of the Board