

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
APRIL 10, 2024

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, April 10, 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
Paul Jerzy, Secretary
Roman Nestorowicz, Vice-Chairman
Charles Perry, Assistant Secretary
Charles Anglin
Kevin Higgins
Anthony Sieracki, Jr.
Michael Sylvester

Members of the Board absent:

None

Also present:

Jennifer Pierce, City Attorney
Everett Murphy, Chief 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 Board Members were present.

4. ADOPTION OF THE AGENDA

Motion:

Board Member Nestorowicz made a motion to adopt the agenda as written. Board Member Anglin supported the motion.

Voice Vote:

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

5. APPROVAL OF THE MINUTES of the Regular Meetings of March 13, 2024.

Motion:

Secretary Jerzy made a motion to postpone the minutes of March 13, 2024 to the next meeting; Supported by Board Member Perry.

Voice Vote:

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

6. PUBLIC HEARING:

APPLICANT: Family Fun Fireworks / Michael Kanakry and Jenna Nola

(Rescheduled from 3/13/2024)

REPRESENTATIVE:

Michael Kanakry

COMMON DESCRIPTION:

30800 Hoover

LEGAL DESCRIPTION:

13-11-101-033

ZONE:

MZ, C-1, P, C-2

VARIANCES REQUESTED: Permission to

- 1) Conduct a temporary outdoor retail sale without a permanent building.
- 2) Conduct a temporary outdoor sale in a 20' x 50' tent = 1,000 square ft. in a parking lot from 6/15/2024 through 7/7/2024 10:00 a.m. to 10:00 p.m. with a 10' buffer around the tent.
- 3) Waive 54 off-street parking space for the outdoor sales area and retail businesses combined.

ORDINANCES and REQUIREMENTS:

Section 4.48 – Temporary Outdoor Retail Sales in Commercial and Industrial Districts:

Temporary outdoor retail sales may be permitted in conjunction with a permanent building in C-1, C-2, C-3, M-1 and M-2 zoning districts.

Section 4.32 (H) 22: One (1) parking space required for each 150 square ft. of floor space and outdoor sales areas combined.

Section 4.52 (D): No sales activity or display of merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use.

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

Michael Kanakry, 5821 Thirteen Mile, appeared before the board stating he was here a few weeks ago to get approval on this site, along with the other sites. There was a little typo. The tent was in the papers ten (10) by fifty (50) and it was supposed to be twenty (20) by fifty (50), so they had to postpone. If the board remembers. He's just asking to do fireworks in the same place they've been doing it for nine (9) years there without any problems and that's all he's got to say. He'll let the board...

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 would just like to say he remembers Mr. Kanakry was here a couple weeks ago, and he remembers the typo in the posting. It looks relatively the same as his requests in the previous years.

Michael Kanakry said yes.

Chairman Sophiea asked for any other comments.

Board Member Nestorowicz would actually like to make a motion if there are no comments from the board.

Board Member Sylvester said this has come up before the board many times. The tie downs. The applicant has a tent which is covering the area, right?

Michael Kanakry replied yes.

Board Member Sylvester asked how he is tying that down.

Michael Kanakry explained ratchet straps and they're going to have the cement. They're two (2) feet by two (2) feet, two and a half feet tall cement barriers, every twenty (20) feet. So, there will be like eight (8) of them on that tent all together. Three (3) on one side, three (3) on the other and then that one (1) in the middle of each end. So, if they get the twenty (20) foot wide, it would be one (1) in the middle of ten (10) foot, right where the stakes are.

Board Member Sylvester said if his memory serves him right Mr. Kanakry had a gentleman here that is going to be doing all that for him.

Michael Kanakry replied right. Same man that was with him that last time.

Board Member Sylvester asked if that gentleman was well aware of the boards concerns.

Michael Kanakry answered oh, definitely. He thinks he answered all the boards questions. He hopes.

Board Member Sylvester thanked him.

Board Member Nestorowicz would like to make a motion because he knows the board discussed this at length last month.

Motion:

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

- 1) Conduct a temporary outdoor retail sale without a permanent building.
- 2) Conduct a temporary outdoor sale in a 20' x 50' tent = 1,000 square ft. in a parking lot from 6/15/2024 through 7/7/2024 10:00 a.m. to 10:00 p.m. with a 10' buffer around the tent.
- 3) Waive 54 off-street parking space for the outdoor sales area and retail businesses combined.

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

Board Member Perry supported the motion.

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

Roll Call:

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

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

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

7. PUBLIC HEARING: **APPLICANT: Raymond M Seiber**
REPRESENTATIVE: Danielle Seiber
COMMON DESCRIPTION: 8745 Hudson
LEGAL DESCRIPTION: 13-34-182-033
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Erect a 6 ft. high privacy fence in the front yard setback no less than 14 ft. from the front property line.

ORDINANCES and REQUIREMENTS:

Section 4D.07 – Setback Required: Walls, fences and landscape screens shall conform to the setback requirements for the zoning district, unless otherwise provided in this article.

Section 7.05 – Front Yard: Each lot in R-1-C districts shall have a front yard of not less than twenty-five (25) feet.

Chairman Sophiea said good evening asked the applicant to start with their name and address for the record.

Danielle Seiber, 8735 Hudson, appeared before the board.

Chairman Sophiea asked her to please tell the board about her request.

Danielle Seiber explained right now they have a chain link fence around their whole yard. They want to put up a privacy fence. Since they are on a corner lot, they have to setback their privacy fence. They don't want to do the twenty-five (25) feet. Going back that far would prevent them from using most of their yard that they have. They do have trees and garage that is right there.

Chairman Sophiea thanked for those comments. He asked her if there is anything else she would like to add.

Danielle Seiber replied not right now.

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

No response.

Chairman Sophiea closed the public portion of the meeting. He would like to have Mr. Jerzy read into the record an email received.

Secretary Jerzy thanked the Chair. Received an email from Jeffrey Hohman. It doesn't give his address. The email states:

I am unable to make the public hearing on Raymond M Seiber 8745 Hudson Ave to discuss a proposed 6ft high privacy fence in the front yard no less than 14ft from the front of the property line.

Thank you for your time to consider my inputs as I own a house that directly views this property.

First off, this is a unique parcel in the fact that it does not have a house, only a garage in the far back of the lot. It appears the owner resides in the property to the west of the lot and is attempting to create a larger private backyard area which I can understand. I do however have concerns with the board approving this request as is without some additional stipulations on it. Currently, this property has a chain link fenced around it and the fence in the front of the lot runs all the way to the sidewalk. It is a corner lot with the same chain link fence running down the east side of the property next to the sidewalk also. This house and lot appear to be under new ownership however I'd like to discuss the history which certainly isn't necessarily directed at the new owner. The fence line is completely overgrown with staplings and overgrowth. It was an eyesore for years. It blocked sidewalk at times. The bushes, trees, weeds had encapsulated the fence and extra garage/building on the property. If the board does approve the fence facing forward, I ask that they require removal of the chain fence (in front of it that goes up by the front sidewalk) along with all the overgrown shrubbery/trees/weeds that are intertwined on what would be the old chain link fence line. A quick google maps search will show you how the lot has historically looked most of the recent years. Added below. (Again new ownership now and this is a dated pic from google) I also ask that the board require the fence be set back to a distance that conforms with all the other fences/buildings up and down the street. Meaning, match depth off to house next door (across Lorraine) which also has a 6ft fence.....or any of the rest of the properties. This could already be the plan and might be the 14ft requested.....Im not totally sure. Lastly, I'd like the board consider requiring same

matching fence on the Lorraine side. Aesthetically, one section of 6ft privacy fence facing the road to meet up with a chain link (that is overrun with growth) is not going to create the look I believe the city is looking for. I understand the request for an exception and I'm not against it however I think this is the opportunity to address this corner finally and make it a better situation for the neighborhood if granted. Safer for cross traffic, kids on the sidewalk and a cleaner look while still meeting the owner's desires for a fenced off space.

Thank you for your time and consideration.
Jeffrey



Chairman Sophiea thanked him for those comments. He's going to close the public portion of the meeting again and turn it over to the board for discussion.

Board Member Nestorowicz stated when he first saw this he was a little confused. Looking at the property, because realizing that there's two (2) addresses there, because the house sits on 8735 Hudson and then the garage sits at 8745 Hudson. Looking at, you know, even at the drawing that the board was provided. He just wants to make sure. So, where they have the fence in front that would be even with the house, correct? It's not going to be going in front of the house?

Danielle Seiber replied yeah, right now they have a chain link fence and they want to get rid of the chain link fence and just have the privacy fence. Which would where the house is. It aligns with the house.

Board Member Nestorowicz said basically it's not going to be going past the front of her house. She's here mainly because the ordinance says it has to be twenty-five (25) feet, which is way past her house. So, he doesn't see any problem giving the fourteen (14) feet because it won't be standing out farther. So, he has no problems with this, as long as it's not going past the front of the house.

Board Member Anglin agrees with that. The only other thing he would want to stipulate is that chain link fence comes down.

Danielle Seiber stated yes.

Board Member Anglin said all the way around up to the garage. That chain link fence would come down.

Danielle Seiber said ok.

Board Member Anglin said if he reads this or one of the other board members reads that, they'll stipulate that in the approval that the chain link fence in front of the privacy fence will be removed.

Danielle Seiber said yes, it will.

Board Member Anglin has no objections to it either.

Chairman Sophiea asked for any other comments or someone care to make a motion.

Board Member Sylvester has a question for Mr. Murphy through the Chair. Real simple. Looking at this picture here. He doesn't know how long the applicant has owned this property and he doesn't know how long that garage has been there. But that's not up kept in any way shape or form in his opinion. If this is granted, is someone going to go out there and make sure that this is all cleaned up and meets the requirements for a safe corner and everything is taken care of and whatever shrubs are left are trimmed and are they going to look at this after the board grants this?

Everett Murphy explained he can put in a code enforcement and look at it. See what issues are out there. That's not a problem.

Board Member Sylvester asked him if he believes looking at that picture, he doesn't know if he has it or not, but looking at that picture does he believe there's kind of a problem there.

Everett Murphy said the only picture he has is an overhead, but that's the only picture he has. If there's property maintenance issues they're required to keep that property maintained.

Board Member Sylvester asked why the garage and property two (2) separate addresses.

Everett Murphy could not find any record of where or when... There must have been a house on that lot at one time in the past. They could not find a record of a house being built. They could not find one being torn. They couldn't even find a permit for the garage that's there. Somewhere the records are lost, but it's a nonconforming garage. Those are two (2) separate parcels, and they happen to own both.

Board Member Sylvester asked if the other properties in that area are two (2) separate parcels as well or is it just that one.

Everett Murphy replied they appear to all be owned by the same person. When either, he doesn't know if they purchased lot next door or previous owner had bought the lot, but obviously that lot became available and the owner of 8735 purchased that lot. With the garage on it.

Board Member Sylvester thanked him.

Board Member Anglin said if no other board members have any questions, he would like to make a motion.

Chairman Sophia stated please do.

Motion:

Board Member Anglin made a motion to give permission to Erect a 6 ft. high privacy fence in the front yard setback no less than 14 ft. from the front property line. **The fence will be in line of site of the house and they will remove all chain link fence that stands in front of the new privacy fence they put up.**

Board Member Sieracki supported the motion.

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

Roll Call:

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

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sylvester	No, believes it's a detriment to the area.
Board Member Higgins	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons in the motion, but would suggest that maybe the petitioner in the future could try to combine the lots into one (1) parcel.
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** with the previously mentioned conditions.

8. PUBLIC HEARING:	APPLICANT: Patrick Sulaka
REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	24800 Hoover
LEGAL DESCRIPTION:	13-26-101-026
ZONE:	M-2

VARIANCES REQUESTED: Permission to

Conduct a seasonal outdoor sales operation of Michigan legal fireworks in an area of 30' x 30' (900 square ft.) from June 21, 2024 through July 6, 2024 from 9:00 a.m. to 9:00 p.m.

ORDINANCES and REQUIREMENTS:

Section 4.52 – Standards for Temporary Outdoor Retail Sales Approval: (D) No sales activity or display of merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use.

Chairman Sophia said good evening.

Patrick Sulaka, 5223 Busch, appeared before the board saying good evening. This is about the 25th year he has been coming in front of the board needing permission from the board to conduct an outdoor sales for fireworks.

Chairman Sophiea thanked him. 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.

Board Member Anglin said it was nice to see Mr. Sulaka again.

Patrick Sulaka thanked him.

Board Member Anglin doesn't know of any incidents that happened on the properties, and he's been around here for the twenty-five (25) years also. He doesn't think Mr. Sulaka has ever had an incident at any of his fireworks stations. He does understand that the big concern now a days is that its cement weighted blocks that hold the tents up.

Patrick Sulaka stated they talked about this last year, too. He got water barrels holding it. Water barrels are fifty-five (55) gallon water barrels is equal to 458 pounds each barrel of water and they're sealed. He uses 2,000 pound straps. Plus, he has forty-two (42) inch stakes all the way around holding the tent, too. Originally, that's all he's ever used, ever, but since the board wanted additional security he put water barrels, which was the boards suggestion or cement blocks. It's much easier for him to have water barrels, because he doesn't have the storage for cement blocks. When he talked to Mike, Mr. Kanakry, he told him his cement blocks are 400 pounds. These are 458 pounds each water barrel. He has a picture of his booth. He can show the board. It's very secure.

Board Member Anglin asked how he's securing the strap to the water barrel.

Parick Sulaka answered they're 2,000 pound...

Board Member Anglin asked how he secures that strap to the water barrel.

Patrick Sulaka explained they put holes in the edge of the water and goes around there and goes to the top of each station of the tent.

Board Member Anglin has no further questions.

Board Member Higgins has a quick comment. They had for the last few years a professional tent company sets up for them when they do one of their events, and they use water barrels. Again, given the fact that they weigh more and professionals are seeing fit to use them, he would see no issue with this himself.

Patrick Sulaka thanked him.

Board Member Sylvester stated with what was just said. He asked Mr. Sulaka if he's having a professional company come out and secure all that.

Patrick Sulaka replied oh, yes.

Board Member Sylvester thanked him.

Board Member Anglin said if there are no other board members that have any questions he would like to make a motion.

Chairman Sophiea said please do.

Motion:

Board Member Anglin made a motion to give permission to conduct a seasonal outdoor sales operation of Michigan legal fireworks in an area of 30' x 30' (900 square ft.) from June 21, 2024 through July 6, 2024 from 9:00 a.m. to 9:00 p.m.

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

Board Member Higgins supported the motion.

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

Roll Call:

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

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Higgins	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 Sieracki	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Secretary Jerzy	No, believes it's a detriment to the area.
Chairman Sophiea	Yes, for the reasons stated in the motion.

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

9. PUBLIC HEARING: **APPLICANT: Bernadette Williams-Hunter -USE-**
REPRESENTATIVE: Dan Ivanovic
COMMON DESCRIPTION: 3410 Twelve Mile, Suite C
LEGAL DESCRIPTION: 13-18-226-038
ZONE: MZ, R-1-P, O

VARIANCES REQUESTED: Permission to -USE-
Operate a state licensed day care center in an office district.

ORDINANCES and REQUIREMENTS:

Section 4C.09 – Child Care Centers: Permitted zoning districts. A. Districts. A state licensed child care center generally described as a child care center, day care center, day nursery, nurse school, parent cooperative preschool, play group, before- or after-school program, or drop-in center shall be a permitted use in the following districts: C-1, Local Business District, SS, Special Service District, C-2, General Business District, C-3, Wholesale and Intensive Business District, the non-residential uses within a PUD, Planned Unit Development District, DD, Downtown District.

Dan Ivanovic, 6338 Bay Pointe Drive, appeared before the board saying good evening. He is here with Ms. Bernadette Williams-Hunter who is a current owner of Kids Will Be Kids daycare center. Ms. Bernadette provides a great service to the Warren community for the working people who have no other means for childcare. She also would like to expand her services to care for infants as well, since lately she is getting increased requests by the surrounding businesses to care for the infants. She's currently maxed out at the current location at 3272 Twelve Mile, which is adjacent to the building that is here before the board. She has the variance to operate that business when she opened it. Being that infants have to be separated from toddlers this space seems ideal for her business to provide a much needed service to the Warren community. So, they're here to ask the board to grant them the variance for this use, so she can accommodate the needs.

Chairman Sophia thanked him for those comments. This is a public hearing. Is there anyone in the audience who would like 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 has one (1) question, because he knows the business is existing in that office building. Is this area for the infants in the same building or the building across the parking lot?

Dan Ivanovic explained it's the building next to it on the east side.

Board Member Nestorowicz asked if they're taking over the entire, that building next or just partial.

Dan Ivanovic said no, just that one (1) suite in there. It's approximately 1,500 square feet. It will be just an infant center, because they have to be separated from the toddlers for obvious reasons.

Board Member Nestorowicz has no other questions, because he remembers when they approved the one in the original building. So, it's like, this is just expanding across the parking lot. He has no issues with that then.

Board Member Sylvester has a question to the committee, whoever can answer it. Mr. Nestorowicz, did the board already approve a daycare center there? Is that what that one building is?

Board Member Nestorowicz informed years ago.

Board Member Sylvester asked that already exists.

Board Member Nestorowicz replied yes.

Board Member Sylvester asked this other building is just an extension. More room?

Board Member Nestorowicz said it was already explained, yes.

Board Member Sylvester thanked him.

Chairman Sophiea understands that office buildings aren't permitted use for childcare, but he would much rather see a daycare operate in an office district than in a residential home or any other place the board has approved before.

Secretary Jerzy doesn't see any variances granted on this property.

Board Member Nestorowicz explained the daycare is across the parking lot. They're two (2) separate buildings.

Secretary Jerzy asked two (2) separate buildings.

Chairman Sophiea mentioned it's a different parcel.
Secretary Jerzy asked it's a totally different parcel.

Board Member Nestorowicz stated the one the board approved, yes.

Secretary Jerzy asked this isn't something that's on the same side of the same building.

Board Member Nestorowicz informed no. They're two (2) buildings with a parking lot in the middle.

Secretary Jerzy said when he drove by this property, how come he sees kids toys and stuff in the corner lot. Are they currently operating?

Dan Ivanovic explained the current location of the daycare center. He believes the one that Mr. Jerzy saw that has the play area in the court, that's the current daycare center. The one they're proposing is the building to the east.

Secretary Jerzy said that one there is attached to the current one. But it's in the other...

(Inaudible)

Secretary Jerzy is kind of confused here.

Board Member Nestorowicz explained it used to be a travel agency many, many years ago. He remembers that much.

Board Member Anglin mentioned they needed more space to put in an underage or babies, for babies. So, they actually went across the parking lot. The buildings over there and rented out a space.

Board Member Nestorowicz said when looking at this drawing...

Secretary Jerzy asked what the address is of the variance that's granted on. On the one that is current. The one Mr. Nestorowicz is referencing that the board granted years ago.

Board Member Nestorowicz doesn't remember what the address is there.

Secretary Jerzy asked Mr. Ivanovic if he has any idea what the address is.

Dan Ivanovic said the current one, the one that the board already approved, is 3272 Twelve Mile Road.

Secretary Jerzy said it's across... He's telling him the playscape that's in that lot that they're talking about the building is used for the one that's across the road. So, she's got to take the kids across the road to get to that playscape?

Dan Ivanovic explained the one Mr. Jerzy is seeing is for...

Secretary Jerzy said fenced in little area.

Dan Ivanovic said right. That's for that building. The infant center would be to the building east of that, on the east side of that, the next building over.

Secretary Jerzy asked if it's not already occupied why is there play toys there. He's kind of (inaudible) about that, too. He means...

Board Member Nestorowicz explained to Mr. Jerzy where the play toys are and to what building. Showing where they're going into.

Secretary Jerzy said the building Mr. Ivanovic has the variance on is right across Norwood.

Board Member Nestorowicz stated no, its this one. Variance is here.

Chairman Sophiea asked him to repeat the address.

Dan Ivanovic said the infant play center, that's why they have to be separated from the toddlers.

(Inaudible)

Secretary Jerzy asked Everett to provide some clarity for him here. Please.

Everett Murphy asked Mr. Ivanovic to show him what building they have the variance on now.

(Inaudible-multiple conversations)

Everett Murphy asked the board if they had a specific question. The house with the variance is on the west side of Norwood.

Secretary Jerzy asked house or building.

Everett Murphy replied building. Not a house, it's a building.

Secretary Jerzy asked the address is.

Dan Ivanovic answered again 3272 Twelve Mile Road.

(Inaudible)

Everett Murphy mentioned they're only using a corner of that building.

(Inaudible)

Chairman Sophiea said it's across the street.

Secretary Jerzy repeated it's across the street. So, his question is why is there a kids toys in a lot for a variance on a property that he's not in yet. He's telling him that this is play toys for the current existing property that he's got a variance for, which is across the street, which makes no sense. It would make more sense to him if it was in the same building. But it's not.

Everett Murphy asked the petitioner if they have a playscape at the new location.

Dan Ivanovic answered no, they don't.

Secretary Jerzy said there is a fenced in area with toys in that corner lot of the building.

Dan Ivanovic said that is where they are in business. That's where their current business is of operation. The current daycare center is in that.

Secretary Jerzy said so, she's operating there without the use variance.

Everett Murphy explained again that's the one they already have the variance in.

Secretary Jerzy asked him if he's sure about that.

Everett Murphy said going by the picture Mr. Ivanovic is showing him right now.

Secretary Jerzy said he'll buy that argument then. No further questions then.

Board Member Sylvester said he has a question. The building they're talking about right now. Right here, right here. The building that they're talking about that they want to use for the infants. Ok. Has that already met all the regulations, approvals, been looked at? Can be occupied by human beings?

Dan Ivanovic answered yes. It's an existing building. It's a suite that the state has already looked at it and approved it.

Board Member Sylvester asked again that he already has all the permits and everything. So, it could

be and should have been occupied?

Dan Ivanovic said right, but it's not because they need the variance.

(Inaudible)

Board Member Sylvester is having a problem with this. Ok. Thank you.

Chairman Sophiea asked for any other comments or motions.

(Inaudible)

Board Member Nestorowicz said he'll make the motion if there's no other discussion.

Chairman Sophiea said please do.

Motion:

Board Member Nestorowicz would like to make a motion to approve the petitioner's request to operate a state licensed day care center in an office district.

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

Board Member Anglin supported the motion.

Chairman Sophiea 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 (6 – 2).

Board Member Nestorowicz	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.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sylvester	No, he doesn't believe it's met all the requirements and doesn't believe it's a safe area.
Secretary Jerzy	No, believes it's a detriment to the area and the information on the property just doesn't make sense to him.
Chairman Sophiea	Yes, for the reasons stated in the motion.

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

10. PUBLIC HEARING:
REPRESENTATIVE:

APPLICANT: Lavdas Jewelry Ltd.
Dan Ivanovic

COMMON DESCRIPTION: 3671 Twelve Mile
LEGAL DESCRIPTION: 13-07-479-021
ZONE: MZ, C-1, P

VARIANCES REQUESTED: Permission to

Permission to erect a 72.5" x 120" = 60.2 square ft. "Jewelry Collateral Loans" wall sign in addition to the already existing wall signage as follows:

"Gold"	6.8 square ft.	"Diamonds"	15 square ft.
"Custom Jewelers"	26.25 square ft.	"Jewelers"	37.5 square ft.
"Lavdas"	21.8 square ft.	Diamond "logo"	6.25 square ft.

Total wall signage: 173.8 square ft.

ORDINANCES and REQUIREMENTS:

Section 4A.37 – Shopping Centers: Regardless of the zoning district, shopping centers as defined in Section 2.67 are permitted the following signage: C) One (1) wall sign of a size not to exceed forty (40) square feet shall be allowed for each business located in the shopping center.

Chairman Sophiea said good evening.

Dan Ivanovic stated his name and address again. He is here on behalf of Mr. Nick Lavdas, as many of the board knows is a very prominent Warren community member for the past half century. Lavdas Jewelry has been a household name with the Warren community serving jewelry needs to all members since the '70s. Mr. Lavdas would like to expand his business further by serving the Warren citizens with jewelry collateral loans and would like to use the same type fonts and similar signage that he has at his current business with the Lavdas Jewelry center. He believes aesthetically it would be very pleasing with the way the building is separated in four (4) sections. Each section has lettering describing the different aspects of his business and services provided to the community. He does believe they need to keep it the same font size, because the traffic on Twelve Mile Road is rather fast and in order to notice the type of service that he's providing it should be, which is the same as his jewelry size now. And also Steiner's Market to the east. They're here before the board asking to allow them to use that sixty (60) square foot of signage instead of forty (40).

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. He looked at this and personally, given the large frontage of the building that the signage, that the forty (40) square foot requirement is obviously not applicable due to the unique frontage of the building. These three (3) words are going to be over the?

Dan Ivanovic explained it will literally say "Jewelry collateral loans" in three (3) lines.

Chairman Sophiea asked where the copy center used to be located.

Dan Ivanovic replied exactly. Right in that space.

Chairman Sophiea asked if this is to... he believes the signage from the copy center has been removed.

Dan Ivanovic answered it's been removed, yes.

Chairman Sophiea asked this would be to replace.

Dan Ivanovic said it would be replacing that.

Chairman Sophiea said ok.

Dan Ivanovic explained without any kind of signage in that space it almost looks weird. Something belongs to be there. You know, its lettering.

Chairman Sophiea asked if Mr. Lavdas is going to expand into the copy center.

Dan Ivanovic answered no. The copy center is gone, it's moved over to the space next to Tropical Smoothie.

Chairman Sophiea said right.

Dan Ivanovic explained he's expanding his business into doing jewelry collateral loans, which is attached to the jewelry store.

Chairman Sophiea asked if that's going to be open to the jewelry store or if it's going to be a separate.

Dan Ivanovic explained there is a door where it can be bypassed, but there is separation. It's not open to the jewelry store. It is one door that's open to Mr. Lavdas' office to access the space.

Chairman Sophiea said ok.

Dan Ivanovic explained they had that built out. It was permitted and approved by City of Warren to have it as a separate kind of space attached to the jewelry store.

Chairman Sophiea said ok, but he's going to utilize that entire space?

Dan Ivanovic answered yes. It's his business, yes.

Chairman Sophiea said as long as there's no other signage from a future tenant that's going to go in there, he has no problem with it.

Dan Ivanovic said the license is attached to a jewelry license.

(Inaudible)

Board Member Anglin doesn't understand, to him what's already up there, the gold, the customer jewelers and the Lavdas really shouldn't be an issue here today for the board. That is a separate unit;

it has it's own separate address. Is he correct?

Dan Ivanovic said no, that business is tied in with the jewelry store.

Board Member Anglin said Copy, Copy center had their own address.

Dan Ivanovic said right, they had their own address and that was a separate business license for Copy, Copy. Where this is actually part of the jewelry store license.

Board Member Anglin asked him if they're combining that into. Ok, now he understands that. He doesn't know if this is over doing on a building, because the board had discussions before that if they have a lot of frontage, for instance a 200,000 square foot building and the biggest allowed is a forty (40) foot by forty (40) sign, it's like what a waste. He's trying to go by... If they picture themselves down at the Twelve and Van Dyke plaza. Every single unit in there has a large sign. It doesn't look band, it's just the way that lot sits. So, he doesn't see by having this sign, since they actually... In his mind they're accumulating another unit set up.

Dan Ivanovic stated it kind of balances off what's going on.

Board Member Anglin said correct. He's not really so much going to put the numbers of the previous, next door unit, but this facia is going to have this many square feet to it and he doesn't have an objection to that. Just like if he went down five (5) years from now and took the unit next door to it. He's going to want to put something above that doorway.

Board Member Sylvester has a question. Mr. Anglin just said some things and he wants to get it clear in his head. This gentleman here is looking, he's purchasing another unit in the building that he's at? He's expanding.

Chairman Sophia is assuming Mr. Lavdas owns the entire plaza.

Dan Ivanovic informed he owns the whole plaza.

Board Member Sylvester asked if they're moving into a different address.

Dan Ivanovic explained he's adding a different service to the current license that he has.

Board Member Sylvester said no, but he didn't own that part of the building... Well, he owned it, it's Mr. Lavdas, but that was a separate address, right?

Dan Ivanovic explained he did not occupy prior to this.

Board Member Sylvester asked if it was a separate address.

Dan Ivanovic said it was a separate address for Copy.

Board Member Sylvester said he's now going to move into that area, which means he's taking another unit in that building.

Dan Ivanovic said correct.

Board Member Sylvester thanked him.

Board Member Anglin said that's why he doesn't have an objection to it.

Chairman Sophia mentioned with the same address as the jewelry store.

Dan Ivanovic said yes.

Chairman Sophia stated that makes sense why the gold and diamonds is part of it.

Board Member Nestorowicz just has a comment, because he doesn't have a problem with additional signage that. He doesn't think it is, on the larger side for the following reason. If you want to call it, yes the main sign is the Lavdas Jewelers with the diamond logo, all that together is larger. When taking a look where it says gold diamonds, combine that together, they're only talking about twenty-one (21) square feet. When taking a look on the other side where it says custom jewelers, that's 26.25 square feet. So, those signs are a smaller square footage and then this one on this unit is sixty (60) square feet. Which is more than what's comparable other sizes of the Lavdas sign. You know, he thinks it should be more in line with the rest of it by keeping it under the forty (40), that's his opinion.

Chairman Sophia gets what Mr. Nestorowicz is saying. His position is he remembers when it was the copy store before and all the signage in the window, the colorful stuff. Hopefully, there's not going to be anything in the...

Dan Ivanovic stated no, it's going to be black lettering like the other ones. The reason they're asking for additional square footage is because they have three (3) lines of writing on it. In order, if they have to meet the forty (40) square feet in those three (3) lines, the font will be really small. It almost wouldn't balance out with what's going on there now. Actually, the fonts won't be any different that what's there with the sixty (60) feet is as it is now.

Chairman Sophia asked if there are any other comments.

Board Member Anglin said if no other of the board members have a comment they want to make he'll like to make a motion.

Motion:

Board Member Anglin made a motion to give permission to erect a 72.5" x 120" = 60.2 square ft. "Jewelry Collateral Loans" wall sign in addition to the already existing wall signage as follows:

"Gold"	6.8 square ft.	"Diamonds"	15 square ft.
"Custom Jewelers"	26.25 square ft.	"Jewelers"	37.5 square ft.
"Lavdas"	21.8 square ft.	Diamond "logo"	6.25 square ft.
Total wall signage: 173.8 square ft.			

Reasons being: Not a detriment to the neighborhood; Needs board approval; Frontage of that building is quite large.

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 (7 – 1).

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	No, thinks it's too much signage.
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.

11. PUBLIC HEARING: **APPLICANT: Metro Detroit Signs**
REPRESENTATIVE: Kevin Deters
COMMON DESCRIPTION: 5801 Ten Mile
LEGAL DESCRIPTION: 13-20-477-016
ZONE: M-2

VARIANCES REQUESTED: Permission to

Erect a 2.4166' x 13.75' = 33.2 square ft. on the south elevation in addition to a 32.4 square ft. sign on the east elevation for a total of 65.5 square ft. of wall signage.

ORDINANCES and REQUIREMENTS:

Section 4A.35 – Signs Permitted in Commercial Business and Industrial Districts (C-1, C-2, C-3, M-1 and M-2): C) Total wall signage of a size not to exceed forty (40) square ft. 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.

Kevin Deters, 11444 Kaltz, appeared before the board stating they're applying for a 33.2 square foot wall sign on the south elevation facing Ten Mile. They already permitted and installed a comparable wall sign on the east elevation facing Mound. The two (2) previous 7-11 wall signs that they had were much larger and they had permits, but they never received a variance. They must have been installed years ago before the ordinance changed many years ago. Which means, technically, this 7-11 store is only allowed forty (40) square feet of wall signage. It's time for an upgrade of the signage at this location, as the board can see. The newer signs they're proposing are much, much smaller than the previous signs that 7-11 had. They're about thirty-five (35) percent as much signage as what they had previously. The new east wall sign facing Mound is already up. The old south wall sign facing Ten Mile is still there. They just haven't taken it down yet. The new

wall signs just look way better and actually that sign on the south elevation is sort of busted. The square 7-11 cabinet in the middle is broken. So, they're just asking to replace the existing sign they had with a much smaller, much better looking sign. Since 7-11 faces two (2) major thoroughfares, both Mound and Ten Mile Road, they think that a sign facing Ten Mile Road is warranted and necessary. Also, there is an entry drive into the parking lot along Ten Mile Road, as well. In his opinion, if this variance gets granted it's a win for everybody. 7-11 gets some new signs that look a million times nicer than what they had before and the new signs are much smaller than the ones that they had. So, the new signage would be closer to the current ordinance than the old existing signage. He shouldn't say existing anymore, the previous signage that they used to have. So, he'll be happy to answer any questions the board will have.

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

Board Member Nestorowicz just wants to make a comment. He's very familiar with this 7-11 and this area. For all the times he's driven by it, he always saw the larger signs, and go figure they never had the approval or variance for the larger sign. These two (2) signs are smaller than what they currently had, so that's a win. Getting them to at least have the proper variance follows up on the documentation. He actually thinks it's going to be an improvement to the building. Especially, considering the pole sign that they have is on Mound for the north and south traffic on Mound. Can't see the pole sign, really, from Ten Mile at all. It would be an improvement.

Chairman Sophiea agrees. He thinks it's a nice upgrade. Not to mention the total square footage is including the striping, which is arguably, he doesn't always think of that as part of the sign, but he guess it is part of the ordinance. Are there any other comments?

Board Member Sylvester said the pole sign or monument sign, whatever they want to call it, that's right at the corner there of Ten Mile and Mound. Is that still there?

Kevin Deters answered yes.

Board Member Sylvester said he drives by it all the time but he can't recall if he sees it or not.

Kevin Deters explained they changed the face on it. They got a permit for it and did a face change a couple weeks ago when they put up the east wall sign. He thinks that sign six (6) or seven (7) years ago was knocked over and they replaced it. That was many years ago, but the sign they then replaced they just did a face change on a couple weeks ago.

Board Member Sylvester stated like he said he drives by it. He lives over there.

Kevin Deters said it's smaller. It's not a really big pylon.

Board Member Sylvester asked if there is a light in there.

Kevin Deters answered yes. It's internally illuminated, yes.

Board Member Sylvester said ok, so it's there. They're just wanting to put, which he doesn't have a problem with, because... Was there a reason why that store was pushed back off of Mound as far as it is? Because they have plenty of parking.

Kevin Deters stated that he doesn't know. Could be, he just wasn't around when that decision was made.

Board Member Sylvester asked the signage on the front of the building on the east side, who was that directed to. Because the building is back and they have the building next door to it to the north.

Kevin Deters said well, right. It's just having a wall sign facing Mound. Also, that new wall sign they put up on the east, that's above their entrance. So, it would look kind of strange if they didn't have a sign above the entrance to the business. That's kind of par for the course.

Board Member Sylvester thanked him.

Chairman Sophiea said to clarify, the pole sign has nothing to do with the forty (40) square foot. That's a separate ordinance. The forty (40) square foot that's referred to in this petition is just wall signage only.

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

Motion:

Secretary Jerzy made a motion to grant the petitioner permission to erect a 2.4166' x 13.75' = 33.2 square ft. on the south elevation in addition to a 32.4 square ft. sign on the east elevation for a total of 65.5 square ft. of wall signage.

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

Board Member Anglin supported the motion.

Chairman Sophiea said they have motion by Mr. 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 Higgins	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Perry	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.

12. PUBLIC HEARING: **APPLICANT: A1 Signs**
REPRESENTATIVE: Antonio Vettraiño
COMMON DESCRIPTION: 32683 Mound
LEGAL DESCRIPTION: 13-05-229-018
ZONE: MZ, C-1, P

VARIANCES REQUESTED: Permission to

Erect a 100 square ft. pole sign that is 19 ft. high, to no less than 1 ft. from the property line, with a 9 ft. under-clearance.

ORDINANCES and REQUIREMENTS:

Section 4A.19 – Clearance: All freestanding, projecting, and marquee signs shall have a clearance of ten (10) feet beneath the sign structure, excluding monument signs.

Chairman Sophia said good evening.

Antonio Vettraiño, 32683 Mound, appeared before the board explaining they have an existing pole sign there that's been built there for about... they've owned the plaza for about twenty-five (25) years and that sign has been there that long. It's been there way before they bought it. Anyway, the sign is ten (10) by twelve (12) right now that's existing. A car lost control on Mound Road and went airborne and hit the sign. So, they can either just fix the corner of that sign, but they figure to make a new panel would be the best way to go. It would be a new sign. The poles would remain the way they are. They're requesting to do a ten (10) by ten (10) sign. What's there now is ten (10) by twelve (12). So, they're going to be two (2) feet smaller than the existing one. They're going to be two (2) bigger than the ordinance. So, they're asking for that variance on that size.

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 have one question. He does think it's a nice looking sign. He appreciates they have a reasonable request here. Keeping the true spirit of the ordinance intact. He noticed on the old sign that there was a small sign panel in between the two (2) poles.

Antonio Vettraiño asked the little tiny one.

Chairman Sophia answered yeah. That's not going to be on the new?

Antonio Vettraiño explained they weren't not going to do anything with it, but the pole up to the square is going to stay the same. So, they can remove that if the board wants, it doesn't matter to them.

Chairman Sophia said he doesn't see it in the rendering. He likes the proposal.

Antonio Vettraiuo said yeah, because they're just building the top part up.

Chairman Sophiea stated that was his only comment. Are there any other comments?

No response.

Board Member Nestorowicz said not seeing any other comments, he'd like to make a proposal.

Motion:

Board Member Nestorowicz made a motion to approve the petitioner's request to erect a 100 square ft. pole sign that is 19 ft. high, to no less than 1 ft. from the property line, with a 9 ft. under-clearance.

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

Secretary Jerzy supported the motion.

Chairman Sophiea said they have motion by Mr. Nestorowicz, 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 Nestorowicz	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Chairman Sophiea	Yes, for the reasons stated in the motion.

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

13. PUBLIC HEARING:	APPLICANT: Bazo Construction
REPRESENTATIVE:	Sarah Mheisen
COMMON DESCRIPTION:	21715 Van Dyke
LEGAL DESCRIPTION:	13-33-280-028
ZONE:	C-2

VARIANCES REQUESTED: Permission to

- 1) Erect the following signage on a 660 square ft. gas canopy:
 - a. East elevation: "Amoco" word mark 22" x 13' 3" = 24.29 square ft., remaining 209.62 square ft. decorative design.
 - b. South elevation: "Amoco" logo 74" x 60" = 30.83 square ft., remaining 65.17 square ft. of decorative design.

- c. North elevation: "Amoco" logo 74" x 60" = 30.83 square ft., remaining 65.17 square ft. of decorative design.

Total of 85.95 square ft. of signage, 339.96 square ft. of decorative design remaining 234 square ft. (west elevation is blank).

- 2) Erect the following signage on 3 gas pumps (2 sides each):

- a. Pump face: 16.49 square ft. each face x 6 pump faces = 98.94 square ft.
- b. Sides of pumps 4.5 square ft. each side x 6 = 27 square ft.

Total pump signage: 125.94 square ft.

- 3) Erect a 22" x 52" = 7.94 square ft. "to go" sign on east elevation of building.

Total signage 219.83 square ft., 339.96 square ft. of decorative design.

ORDINANCES and REQUIREMENTS:

Section 4A.35 – Signs Permitted in Commercial Business and Industrial Districts (C-1, C-2, C-3, M-1 and M-2): C) 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 Sophia thanked him. Take a recovery breath or two. Good evening, please start with name and address.

Sarah Mheisen, 21715 Van Dyke, appeared before the board.

Chairman Sophia asked her to please walk the board through the request.

Sarah Mheisen explained this site is an existing Citgo gas station and the station owner has signed a new fueling contract with Amoco. That being said, they're just requesting to rebrand the site. Remove all the existing signage and replace it with the Amoco brand. As the board can see in the renderings that were provided to the board. As well as installing a to-go sign instead of the Quick Mart, she believes that's there. She thinks that's about 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.

Secretary Jerzy doesn't see this being anything out of the ordinary that the board has granted in the past. That site definitely needs an over haul and the board always sees Bazo Construction here with applications a few times a year and they always kind of rush through and don't give them enough credit that they do in the city. So, they've done a lot of great work with a lot of really rough looking gas stations. Thank God they're going through fuel changes to change signage, because they do a great job. Just wanted to make that point that the board doesn't usually make with Ms. Mheisen because she's a preferred customer it seems like.

Board Member Sylvester asked the gas station she's going to be remodeling and everything, and there's other stations that Mr. Jerzy had just saying in the area. Is this kind of typical to what she's

trying to achieve.

Sarah Mheisen replied yes. She explained it's exactly the same just repeating the process depending on whatever the brand the owner decided to go with. It's pretty typical.

Board Member Sylvester thanked her.

Chairman Sophiea thinks this looks like a routine sign package. He personally has no issue with it. He thinks it will be a nice improvement for the city.

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

Motion:

Secretary Jerzy made a motion to grant the variances:

- 1) Erect the following signage on a 660 square ft. gas canopy:
 - a. East elevation: "Amoco" word mark 22" x 13' 3" = 24.29 square ft., remaining 209.62 square ft. decorative design.
 - b. South elevation: "Amoco" logo 74" x 60" = 30.83 square ft., remaining 65.17 square ft. of decorative design.
 - c. North elevation: "Amoco" logo 74" x 60" = 30.83 square ft., remaining 65.17 square ft. of decorative design.

Total of 85.95 square ft. of signage, 339.96 square ft. of decorative design remaining 234 square ft. (west elevation is blank).

- 2) Erect the following signage on 3 gas pumps (2 sides each):

- a. Pump face: 16.49 square ft. each face x 6 pump faces = 98.94 square ft.
- b. Sides of pumps 4.5 square ft. each side x 6 = 27 square ft.

Total pump signage: 125.94 square ft.

- 3) Erect a 22" x 52" = 7.94 square ft. "to go" sign on east elevation of building.

Total signage 219.83 square ft., 339.96 square ft. of decorative design.

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

Board Member Perry supported the motion.

Chairman Sophiea said they have motion by Secretary Jerzy, 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).

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

14. PUBLIC HEARING: **APPLICANT: Bazo Construction**
REPRESENTATIVE: Sarah Mheisen
COMMON DESCRIPTION: 4925 Eight Mile
LEGAL DESCRIPTION: 13-32-451-020
ZONE: C-1

VARIANCES REQUESTED: Permission to

Erect the following signage on 7 gas pumps:

- A. Pump face: 16.49 square ft. each face x 14 faces = 230.86 square ft.
- B. Sides of pumps: 4.5 square ft. each side x 7 = 31.5 square ft.

Total pump signage: 262.36 square ft.

ORDINANCES and REQUIREMENTS:

Section 4A.35 – Signs Permitted in Commercial Business and Industrial Districts (C-1, C-2, C-3, M-1 and M-2): C) 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 hello, again. Asked for her name and address for the record, please.

Sarah Mheisen repeated her name and address. Basically, this site had an existing variance that was approved, she's not sure how many years ago, but they never received approval for the pumps. So, what she had proposed was over what was originally allowed. So, she's here to ask the boards permission to rebrand the existing gas pumps. They're existing Sunoco pumps, but the owner is going with the Amoco brand. So, they'll be swapping out the signage on the gas canopy, as well as the pumps if she receives the boards approval tonight.

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?

No response.

Chairman Sophiea closed the public portion of the meeting and turned it over to the board for discussion. He does have one (1) question. She indicated that the previous sign package was approved, but for whatever reason there was an omission of the seven (7) pumps, the Sunoco pumps.

Sarah Mheisen doesn't know what happened at that time, or who applied, but they never received approvals to brand their pumps. She doesn't know if it was something in the ordinance that had changed, maybe they didn't need to at the time. She couldn't tell him for sure.

Chairman Sophiea thanked her.

Board Member Anglin said it seems pretty simple. He has no objection. If nobody else on the board has any comments they want to make, he'd like to make a motion.

Motion:

Board Member Anglin made a motion to give permission to erect the following signage on 7 gas pumps:

A. Pump face: 16.49 square ft. each face x 14 faces = 230.86 square ft.

B. Sides of pumps: 4.5 square ft. each side x 7 = 31.5 square ft.

Total pump signage: 262.36 square ft.

Reasons being: Not a detriment to the area; Needs the boards approval; Match the rest of the décor of the building.

Board Member Perry supported the motion.

Chairman Sophia said they have 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 Sieracki	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	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.

15. PUBLIC HEARING:

APPLICANT: Neil Jeakle, National Illumination & Sign

REPRESENTATIVE:	Mike Engman
COMMON DESCRIPTION:	6082 Twelve Mile
LEGAL DESCRIPTION:	13-16-101-021
ZONE:	M-2

VARIANCES REQUESTED: Permission to

Allow the following related to signage on a gas canopy, 184' x 4" = 736 square ft.

- 1) North (front) elevation: "S" logo 44" x 36" = 11 square ft., remaining 189 square ft. decorative design.
- 2) East elevation: "S" logo 44" x 36" = 11 square ft., "Speedway" 36" x 15'9" = 47.25 square ft., remaining 109.75 square ft. decorative design.
- 3) West elevation: "S" logo 44" x 36" = 11 square ft., "Speedway" 36" x 15'9" = 47.25 square ft., remaining 109.75 square ft. decorative design.
- 4) South elevation: 200 square ft. of decorative design.

Total signage: 105.5 square ft., remaining 630.5 square ft. of decorative design.

ORDINANCES and REQUIREMENTS:

Section 4A.35 – Signs Permitted in Commercial Business and Industrial Districts (C-1, C-2, C-3, M-1 and M-2): C) 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 Sophiaea said good evening.

Neil Jeakle, 6525 Angle Drive, appeared before the board stating he is from National Illumination & Sign. It sounds so egregious when he says all those numbers. He mentioned earlier, Mr. Chair, that it is part of the ordinance that the striping be part of signage. Which is fairly unusual. He pulls permits from West Virginia all the way up to Wisconsin and he doesn't see that very often, but he's certainly not telling anybody how to run their city. He wouldn't dream of it. He thanked the board for hearing his case. Basically, what they're trying to do here, the short version. There was discussion with the Speedway project manager and somebody within the city's zoning department, or building department. That person since has retired. They were told it was going to be no problem and so they came to apply for the permits for the signs that it were exactly that were there before, and they were informed that it was not compliant. So, here he is before the board. Rest assured through everything he just read, those were the signs that were there exactly before. The canopy was in ill repair. They reconstructed a new canopy that looks much better, much shinier, much prettier. It's not all banged up. They basically just want to put the new signs right back where they were before without the birds nests.

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

No response.

Chairman Sophiaea closed the public portion of the meeting and turned it over to the board for discussion. He would just like to say he appreciates his explanation. He noticed the dates on the renderings and was going to ask what happened since October, so that makes sense. He personally doesn't have any problem with the update. He thinks it would be a nice upgrade for the city.

Board Member Nestorowicz drives down Twelve Mile so often and he always saw that one. He saw the drawings here, what are they changing? Because it's already a Speedway, it looks like. It's actually nice to know that canopy will get repaired; that's a good thing. He sees no issue since it's replacing what was there for whatever reason it didn't have the variance before, so he's in favor of it.

Secretary Jerzy to Mr. Murphy real quick. Is there any reason how that fell through the cracks?

Everett Murphy said one, he's not sure who he's talking about, nobody retired recently. Although, they do have a retirement coming up next month. He remembers being on the phone with someone and he was looking into the records. He doesn't even show they have permits for any of those signs that are up there right now.

Secretary Jerzy asked how that happens.

Everett Murphy said he couldn't tell him.

Secretary Jerzy stated he has no answers.

Everett Murphy said nope. There are no permits in the records for the signage on the canopy.

Secretary Jerzy asked how long that has been a gas station. Its been there for as long as he can remember. Forty (40), fifty (50) years.

Everett Murphy said a long time. They went back. He remembers being on the phone, this was a long time ago. He spent a good amount of time on the phone with one of their representatives and found a few original signs for the walls, nothing for the canopies whatsoever.

Secretary Jerzy said interesting and thanked Mr. Murphy.

(Inaudible)

Board Member Anglin asked Mr. Murphy if this gets approved tonight, they're going to follow u p with the permits, too, right?

Everett Murphy explained they have their applications. They denied them until they came here.

Board Member Anglin said that's what he wanted to hear and thanked him.

Everett Murphy explained they can't go forward until they get a variance.

Board Member Anglin thanked him.

Neil Jeakle stated for the record, the Speedway project manager said they were there before and just put them back up. He told them no, that's not how this works. So, he's here trying to do it the correct way.

Secretary Jerzy appreciates that, sir.

Board Member Anglin said if no other board members have anything they want to say on this subject he would like to make a motion.

Motion:

Board Member Anglin made a motion to give permission to:

Allow the following related to signage on a gas canopy, 184' x 4" = 736 square ft.

- 1) North (front) elevation: "S" logo 44" x 36" = 11 square ft., remaining 189 square ft. decorative design.
- 2) East elevation: "S" logo 44" x 36" = 11 square ft., "Speedway" 36" x 15'9" = 47.25 square ft., remaining 109.75 square ft. decorative design.

- 3) West elevation: "S" logo 44" x 36" = 11 square ft., "Speedway" 36" x 15'9" = 47.25 square ft., remaining 109.75 square ft. decorative design.
 - 4) South elevation: 200 square ft. of decorative design.
- Total signage: 105.5 square ft., remaining 630.5 square ft. of decorative design.

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

Secretary Jerzy supported the motion.

Chairman Sophia said they have 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 Higgins	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Sylvester	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.

16. PUBLIC HEARING: **APPLICANT: Lauren Mansperger/Archall Architects**
REPRESENTATIVE: Alan Panley/NF Engineers
COMMON DESCRIPTION: 6711 Eight Mile
LEGAL DESCRIPTION: 13-16-101-021
ZONE: M-2

VARIANCES REQUESTED: Permission to

- 1) Retain the driveway to Sherwood Ave., which is approximately 168 ft. to the Eight Mile Road and Sherwood Ave. intersection.
- 2) Waive the requirement to enclose the property with a chain-link fence.

ORDINANCES and REQUIREMENTS:

Section 14.01 – Uses Permitted (K) Drive-in Restaurant: An establishment whose principal business is to serve food that may be consumed in the building on the premises, on the premises outside the building, or off the premises. Drive-in restaurants shall be permitted upon approval of the Planning Commission, after a public hearing has been held and it is found that the proposed drive-in restaurant meets all the requirements of the zoning ordinances and the following standards:

- 1. Be so located and designed to eliminate undue congestion in the public streets: (a) be two hundred (200) feet from the intersection; and (b) be limited to two (2) curb cuts and if the property is less than one hundred (150) feet wide, be limited to one (1) curb cut.
- 4. Drive-in restaurant properties shall be completely enclosed with a chain-link fence with a height of four (4) feet; however, when abutting a residential property, a decorative masonry screening

wall constructed to a height of six (6) feet shall be provided.

Chairman Sophiea said good evening.

Alan Panley, 46777 Woodward Avenue, appeared before the board.

Chairman Sophiea thanked him and asked him to please summarize his request.

Alan Panley explained he is the civil engineer for this site. Just to give an overview on the project, it's just going to be a resurfacing of the parking lot, as well as some ADA improvements, and some work on the building. So, the variance requested are to: one, retain the driveway on Sherwood Avenue. The reason for this it allows access from the north side, he guess, without having to do a big long flip arounds on Eight Mile. As well as it allows the semi trucks that are delivering goods to maneuver through the site. They enter off of Eight Mile and leave off Sherwood. This drive currently exists there and so the plan is just maintain circulation through the site as it currently exists. The second variance they're requesting is to waive the requirement to enclose the property with a chain link fence. This is more an aesthetic request. It appears all the other fast food restaurants in the city don't have a chain link fence. White Castle is trying to maintain a welcoming atmosphere and a chain link fence would kind of go against that.

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

Board Member Nestorowicz has a question. He knows they're doing the parking lot. This White Castle has been there for a very long time. Are they doing work on the building? He couldn't... he didn't quite...

Alan Panley replied yes. There's going to be renovations done to the building.

Board Member Nestorowicz stated this is an existing White Castle that has been there many, many, many years. The fact that there are 168 feet curb cut as opposed to 200, but can't do 200 hundred on that property.

Secretary Jerzy said no.

Board Member Nestorowicz said personally, no fast food restaurants have chain link fences. So, he personally is in favor of approving this.

Secretary Jerzy said the petitioner made a great point. There is no chain link fence around any drive-through restaurant in the Cit of Warren. It's actually an ordinance they're trying to get changed, currently. So, people like him don't have to apply for variances that's something kind of a no brainer. He doesn't see this being anything out of the ordinary. He does make a great

argument with truck traffic there with that corner; it's really tight. Trying to get a truck off Eight Mile to back into that property, he wouldn't want to do it. So, if nobody else has anything to say he would like to make a motion.

Board Member Sylvester said the petitioner has been before the board before. Is he working on the restaurant now? Is it closed? Is he renovating it?

Alan Panley replied the plan is to begin renovating, but work has not begun as of right now.

Board Member Sylvester asked him if he's just getting all his ducks in a row before.

Alan Panley said right.

Board Member Sylvester asked if he had any idea when that might start.

Alan Panley introduced Matt, the White Castle representative.

Matt explained they're hoping to start in June or July.

Chairman Sophiea said since he spoke, please give a full name and address.

Matt Winbury stated his name with White Castle.

Secretary Jerzy and Chairman Sophiea asked for the address.

Matt Winbury said 14602 Colpaert.

Board Member Sylvester asked once they get started about how long will that take to do all the renovations.

Matt Winbury said six (6) to eight (8) weeks.

Board Member Sylvester asked six (6) to eight (8) weeks.

Matt Winbury replied yes.

Board Member Sylvester asked really.

Matt Winbury said of a shut down, yes.

Board Member Sylvester said ok, well good luck.

Chairman Sophiea said plan accordingly.

(Laughter)

Secretary Jerzy said to get your sliders now.

(Laughter)

Motion:

Secretary Jerzy made a motion to grant the petitioner:

- 1) Retain the driveway to Sherwood Ave., which is approximately 168 ft. to the Eight Mile Road and Sherwood Ave. intersection.
- 2) Waive the requirement to enclose the property with a chain-link fence.

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

Board Member Perry supported the motion.

Chairman Sophia said they have motion by Secretary Jerzy, support by My. Perry 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 Perry	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Anglin	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. NEW BUSINESS

Chairman Sophia hoped everyone received the invitation to the Council of Commissions dinner. He's drawing a blank on the date.

Board Member Higgins said 26th of May, he thinks.

Chairman Sophia said it sounds familiar, but he can let them know for sure at the next meeting. Also, the Council of Commissions has sent a form requesting a nomination for someone to volunteer to be part of the organizing for the event next year. Are there any nominations. Mr. Perry? That would be great. Then there's an alternate.

Board Member Nestorowicz said they can put him down for the alternate.

Chairman Sophia said that would be great. Do a quick motion.

Motion:

Secretary Jerzy made the motion to nominate Mr. Perry for the Council of Commissions for 2024-2025 and Mr. Nestorowicz as the alternate.

Voice Vote:

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

Secretary Jerzy has one more thing for new business. They have the budget hearings coming up this weekend, they do have a budget, the board has a budget, and zoning department does have a budget. The one thing he wanted to make a point before making a statement. He thinks the zoning department does a great job. Everett, Steve, everybody in that department does above and beyond. Their work load is just incredible and for what they handle, guys and gals. It's amazing they get things done. With that being said, he'd like to try to at least make a point that they need to get these people some help. They can only do so much. In the budget, he looked and saw there is a line item for only six (6) employees on top of Mr. Murphy, the department head. He would like to see that increased by at least two (2) or four (4) people. Whether it's part time status, full time status or whatever to get these people more help. They just have a continual train of things, it seems, that come up that things weren't caught. Things that fell through the cracks. He means, every meeting they seem to have a sign that doesn't have a variance. It's nothing to the current people in the department, they're spread so thin. There's still material at the end of the toast, you know, that's how spread thin they are. They need to get them some help and get some of these things under control in the city. He hopes somebody is watching this meeting from council, the mayor's office to increase this budget for this department, to help these people out. Give them more support. Give them more tools to reign in some of these properties that have been, you know, missed for so long. They need help and this is pitch to hopefully it doesn't fall on deaf ears and hopefully get the zoning board some help. So, he's trying to go to bat for Mr. Murphy and his department. Guys do great work. Keep up the great work. They need help though. That's a given. That's something he's seen here for three (3) years, going four (4) years he's been on the board. He's sure there are a few people that will share that sentiment, whether it's publicly or behind closed doors. They feel it, too. But he'll be the speaking point, and, you know, try to get him some help. Whatever comes of it, comes of it. But they need to do something and change the pattern of this department and the way they operate in the city. So, that's all he has. With that, he'll make a motion to adjourn.

Board Member Sylvester said last meeting Mr. Nestorowicz and himself volunteered for a position, ordinance committee or whatever. Do they know anything about that?

Board Member Nestorowicz said they haven't sent anything out yet.

Chairman Sophiea hasn't heard an update. He knows city council will probably get to it.

Board Member Anglin said they'll get to it whenever they get to that person that they're missing down at the end of the empty chair.

Board Member Sylvester said oh yeah that's right. Thank you.

18. ADJOURNMENT

Motion:

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

Voice Vote:

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

The meeting adjourned at 8:47 p.m.

Paul Jerzy
Secretary of the Board

APPROVED