

STERLING HEIGHTS ZONING BOARD OF APPEALS  
REGULAR MEETING  
CITY HALL  
AUGUST 25, 2016

LOCATION: City Council Chambers, 40555 Utica Road, Sterling Heights, MI  
SUBJECT: Minutes of the Regular Meeting of the Zoning Board of Appeals held August 25, 2016.

Mr. D'Angelo called the meeting to order at 7:03 p.m.

Members present at roll call: Derek D'Angelo, Dale Deming, David Graef, Stefano Militello, Pashko Ujkic

Members absent at roll call: Ray Washburn - Excused

Also in attendance: Chris McLeod, City Planner  
Don DeNault, City Attorney

**APPROVAL OF AGENDA**

Motion by Mr. Militello, supported by Mr. Graef, to **APPROVE** the Agenda.

Ayes: Militello, Graef, Ujkic, D'Angelo, Deming

Nays: None

Absent: Washburn

Motion carried.

**CORRESPONDENCE**

Mr. McLeod stated the board received correspondence from the Michigan Association of Planning regarding the State Planning Conference.

**PZBA16-0015 - Alie's Lebanese Grill**

Requesting Board approval for a variance to allow a second wall sign on the north side of the building - West side of Van Dyke between 14 Mile Road and 15 Mile Road in Section 33.

Property address: 33355 Van Dyke

Mr. D'Angelo asked Mr. McLeod to give an update on this case.

Mr. McLeod stated when the new sign ordinance went into effect; the petitioner no longer needed a variance and the case may be removed from the agenda.

Motion by Mr. Militello, supported by Mr. Graef in the case of PZBA16-0015 - Alie's Lebanese Grill, I move to **ACCEPT** withdrawal from agenda.

Ayes: Militello, Graef, Ujkic, D'Angelo, Deming

Nays: None

Absent: Washburn

Motion Carried

**NOPZBA16-0021 - Moual Razoky**

Requesting Board approval for a variance to; 1) the required rear yard setback adjacent to a residential property; 2) the required front yard setback to allow parking in the front yard setback - Northeast corner of Maplecrest Road and Dequindre Road in Section 30.  
Property address: 35614-35634 Dequindre Road

Mr. D'Angelo asked Mr. McLeod to give an overview.

Mr. McLeod displayed the site plan and gave an overview of the proposal. The applicant is proposing to construct a 12,504 square foot office building on Dequindre Road.

Mr. D'Angelo asked petitioner to come forward to the podium. He informed the petitioner the Board was missing two members and gave him the option to proceed or postpone.

Moual Razoky 1920 Bayou Dr., Bloomfield Hills came forward. He stated he would like to proceed. Mr. Razoky gave an overview and explained he and his wife, Dr. Bnan Razoky, are looking to build a medical building on their property at the proposed location. She currently works in an older building on Dequindre Road in Sterling Heights.

Mr. D'Angelo asked for questions from the Board.

Mr. D'Angelo asked Mr. McLeod the size of the residential lots adjacent to the site.

Mr. McLeod stated lots are deeper than standard.

Mr. D'Angelo asked Mr. McLeod if the wall that separates the commercial property and the (vacant) residential property would remain if the residential property zoning changed.

Mr. McLeod stated it would remain unless the owners decided to remove it. He stated if the zoning had ever changed to commercial, a cross connection between the two parking lots should be considered. He also stated even if the residential property was undeveloped, there would still need to be a wall to separate it from the commercial property.

Mr. D'Angelo asked Mr. Razoky how many different offices would be in the building.

Mr. Razoky stated three. They will occupy one for a medical facility and the others will probably also be medical.

Mr. D'Angelo stated the property is unique because it has two front yards on Dequindre and on Maple Crest. Both will have to meet front yard setback requirements, which push the building to the back of the property near the residential.

Mr. McLeod stated the zoning ordinance requirements, not permitting parking in the required front yard, are pushing the parking further east and north.

Mr. D'Angelo asked Mr. Razoky why the building could not be smaller in size.

Mr. Razoky stated they have 6,000 sq. feet now and they need more to accommodate the practice.

Mr. Militello asked about the placement of the building. He also asked the petitioner why the roof was designed so dramatically (high).

Mr. Deming asked Mr. Razoky if they can decrease the massive size of the roof.

Mr. Razoky stated he can discuss with his architect and see if it can be lowered.

Mr. D'Angelo asked if there will be a basement and if they will be using the attic for storage.

Mr. Razoky stated there will be no basement and they will not be using the attic.

Mr. D'Angelo asked if there were any other questions for the petitioner. Being none, he asked for public participation.

Chris Bobernick, 2044 Oakcrest, Sterling Heights, came forward. His property is on the north side of the petitioner's property. He is concerned with the water that could

accumulate in the yards. He feels the space is too tight. He would like to see the Board keep the setback at 35 feet. He is also concerned with the height of the building.

Robert Czerwienski, 2085 Maplecrest, Sterling Heights, stated he was not notified the property would be a commercial building. He also stated concern for the abundance of water that will accumulate.

Sandy Bobernick, 2044 Oakcrest, Sterling Heights, asked if things were already decided and if they will be notified of final decision.

Mr. D'Angelo stated they will discuss concerns after public participation and make a decision.

Robert E. Lee, 2092 Maplecrest, Sterling Heights, stated concern regarding traffic because the medical building across the street already has two driveways coming out to Maplecrest.

Mr. D'Angelo and Mr. McLeod discussed the resident's concerns. The property was rezoned through City Council about one year ago. There still could be an office building built without the requested changes. The driveway placements were discussed. The disposal of medical waste will have to adhere to regulatory laws for removal from property. Regarding the concern for excess water, before the building is constructed, the engineering department will have to approved a storm system for the property.

Mr. Razoky addressed the driveway entrances stating it will be easier because of the existing traffic on Dequindre Road. He described the office will not be like a commercial store or a walk in clinic, a doctor's office has scheduled times with less people coming and going.

Mr. D'Angelo asked the Board for any other questions or comments.

Mr. Militello stated he fails to see the hardship for the requested variance allowances. He mentioned the potential dangers parking in the front could cause.

Mr. Deming suggested the petitioner ask for a postponement. He also stated the building is not consistent with others around the area.

Mr. D'Angelo stated to Mr. Razoky that he could continue or postpone.

Mr. Razoky asked for a postponement.

Motion by Mr. Militello, supported by Mr. Deming, in the case of PZBA16-0021, Moual Razoky, 35614 Dequindre Road, I move to **POSTPONE** until the September 22, 2016 meeting.

Mr. D'Angelo asked for any discussion on the motion.

Mr. Deming stated he would like to see all involved parties have a meeting regarding this site.

Mr. D'Angelo called for a roll call vote.

Ayes: Militello, Deming, Ujkic, D'Angelo, Graef

Nays: None

Absent: Washburn

Motion Carried

### **PZBA16-0022 - Ring Screw, LLC**

Requesting Board approval for a variance to the total number of parking spaces required on site - Northeast corner of 18 Mile Road and Mound Road in Section 09.

Property address: 6125 E. 18 Mile Road

Mr. D'Angelo asked Mr. McLeod for an overview.

Mr. McLeod displayed the site plan and gave an overview of the proposal. The applicant has requested site plan approval for a 4,700 square foot addition to the existing building to accommodate the installation of an automated heat treat line. The increase to the size of the building will increase the number of parking spaces required. The site currently has a total of 195 parking spaces and therefore would be deficient approximately 66 parking spaces if the addition were built.

Mr. D'Angelo asked the petitioner to come forward.

John Clark, on behalf of Ring Screw, LLC came forward. He gave a summary of proposal.

Mr. D'Angelo asked the Board for any questions.

Mr. Graef confirmed with Mr. McLeod the building is just being extended and there is no encroachment on property lines.

Mr. D'Angelo asked Mr. McLeod to explain how the number of parking spaces is determined.

Mr. McLeod explained the process, that parking is based on the use of each portion of the building and the specific requirements in the zoning ordinance for such use.

Mr. Clark stated the facility is highly automated which has reduced the number of employees needed and therefore the number of parking spaces needed.

Mr. D'Angelo asked the Board for any other questions. Being none, he asked for public participation. Being none, he asked for a motion.

Motion by Mr. Militello, supported by Mr. Graef, in the case of PZBA16-0022, Ring Screw LLC, 6125 18 Mile Road, I move to **APPROVE** the variance with the following conditions:

1. That the decision of the Board will remain valid and in force as long as the facts and information presented to the Board in Public Hearing are found to be correct, and that the conditions upon which the motion is based are forever maintained as presented to the Board. The petitioner agrees to abide by and comply with all the ordinances of the City of Sterling Heights and the regulations of every lawful agency or governing authority now or hereafter in force;
2. Notice of the approval of the variance shall be delivered to the City Clerk's office within 60 days after the approval date of the applicable meeting minutes for recording with the Macomb County Register of Deeds. Failure to file this notice shall serve as grounds to revoke the variance;
3. A Hold Harmless Agreement, in favor of the City of Sterling Heights, shall be delivered to the City Clerk's office within 60 days after the approval date of the applicable meeting minutes for recording with the Macomb County Register of Deeds. Failure to follow this agreement shall serve as grounds to revoke the variance;
4. Appropriate site plan, engineering, and building approvals must be sought and obtained prior to construction and any additional site plan requirements that may arise as a part of such review must be implemented;
5. With the addition to the building, the variance will be for sixty-six (66) parking spaces.

This motion to approve is supported by the following findings of fact:

1. All of the facts and standards in the Zoning Ordinance for approving a non-use variance have been established and met.  
All other requirements of the City's Zoning Ordinance are being met.
2. The floor area of the proposed addition consists mainly of automated machinery, minimizing the need for the required additional parking.
3. The proposed building addition would only result in the addition of one (1) to two (2) employees, and only during off shift times.
4. The site is impacted by the presence of the Plumbrook Drain and associated floodplains.
5. The largest shift typically will not exceed 178 employees and without ADA spaces there are 195 parking spaces.

Mr. D'Angelo asked for discussion on the motion.

Mr. DeNault suggested the motion include the number of spaces the variance will allow.

Motion by Mr. Militello, supported by Mr. Graef to **AMEND**, adding number 5 to the conditions and number 6 to the findings of fact.

Mr. D'Angelo asked for a roll call vote.

Ayes: Militello, Graef, Ujkic, D'Angelo, Deming  
Nays: None  
Absent: Washburn  
Motion Carried

### **APPROVAL OF MINUTES**

Motion by Mr. Militello, supported by Mr. Graef to **APPROVE** minutes for July 21, 2016 meeting.

Ayes: Militello, Graef, Ujkic, D'Angelo  
Nays: None  
Absent: Washburn  
Abstained: Deming  
Motion Carried

### **NEW BUSINESS**

None

### **OLD BUSINESS**

Case PZBA16-0011-ZeerCo Management Corporation provided correspondence to the City requesting their application be withdrawn.

Motion by Mr. Militello, supported by Mr. Graef in the case of PZBA16-0011, ZeerCo Management Corporation, to **ACCEPT** the withdrawal request as provided by the applicant.

Ayes: Militello, Graef, Ujkic, D'Angelo, Deming  
Nays: None  
Absent: Washburn  
Motion Carried

### **PUBLIC PARTICIPATION**

None

**MOTION TO ADJOURN**

Motion by Mr. Militello, supported by Mr. Ujkic, to **ADJOURN**.

Ayes: Militello, Ujkic, D'Angelo, Deming, Graef

Nays: None

Absent: Washburn

Motion Passed

Meeting adjourned at 8:22 P.M.

Respectfully submitted,

Derek B. D'Angelo, Chairman  
Zoning Board of Appeals