

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
APRIL 24, 2024

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, April 24, 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
Charles Perry, Assistant Secretary
Charles Anglin
Kevin Higgins
Anthony Sieracki, Jr.
Michael Sylvester

Members of the Board absent:

Roman Nestorowicz, Vice-Chairman

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 7:31 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

A roll call was taken and all Board Members Nestorowicz was absent.

Motion:

Secretary Jerzy made a motion to excuse Mr. Nestorowicz, he messaged earlier that he wouldn't be able to make the meeting; Board Member Anglin supported the motion.

Voice Vote:

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

4. ADOPTION OF THE AGENDA

Motion:

Secretary Jerzy 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 (7 – 0).

5. APPROVAL OF THE MINUTES of the Regular Meetings of March 13, 2024 and April 10, 2024.

Motion:

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

Voice Vote:

A voice vote was taken. The motion carried (6 – 0). Board Member Higgins abstained due to being absent from this meeting.

Motion:

Secretary Jerzy made a motion to approve the minutes of April 10, 2024 meeting;
Supported by Board Member Perry.

Voice Vote:

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

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| 6. PUBLIC HEARING: | APPLICANT: Joseph Berti |
| REPRESENTATIVE: | Same as above. |
| COMMON DESCRIPTION: | 29181 Malvina |
| LEGAL DESCRIPTION: | 13-12-353-013 |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to

Allow a hot tub in the rear of the side yard setback, 20 feet from the side property line.

ORDINANCES and REQUIREMENTS:

Section 7.07 – Side Yards Abutting Upon a Street: In R-1-C districts, the width of the side yard abutting upon a street shall be not less than twenty-five (25) feet when rear yards abut side yards; however, when rear yards abut rear yards, the side yard abutting the street shall be not less than twenty (20) feet.

Chairman Sophia asked if there is a petitioner here on item 6.

No response.

Chairman Sophia asked if someone would like to make a motion.

Motion:

Board Member Anglin made a motion to move this to 11a; Supported by Secretary Jerzy.

Voice Vote:

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

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| 7. PUBLIC HEARING: | APPLICANT: Warren Lions Club |
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REPRESENTATIVE: Al Lindsey
COMMON DESCRIPTION: 3001 Thirteen Mile
LEGAL DESCRIPTION: 13-06-402-002
ZONE: R-1-A

VARIANCES REQUESTED: Permission to

Conduct 63rd Warren City Fair as follows:

Wednesday	June 12	3:00 p.m. to 11:00 p.m.
Thursday	June 13	3:00 p.m. to 11:00 p.m.
Friday	June 14	3:00 p.m. to 11:00 p.m.
Saturday	June 15	12:00 p.m. to 11:00 p.m.
Sunday	June 16	12:00 p.m. to 11:00 p.m.

ORDINANCES and REQUIREMENTS:

Section 4.35: Carnivals, fairs, circuses, and similar uses require the approval of the Zoning Board of Appeals.

Chairman Sophiaea said good evening.

Al Lindsey appeared before the board saying good evening. He is the chairman of the Warren Lions City fair.

Chairman Sophiaea asked for his address for the record.

Al Lindsey, 3642 Wickfield Drive.

Chairman Sophiaea thanked him.

Al Lindsey said no problem. He's here to request again for, he thinks it's over sixty (60) years they've at the Warren Lions City fair at Halmich Park. He's here requesting that again. The hardship is he needs the Board of Appeals approval to have a carnival in the city. They also shut off all the music at ten o'clock at night to avoid any kind of loud noises for the festival.

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

Board Member Sylvester has one question for the petitioner. He's just curious. It used to be out in the field. He liked it when it was out in the field. Why was it moved to the parking lot?

Al Lindsey answered more visibility. It increased their ride gross by about thirty (30) percent by moving it out to Thirteen Mile Road.

Board Member Sylvester asked if it's very successful.

Al Lindsey replied very successful, yes. They wouldn't be doing it. He's been chairman now for over twenty-five years, so it's very successful. They do a lot of good. All the money goes back into the community. So, they're doing projects for the blind, hearing. City projects for the city. All kinds of things that they spend the money on.

Board Member Sylvester wished him all the best.
Al Lindsey thanked him.

Board Member Anglin said good evening to Al. He'd like to make a motion if no other members of the board have any objections or anything to say.

Motion:

Board Member Anglin made a motion to approve the petitioner to seek to:
Conduct 63rd Warren City Fair as follows:

Wednesday	June 12	3:00 p.m. to 11:00 p.m.
Thursday	June 13	3:00 p.m. to 11:00 p.m.
Friday	June 14	3:00 p.m. to 11:00 p.m.
Saturday	June 15	12:00 p.m. to 11:00 p.m.
Sunday	June 16	12:00 p.m. to 11:00 p.m.

Reasons being: Needs board approval; Asset to the community; Size and shape of the lot.

Secretary Jerzy amended the motion, with music being shut off at 10:00 p.m.

Board Member Anglin accepted that amendment.

Board Member Sieracki supported the motion.

Chairman Sophiaea 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 – 0).

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	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** with the previously mentioned conditions.

8. PUBLIC HEARING: **APPLICANT: Thrifty Florist of Warren #1**
REPRESENTATIVE: Nicole Agbay
COMMON DESCRIPTION: 29010 Schoenherr

LEGAL DESCRIPTION: 13-12-353-010
ZONE: MZ, C-1, P

VARIANCES REQUESTED: Permission to

Conduct a seasonal outdoor sales operation in a "P" district from March 31, 2024 through January 31, 2025 (788 square ft.) to no less than 16 ft. from the Schoenherr Road property line and 50 ft. from the north property line per site plan and same as last year.

ORDINANCES and REQUIREMENTS:

Section 4.46 – Paragraph (A): The goods, items or articles sold or activities conducted as part of any outdoor retail sale must be consistent with the zoning district where the parcel is located.

Section 16.01 – Uses Permitted: In all "P" districts, no land shall be used for any other use than automobile parking of private passenger vehicles.

Chairman Sophiaea said good evening.

Nicole Agbay appeared before the board saying good evening.

Chairman Sophiaea asked her to start with name and address for the record.

Nicole Agbay, 29010 Schoenherr.

Chairman Sophiaea thanked her.

Nicole Agbay explained she's, again, coming here to ask, a little late this year. It was difficult for her to get in before Valentine's Day to put this in. They do not have product out. They're waiting for the board tonight, to ask for their seasonal outdoor sales in the P District from the end of March through January 31st. Nothing will come out until just before Mother's Day. No less than sixteen (16) feet from the Schoenherr property line and fifty (50) feet from the north property line, per the site plan, and same as each year they come.

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

Board Member Sylvester said she's been there for quite a long time.

Nicole Agbay said yes, sir. Thirty-three (33) years.

Board Member Sylvester asked if it's still the same the way she's setting it up and everything.

Nicole Agbay replied yes, sir.

Board Member Sylvester thanked her.

Secretary Jerzy thinks this seems to be pretty straightforward and a simple request like they have every year. If nobody else has anything else to add or say, he'd like to make a motion.

Motion:

Secretary Jerzy made a motion to grant the petitioner to conduct a seasonal outdoor sales operation in a "P" district from March 31, 2024 through January 31, 2025 (788 square ft.) to no less than 16 ft. from the Schoenherr Road property line and 50 ft. from the north property line per site plan and same as last year.

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

Board Member Perry supported the motion.

Chairman Sophiea stated they have a 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 (7 – 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 Anglin	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.

9. PUBLIC HEARING: **APPLICANT: Thrifty Florist of Warren #2**
REPRESENTATIVE: Nicole Agbay
COMMON DESCRIPTION: 30975 Ryan
LEGAL DESCRIPTION: 13-07-227-013
ZONE: C-1

VARIANCES REQUESTED: Permission to

Conduct a seasonal outdoor sales operation 20 x 30 (600 square ft.) from March 31, 2024 through January 31, 2025 to no less than 45 ft. from the Ryan Road property line and 45 ft. from the Thirteen Mile property line.

ORDINANCES and REQUIREMENTS:

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

Chairman Sophia said good evening.

Nicole Agbay said hello.

Chairman Sophia asked her to state her name and address again, please.

Nicole Agbay restated her name and address 30975 Ryan Road. She explained, like he mentioned, they're hear again to ask for outdoor seasonal sales operation, twenty (20) by thirty (30), which is 600 square feet, from March 31st, but no product will go till just before Mother's Day, through January 31, 2025 for cleanup. No less than forty-five (45) feet from the Ryan Road property line and forty-five (45) feet from the Thirteen Mile Road property line. It doesn't say that on here, but it's the same as last year.

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. He does just have one comment. He drives by that Thirteen and Ryan location almost daily. Is the tent up?

Nicole Agbay said today. It blew off in the bad storm. They put the tents up early because the weather got really nice and thought it would stay that way, but it didn't. So, the product is not there to sell. There's nothing to sell there. She thought he was going to ask, because it blew off in the storm, but anyways, it got fixed today.

Chairman Sophia asked if there were flowers out there. Pansies and stuff?

Nicole Agbay doesn't think Warre 2 got pansies. She made beautiful silk displays at the front door. Maybe they did get pansies. She apologized. She thought only her Birmingham store and Dearborn. She thought three (3) stores got pansies, she could be wrong.

Chairman Sophia can't speak for the Schoenherr location, but Ryan...

Nicole Agbay said they might have got pansies.

Chairman Sophia said there was stuff out there.

Nicole Agbay said ok, then they did get pansies. She apologized.

Chairman Sophia explained just to set the record straight.

Nicole Agbay explained Mother's Day is normally their big push where they start. Her boss must have done that and she didn't know. She apologized.

Chairman Sophia said that was his only comment.

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

Motion:

Secretary Jerzy made a motion to grant the petitioner permission to conduct a seasonal outdoor sales operation 20 x 30 (600 square ft.) from March 31, 2024 through January 31, 2025 to no less than 45 ft. from the Ryan Road property line and 45 ft. from the Thirteen Mile property line.

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

Board Member Perry supported the motion.

Chairman Sophiea said they have a 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 (7 – 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 Higgins	Yes, for the reasons stated in the motion and he is pro-flowers.
Board Member Anglin	Yes, and if they ask his wife he is not pro-flowers.
Chairman Sophiea	Yes, for the reasons stated in the motion.

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

10. PUBLIC HEARING: **APPLICANT: Global Sign & Awning**
REPRESENTATIVE: Ayad Sitto
COMMON DESCRIPTION: 3949 Nine Mile
LEGAL DESCRIPTION: 13-30-478-035
ZONE: R-1-P

VARIANCES REQUESTED: Permission to

Erect two wall signs on the south elevation of the building:

- 1) "IAG International Assembly of God" – 80 square ft.
- 2) A cross – 40 square ft.

Total wall signage 120 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 good evening.

Ayad Sitto appeared before the board stating good evening.

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

Ayad Sitto from Global Sign & Awning.

Monsey Chuckle, 3949 East Nine Mile, appeared before the board.

Chairman Sophiea asked for his name.

Monsey Chuckle stated his name and explained he's one of the board members with IAG.

Chairman Sophiea thanked them and asked them to tell the board about their request. Monsey Chuckle is seeking permission for two (2) wall signs on the front of the face of the property. One saying "IAG International Assembly of God" which is eighty (80) square feet and a cross that is forty (40) square feet.

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.

Board Member Sylvester road by there the other day and always known where that is, but he had to take his map and had to go there. Just a comment. They have a nice property. They take very well care of it and looking as what they want to do as far as the signage goes, it will enhance the building even more. So, he wishes them all the best and it looks good.

Secretary Jerzy said this is about three (3) times the size of what's usually allowed by ordinance, but he thinks with the way its setup on the layout of the building. Initially, he thought it might be excessive, but he actually thinks it blends in pretty decent. He doesn't see this being a detriment and doesn't see a problem with this unless some other board member sees something he doesn't.

Chairman Sophiea personally thinks it's a nice upgrade for the building. It is in scale on the front side of there. Personally, he doesn't know if the IAG abbreviation is needed, given the size of the text underneath, but that's his only thought.

Secretary Jerzy said if no other board members have any other comments or concerns he would like to make a motion.

Motion:

Secretary Jerzy made a motion to approve:

Erect two wall signs on the south elevation of the building:

- 1) "IAG International Assembly of God" – 80 square ft.
- 2) A cross – 40 square ft.

Total wall signage 120 square ft.

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 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 (7 – 0).

Secretary Jerzy	Yes, for the reasons stated in the motion.
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 Higgins	Yes, for the reasons stated in the motion.
Board Member Sylvester	It fits, 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: Ali Ajami**
REPRESENTATIVE: Brian Stakley
COMMON DESCRIPTION: 25010 Mound
LEGAL DESCRIPTION: 13-21-353-025
ZONE: M-2

VARIANCES REQUESTED: Permission to

Erect the following signage:

- 1) A 106 square ft. freestanding sign with:
 - A. Overall height of 25 ft.
 - B. No less than 8 ft. 6 in. from the Ten Mile Road property line.
 - C. No less than 4 ft. from the Mound Road property line.
- 2) Allow the following signage on a 276' x 3' = 828 square ft. gas canopy:
 - A. Front (south) elevation: "Sunoco" 25 in. x 11 ft. 2 in. = 23.26 square ft., remaining 318.74 square ft. of decorative design.
 - B. Left (west) elevation: "Sunoco diamond" 42 in. x 67 in. = 19.54 square ft., remaining 52.46 square ft. of decorative design.
 - C. Rear (north) elevation no signage, 342 square ft. of decorative design.
 - D. Right (east) elevation: "Sunoco diamond" 42 in. x 67 in. = 19.54 square ft., 52.46 square ft. of decorative design.

Total canopy signage: 62.34 square ft., remaining 765.66 of decorative design.

If variances are approved all previous sign variances will be relinquished.

ORDINANCES and REQUIREMENTS:

Section 4A.35 – Signs Permitted in Commercial Business and Industrial Districts (C-1, C-2, C-3, M-1 and M-2): B) One freestanding on-premise sign or advertising display of a size not to exceed seventy-five (75) square feet shall be allowed in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.

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

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

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

Chairman Sophiea said good evening.

Brian Stakley appeared before the board saying good evening. He's here today representing Aver Sign for the property at 25010 Mound Road, a Sunoco. The variances were granted to similar properties in the area including 1950 Twelve Mile Sunoco, and especially right at the corner opposite this station, the local Speedway. This has created an undue burden on the owner of the property. It was no self-imposed. The requests that they're making is for the standard Sunoco brand image. These brand images change from time to time. He thinks most recently it was changed in 2021. The site has undergone extensive improvements, renovations. It was pretty ground up improvement at this site. That became necessary in order to compete in this industry. They need to compete in a number of ways and one of those is increasing offerings, which is why they chose to touchless carwash there. This has become necessary due to previous variances granted to remain competitive in the area. The location at Ten Mile and Mound is heavily trafficked. It's located off a major interstate. Taller sign with increased display is necessary to safely capture motorist and display the products, prices and services available. A number of those are required by law, major grades, cash, credit. The additional cabinet is to advertise the touchless car wash. Right across the street a variance was granted for a sign of similar height with five (5) cabinets. It would not be a detriment to the surrounding properties or the values. No public safety concerns. A variance is necessary in order for this site to compete equally with neighboring properties that have been granted like consideration. It's definitely necessary to operate the property as intended. With the increased offerings, a gas station is no longer for gas. He means they're see stores. Many offer restaurants. This one happens to have a touchless carwash. It's the minimum request necessary to safely promote the brand products prices and services. They believe it strikes a fair balance between the needs of the owner and the greater needs of the community at large. With that being said, he thanked the board for their time and asks for their support.

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.

Board Member Anglin said one of the things he thinks the board has been trying to stride for is the

excessive use of tall signs, with a lot of the gas stations especially. They've had the taller signs. This one here is probably one of the tallest ones since he's been on the board that they've come across. He doesn't believe they should allow anything above a twenty-one (21) foot. That's been pretty well about the standard of what's been asked of the board in the past. He doesn't think the board should change that scenario. If they need to make up for some space on that, they can do like... Somebody on the board suggested at one time about having the gas cash, credit flip in the same box. Where they say cash and credit in the same box, flip the light over to the other one, which would eliminate some space out of that. He doesn't think he has too much problems if they came down another couple of feet, come down a little bit, to make up that. But he doesn't believe allowing going over twenty-one (21) feet. And not less than ten (10) feet underneath the canopy. So, it's not like bringing the whole thing all the way down to the ground to not be up in the air, but not less than ten (10) feet.

Chairman Sophia asked if that's what it's drawn at, isn't it?

Board Member Anglin stated no, it's drawn at twelve (12) feet.

Chairman Sophia said it's 120 inches.

Board Member Anglin said that's ten (10) feet. He's correct and apologized.

Chairman Sophia wouldn't mind seeing that drop to eight (8) feet. Take two (2) feet off the top. Board Member Anglin said they would have to take four (4) feet off total. It's twenty-one (21) feet and they want to go to twenty-five (25). His view should be it's twenty-one (21), and it's twenty-five (25).

(Inaudible)

Board Member Anglin doesn't think they should be able to take four (4) feet off of the bottom. At that point, it's too low for cars pulling out to be able to see underneath that sign. So, they're going to have to compensate for something up at the top, and that's why he suggested doing the cash price and switches to credit price, if they do a cash/credit type situation.

Secretary Jerzy thinks also with the way that property is going to sit now with the new building and everything, that's going to advertise for itself. Almost like how Thirteen and Ryan does now. He kind of envisions that corner coming somewhat like that. It's just going to be highly more visible and he thinks if the board does bring the signage down, he doesn't think it's going to hurt the business. He thinks it's a great project going in there. A lot of people in that area are excited about it being redeveloped. He doesn't think four (4) feet on the sign is going to make or break the business. He thinks the building itself and it being a new fresh development will probably bring more business than any sign they can put up there. He shares his same sentiment to try to bring it down a little bit. You know, if it was right against the freeway, it would be thing. They'd be trying to advertise to freeway traffic, but they're not. They're far enough off the freeway where that's not really the situation. So, that's his thoughts.

Chairman Sophia has a similar sentiment. He thinks it is too tall. Mound Road can be like a freeway during rush hour. He would be happy seeing the under clearance going down to eight (8)

feet and he could live with it a little taller, if two (2) feet was taken off, personally. That's his position.

Board Member Higgins has a question for the chairman or anybody on the board, because he does remember when they had something in front of the board at the last meeting, signage, correct? Same intersection? He thought it was because they were talking about the neighbor, correct?

Brian Stakley explained they did one, it was 1950 Twelve Mile, it was another Sunoco. Almost exact same branding. The only thing he does not recall off hand is the exact overall height of that sign.

Board Member Higgins said that was what he was looking for, for the height. He thought maybe they had them on adjacent corners where they're at now. If they're not and he doesn't have anything to compare it to, then he's in favor of going down. If they could tell him that across the street was twenty-one (21) feet then they'd follow right into that. Thank you.

Brian Stakley explained he was comparing it to the Speedway right across the street. Obviously, they wouldn't let them go onto their site and measure their sign, but cabinets are pretty much two (2), ten (10) foot under clearance, two (2) feet and that's five (5) cabinets, so that's twenty (20). Then that top has got to be standard, which is probably five (5) feet, so that's twenty-five (25) feet right there. He doesn't know if that's exact, but that's pretty close estimate as to what the pole sign right across the street for the Speedway is. Of course, with the ten (10) foot under clearance.

Board Member Anglin understands that, but the board, he was not here when they voted for that sign at Speedway. The board doesn't set criteria by other signs at other lots or anything like that, its not like he has, so I want. It's by the issue, by the actual job site, so he doesn't think that gives an argument on changing his thought about twenty-one (21) feet.

Board Member Sylvester asked if everybody on the board has a copy of the paper of the two (2) signs on it. Look at the one on the left, it says ten (10) feet. If looking at the one on the right it says 120 inches, but if looking at the bottoms they're different. He's not sure what they're looking at. If they're looking at eight (8) feet, then he would imagine both of those have to be dropped down one four (4) feet and the other one two (2) feet.

Chairman Sophia explained the one on the left is the existing sign.

Board Member Sylvester asked if that one is not going to be used anymore.

Board Member Anglin stated his understand is that it's going to be gone.

Brian Stakley answered this will be a new pole sign on new footings.

Board Member Sylvester asked the petitioner if he has the picture.

Brian Stakley replied yes.

Board Member Sylvester asked if the existing sign is not going to be used anymore.

Brian Stakley explained that's the old branding.

Board Member Sylvester would imagine that somewhere along the line, because it doesn't say not to scale on here in any way shape or form, but if looking at it they have 120 inches on the one on the right and ten (10) feet on the one on the left, and the bottoms are different.

Brian Stakley said he's not understanding his question. The under clearance on both is ten (10) feet. Well, the old one and the...

Board Member Anglin said it's not to scale.

(Inaudible)

Board Member Sylvester said to the Chair, they're looking at eight (8) feet clearance underneath the sign. Is that what they're looking at?

Board Member Anglin clarified that's what the board is discussing.

Chairman Sophiea said that's what they're discussing, it's drawn as ten (10) feet. It's a little confusing the picture they provided the existing sign and the proposed sign. They're not scaled to each other. At first glance he thought it was ten (10) foot under clearance now, and twelve (12) feet proposed, but...

Board Member Sylvester said it's not twelve (12) feet, it's 120 inches so they're both the same.

Chairman Sophiea said right. The difference he's noticing studying this more is the digits are larger on the new sign for the gas prices. They're jumping from fourteen (14) inches to sixteen (16) inches, so that's what's really making up the increased of height.

Board Member Anglin said they're actually jumping up, not to interrupt him, they're jumping from ten (10) inches on the bottom ones. The only ones that's fourteen (14) inches is the regular sign. That's why he brought up the issue about they could reduce them down to that, but they had a nineteen (19) foot sign all along. He's not asking they bring it back down to nineteen (19) feet to match the sign they had, but twenty-one (21) feet to him is more than sufficient.

Chairman Sophiea said this sign is to replace the existing sign, but they're not reusing the same footings, they're moving it slightly. Is that correct?

Brian Stakley replied yeah, correct. It's two (2) feet off Mound, two (2) feet off of Ten Mile.

Chairman Sophiea asked two (2) feet closer to Mound.

(Inaudible)

Board Member Anglin said two (2) feet further away to Ten Mile, but it's two (2) feet closer to Mound.

Chairman Sophiaea said ok. He was going to ask the petitioner, he heard the comments from the board so far.

Brian Stakley replied yes.

Chairman Sophiaea asked if he would like to amend the petition.

Brian Stakley said yes, if they could get the variance for an eight (8) foot under clearance and an over all height of twenty-one (21) feet.

Board Member Anglin said that fits everything he's got.

Board Member Sylvester said and the eight (8) feet under clearance.

Chairman Sophiaea said they'll drop the under clearance by two (2) feet, down to eight (8), and reduce the over all height to twenty-one (21) feet. Is that correct?

Unknown asked if they'd be ok dropping the under clearance to eight (8) feet and over all height at twenty-three (23) feet.

Board Member Anglin said no.

Unknown said no. So, they'd have to eliminate. They'd have to eliminate this cabinet.

Brian Stakley said one of them.

(Inaudible)

Brian Stakley said from his end, they could work with any of that, it's just what he's comfortable with and what the board.

Unknown stated they'll lose the advertising.

Brian Stakley asked if he's good.

Unknown said yeah.

Brian Stakley told the board he thinks he's good with that amendment. They were hoping to get that two (2) feet so they could advertise the carwash.

Board Member Anglin said you can always try. If no other board members have any other comments he would like to make a motion.

Chairman Sophiaea said please do.

Motion:

Board Member Anglin made a motion to give permission to erect the following signage:

He's not sure if it's going to be 106 square feet of freestanding sign. Can somebody help him with that calculation?

(Inaudible)

Chairman Sophia said the only change is going to...

Secretary Jerzy said overall height to twenty-one (21) feet.

Board Member Anglin said there's going to be a sign change, because he's coming down four (4) feet and only bring two (2) feet down from the bottom.

Chairman Sophia said three (3) foot reduction.

Brian Stakley explained if they have to remove that touchless carwash, that's 13.62 square feet.

Chairman Sophia said they don't care how...

Board Member Anglin just needs to get an overall. So, if it was 106...

Chairman Sophia said the first thing to do is the width.

Board Member Anglin said it's 82.25 and if they bring it down four (4) feet, but add on two (2) here, so actually only taking two (2) feet out of the signage area. So, they're taking two (2) foot by 85.25. If somebody wants to take out their magic phones and do the calculation on that.

Chairman Sophia stated the sign is dropping from twenty-five (25) feet to twenty-one (21) so that's a reduction of four (4), but they're gaining two (2) on the bottom.

Board Member Anglin said that's how he came up with the twenty-four (24).

Chairman Sophia said 85.25, the width, by twenty-four (24). He thinks its seventeen (17) square feet it's reducing.

Board Member Anglin said if they take seventeen (17) square feet off 106.

Chairman Sophia said eighty-nine (89).

Board Member Anglin said eighty-nine (89) square feet. His overall point on this. There's a reason he's trying to say it this way, so it's on record this way. His overall point is, the sign height will be twenty-one (21) feet, has to be eight (8) foot clearance underneath. In case the boards math is wrong, then he has something to stand on, well they spelt out exactly the size of the sign that the board did the math wrong. He thinks that will comprehend legally wise with any discretion. He's not one hundred (100) percent sure that is the number. It

looks right.

Chairman Sophiea said when they round it, Mr. Anglin, it's closer to ninety-two (92) square feet. He thinks if he makes his motion with the under clearance and new height that should be.

Board Member Anglin said don't do overall. 1A is 106 square feet of freestanding sign. So, tell him it's closer to ninety-two (92).

Chairman Sophiea said ninety-two (92) square feet.

Board Member Anglin would rather give them the benefit of the doubt and say ninety-two (92) square feet and it runs in these parameters he's going to set for the height and under carriage for it and that should cover him in anyway.

Chairman Sophiea stated as long as he mentions the width of the sign, too.

Motion:

Board Member Anglin made a motion to erect the following signage:

- 1) A ~~406~~ **92** square ft. freestanding sign with:
 - A. Overall height of 25-ft. **21 feet, width 85.25 inches.**
 - B. No less than 8 ft. 6 in. from the Ten Mile Road property line.
 - C. No less than 4 ft. from the Mound Road property line.
- 2) Allow the following signage on a 276' x 3' = 828 square ft. gas canopy:
 - A. Front (south) elevation: "Sunoco" 25 in. x 11 ft. 2 in. = 23.26 square ft., remaining 318.74 square ft. of decorative design.
 - B. Left (west) elevation: "Sunoco diamond" 42 in. x 67 in. = 19.54 square ft., remaining 52.46 square ft. of decorative design.
 - C. Rear (north) elevation no signage, 342 square ft. of decorative design.
 - D. Right (east) elevation: "Sunoco diamond" 42 in. x 67 in. = 19.54 square ft., 52.46 square ft. of decorative design.Total canopy signage: 62.34 square ft., remaining 765.66 of decorative design.
If variances are approved all previous sign variances will be relinquished.

Reasons being: Not a detriment to the area; Size and shape of the lot; Needs board approval; Hear what's being said on amount of signage most of it, large portion of it, is decorative.

Secretary Jerzy asked if he got the eight (8) foot under clearance.

Board Member Anglin said no, he did not. Add on: **Under clearance of the sign is going to be eight (8) foot, minimum.**

Board Member Sylvester said he has a question.

Chairman Sophiea said they have a motion on the floor, Mr. Sylvester.

Board Member Sylvester said he knows, but he really has to ask this. He doesn't know if it should be in it or not, the width of the legs are four (4) inches a piece, that's actually part of the sign. Does that have to be included?

Board Member Anglin said they shouldn't be discussing this, but the measurement is outside on any signage. It's from the outer edge including posts and everything else, not just the boxes in the middle.

Board Member Sylvester said they gave an 85.25 width of the sign. If looking at the other drawing, they're four (4) inch legs, there's about another eight (8) inches, which would make it 93.25.

Board Member Anglin is going to leave it at the eighty (80) because that's what they got on here.

Board Member Sylvester said that's the reason he's asking.

Board Member Anglin said it's a good question, but it's just that's what they got on here and...

Board Member Sylvester asked for the signage.

Board Member Anglin replied mmhm.

Board Member Sylvester said ok.

Board Member Anglin stated he read the square footage, so...

Board Member Higgins supported the motion.

Chairman Sophia said they have 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 – 0).

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
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 read changes.

11a. PUBLIC HEARING: **APPLICANT: Joseph Berti**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 29181 Malvina
LEGAL DESCRIPTION: 13-12-353-013
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Allow a hot tub in the rear of the side yard setback, 20 feet from the side property line.

ORDINANCES and REQUIREMENTS:

Section 7.07 – Side Yards Abutting Upon a Street: In R-1-C districts, the width of the side yard abutting upon a street shall be not less than twenty-five (25) feet when rear yards abut side yards; however, when rear yards abut rear yards, the side yard abutting the street shall be not less than twenty (20) feet.

Joseph Berti appeared before the board stating it almost sounds funny with all this other stuff going on. That was great.

Chairman Sophia said good evening.

Joseph Berti, 29181 Malvina.

Chairman Sophia mentioned to Mr. Berti he was running a little late today.

Joseph Berti explained he was on time actually, everybody was telling him over here, over here.

Chairman Sophia said his punishment was he had to wait till the end.

Joseph Berti enjoyed it.

Chairman Sophia said luckily they had a short night tonight.

Joseph Berti said no problem.

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

Joseph Berti explained he would like to put a hot tub. They have overhead lines that run diagonally through his property and it has to be ten (10) feet away from that. That whole side there the lines take away anywhere he can put it. If he put it in the proposed spot, it's still twenty-five (25) feet more to the fence line. He's in a corner lot. He's not obstructing or doing anything with neighbors. His neighbors can put a hot tub right close to theirs, but unfortunately, he enjoys his big corner lot, but he'd like to have it right there closer to the house so if they come out in the snow or whatever they don't have to slip and fall. His is short.

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.

Board Member Anglin said there seems like a spot behind the garage there, way back in the back here, that probably would fit. That was meant to be humorous.

(Laughter)

Board Member Anglin has a little bit of a question about the line of site. He's always been for anything that gets added into a yard has to be behind the house and not within the line of site.

Joseph Berti explained he has a six (6) foot fence around.

Board Member Anglin said once it's set down in this, if somebody decided to come through later and put a four (4) foot screened fence then it would be in line of site.

Joseph Berti stated if he moves, he'll take it down.

Board Member Anglin understands. He knows code won't let be put in under the wire.

Joseph Berti asked what's that.

Board Member Anglin stated he's discussing with the board.

Joseph Berti apologized.

Board Member Anglin said but he knows code only allows the screen, you know, can't be within ten (10) feet of wire. Anywhere he puts on this property, other than... If he put it in anywhere on this property it's either going to be by the pool or out by the street.

Secretary Jerzy said first off, it's up already.

Board Member Anglin said well, if it doesn't fit where the board says then it has to be moved.

Secretary Jerzy said true.

Board Member Anglin explained he's just trying to make an argument for is there another place to put it that would seem reasonable, or does the board go off what they normally follow and say this is ok. He's tendency after looking at it, because this is the only one out of the whole packet he had a lot of questions in his mind fighting over. Yeah, in his mind there's a lot of fighting going on. But he doesn't see where he has anywhere else to put it.

Secretary Jerzy said the way that lot sits, the way the garage is, everything, it really chops up his backyard. Especially with the way the lines run in that backyard. It kills...

Board Member Anglin is saying at this point it's not necessarily ideal, but he thinks in letting him he

can have the hot tub means this is probably where it's going to have to go. So, it's one or the other. Ok, he has a hot tub it goes here, or they say no it's got to go somewhere and then he doesn't have his hot tub. He thinks he would enjoy a hot tub.

Chairman Sophiea stated usually with a hot tub there's no permitting.

Board Member Anglin said sitting out there it has to have a footing.

Chairman Sophiea said the slab would be the process.

Board Member Anglin mentioned Mr. Murphy is here, he can ask him the question. That's a fair question, he's not one hundred (100) percent sure.

Joseph Berti mentioned he has to have a permit.

Board Member Anglin said that's what he thought.

Chairman Sophiea asked Mr. Murphy to clarify.

Everett Murphy explained its going to require both a building and electrical permit.

Joseph Berti stated he checked into all that.

Secretary Jerzy said he has a quick question for Mr. Murphy while he's still up there. He's just kind of curious how this popped on the radar.

Everett Murphy answered that Mr. Berti applied for a permit.

Secretary Jerzy asked he just applied for a permit. It's already...

Everett Murphy explained it wasn't a complaint. Somebody said...

Secretary Jerzy mentioned it's existing, it's already existing. So, he's just kind of did he do something else with the property where it just came up.

Everett Murphy doesn't know if he installed it or just bought it and put in that space.

Secretary Jerzy said it's hard to tell because of the privacy fence.

Everett Murphy doesn't believe Mr. Berti installed it unless something changed. Is it wired yet?
Joseph Berti answered yes.

Everett Murphy said he already did it, so.

Chairman Sophiea asked how long the hot tub has been installed for.

Joseph Berti answered a week maybe.

Everett Murphy explained they processed his application a while ago.

Secretary Jerzy wasn't sure if he was doing something else to the property that red flagged it.

Everett Murphy said not in this case.

Secretary Jerzy thanked Mr. Murphy.

Chairman Sophiea doesn't have a problem with it personally. If the gentleman wants a hot tub, let him have the hot tub.

Board Member Sylvester had this happen when he was a youngster when he had a pool in the backyard and everything. What are the lines going across it? Would it be the electrical and the phone?

Joseph Berti answered electrical, cable, phone.

Board Member Sylvester asked everything.

Joseph Berti explained they were going over the pool, so he had to have them moved. Actually, the ones going over the pool weren't even in...

Board Member Sylvester asked where he wants to put the hot tub, if he called the utilities, he knows where he wants to put it, if they could relocate them. Has he called them?

Joseph Berti replied no, they had to move them for the pool already. He doesn't know where else...

Board Member Sylvester knows, but he...

Joseph Berti explained there's a direct line from his house already to... they would have to...

Board Member Sylvester asked there's no place in his yard where those lines could be moved so it wouldn't interfere with the pool or the hot tub.

Joseph Berti answered no, he doesn't believe so. Not without going this way and then that way. It's not a straight line or anything, no.

Board Member Sylvester said boy. He hasn't called them though to look at it? He wants to have a hot tub and ask to relocate these lines. He hasn't done that?

Joseph Berti answered no.

Board Member Sylvester thanked him.

Board Member Anglin looked at this project. For his ease of mind, the only way that wire could be moved so it doesn't, they could move that hot tub over to that corner somewhat, is actually sink another post, telephone pole in, up closer to the house. Instead of coming this way, they can come

this way and over to the house. Put the pole over here and they come this way, over to the house. That's the only way they could do that.

Board Member Sylvester said but it could be done.

Board Member Anglin said well, it could be done.

Board Member Sylvester mentioned he's just asking. If it's too much of a job to do, it's too costly, it's this, that, whatever. This is really all he can do. He'd be fine with that. He would just like this gentleman to make a request of the utilities to see if there is something they can do so he can safely put the hot tub in the backyard.

Board Member Anglin knows they'll bring one across the back, because they've done them on projects. He doesn't think they would bring one across the corner lot by the street this way to come across. Again, the board is not supposed to be about money, it's not about the expense, but that...

Secretary Jerzy said that would require rewire, so.

Board Member Anglin continued saying yeah, that's a big, huge expense putting a post in and moving a line.

Board Member Sylvester said that's fine. He's just asking if the right people were asked so the board has more information.

Board Member Anglin said they just asked the right person, because he did it before.

Board Member Sylvester said maybe he can't do it, he doesn't know, but this board is not the ones who can tell him if he can do it or not.

Board Member Anglin said he's been through it, that's the scope of the project. At that point, if nobody else has any other questions he'd like to make a motion. Let him get his glasses on so he reads this one right.

Motion:

Board Member Anglin made a motion to give permission to allow a hot tub in the rear of the side yard setback, 20 feet from the side property line.

Reasons being: No other placement on the lot; Size and shape of the lot; Not a detriment to the area.

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 (6 – 1).

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 Sylvester	No, he believes enough information has not been acquired to make it a safe situation, so he votes no.
Chairman Sophiea	Yes, for the reasons stated in the motion.

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

12. NEW BUSINESS

Board Member Anglin said to Mr. Sylvester about his input on the sign about the post being four (4) inches and that. Since, they have Mr. Murphy here, he'd like for him to clarify that with the board, because he's not one hundred (100) percent sure. When you have a box sign up and it's mounted inside two (2) posts, are those posts considered part of the sign?

Everett Murphy doesn't think they've done that. It's the sign with the frame that supports, that's not actually the frame of the sign itself.

Chairman Sophiea said it wouldn't be part of the square footage of the sign.

Everett Murphy said no, because then they would be counting the post all the way down as well. Not just the width of the sign, they'd be counting all of that post as sign.

Chairman Sophiea said he's right.

Board Member Anglin said he was wrong stating that it's to the outside of it, it's the box. You're right, that's a good question.

Chairman Sophiea thanked Mr. Murphy for clarifying.

Everett Murphy said no problem.

Chairman Sophiea said the only other piece of new business he had is a reminder of the 27th annual city commissions dinner held on May 6th. If they haven't already RSVP'd, the email is Jeff Cutter.

Secretary Jerzy said they have to get that in by this Friday.

Chairman Sophiea said yeah, this Friday is the last day to RSVP. That's all he has.

13. 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 8:25 p.m.

Paul Jerzy
Secretary of the Board

APPROVED