

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
MARCH 9, 2022

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, March 9, 2022 at 7:30 p.m. at the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

Roman Nestorowicz, Chairman
Judy Furgal, Vice-Chairwoman
Paul Jerzy, Secretary
Charles Anglin, Assistant Secretary
Anthony Sieracki, Jr.
William Clift
Michael Sylvester
Charles Perry

Members of the Board absent:

None

Also present:

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

1. CALL TO ORDER

Chairman Nestorowicz 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

Chairman Nestorowicz stated they have two (2) items they have to change. One, is the approval of the minutes from their meeting from February 9th, those have not been published to the board yet. So, they'll move those to the next meeting of April 13th. He was informed that the last item, item number 13 on today's agenda for the Ragheed Akrawi Associates at 3839 Ten Mile Road is going to be rescheduled to the April 13th meeting also. If he could get a motion.

Motion:

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

Voice Vote:

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

5. APPROVAL OF THE MINUTES of the Regular Meeting of February 9, 2022.

This item was rescheduled during the adoption of the agenda.

- 6. PUBLIC HEARING:** **APPLICANT: Warren Woods Tower Booster Club**
REPRESENTATIVE: Beth Flaviani
COMMON DESCRIPTION: 13400 Twelve Mile
LEGAL DESCRIPTION: 13-14-226-023
ZONE: MZ, R-1-C, C-1

VARIANCES REQUESTED: Permission to

Conduct annual spring fair in the parking lot from Friday, May 20th to Sunday, May 22, 2022 from:

Friday	4pm to 12am
Saturday	Noon to 12am
Sunday	Noon to 11pm

ORDINANCES and REQUIREMENTS:

Section 4.35: Fairs require the approval of the Zoning Board of Appeals.

Chairman Nestorowicz asked if the petitioner to start with their name and address for the record and then explain their request. Is the microphone on?

Beth Flaviani appeared before the board stating she lives at 14144 Harrison Drive. The address that they're requesting is for is 13400 East Twelve Mile Road. First of all, good evening. She is vice-president of the Warren Woods Tower Booster Club, and a resident of Warren. She thanked the board for inviting her today on behalf of their club. She submitted to the board their application for variance for their annual May fair. The purpose of their request is they're a non-profit organization that raises money for extra needs for Warren Woods Tower High School. They hold an annual May fair on the grounds at the Warren Woods Middle School located at 13400 Twelve Mile Road. The dates they are requesting a variance for are as follows: Friday, May 20, 2022 from 4pm to midnight, Saturday, May 21st noon to midnight, and Sunday, May 22nd noon to 11 as they stated. Prior from the community the music for the carnival rides will be lowered or turned off at 10pm each night. They will continue to follow the same exact format as they have done in the past. Nothing has changed at all. The safety measures in place are as follows. They requested the Warren Police Department for all three (3) days. They also requested the presence of the Warren Explorer program. In conjunction they also have parent volunteers doing security detail wearing orange vests walking the grounds. They have large signs displayed at various spots to deter students and families from trying to cross Schoenherr Road. The signs displayed will say, "Do not cross here. Cross at the light." Things of that nature. They do have a hardship with budget cuts throughout all their districts. The monies they raise from hosting this event go directly back for use in their high school and for their students. She thanked the board for their time.

Chairman Nestorowicz thanked her for that presentation. This is a public hearing, are there any members of the audience that want 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 Anglin said one thing he wants to add in here if he is able to read this as approval, is that the music be shut off by ten (10) o'clock.

Beth Flaviani said shut it off.

Board Member Anglin said shut if off. Want to make sure the neighbors stay very happy.

Beth Flaviani said she agrees.

Board Member Anglin said that would be his only...

Chairman Nestorowicz stated that's how they have approved it in the past.

Board Member Anglin said he knows, but it's not written in here, so he wants to make sure he says it. Does anybody else have anything they want to say?

Board Member Sylvester said he was just wondering with the building of Tim Horton's and everything, he lived in that area for a long time. They've reduced the area that they put up the rides and everything, has that been a problem with anybody, with Tim Horton's or anything else?

Beth Flaviani said she doesn't think it has been problem. Tim Horton's generates a lot of business that day. Of course, the parking is a little, probably more congested for Tim Horton's coming out there. But they do have people that go over there to make sure the fair goers are not parking in Tim Horton's parking lot, because that is not fair to them. So, they do keep an eye on that.

Board Member Sylvester asked if they used that parking lot across the street in that shopping center too, right?

Beth Flaviani explained if people want to park there, that's on them. They do have signs that there's going to be parking over there, which she is sure fair goers do. There's just going to be parents in vests and those signs, so people aren't running across the street.

Board Member Sylvester asked over the years they haven't had any complaints from any of the businesses.

Beth Flaviani stated she doesn't think so. This is only her third year of doing this. No.

Chairman Nestorowicz stated he doesn't know if Mr. Sylvester saw, but in the packet Tim Horton's sent a letter saying they can use their property. Tim Horton's is in favor of it.

Beth Flaviani said excellent. She didn't even know that, thank you.

Board Member Anglin said he is going to make a motion if no other board members have anything

to say.

Motion:

Board Member Anglin made a motion to approve to conduct annual spring fair in the parking lot from Friday, May 20th to Sunday, May 22, 2022 from:

Friday 4pm to 12am
Saturday Noon to 12am
Sunday Noon to 11pm

With the music being turned off by 10pm.

Reasons being: Needs permission of the board; Not a detriment to the area.

Board Member Furgal supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Anglin, support by Mrs. Furgal to approve the petition as requested. Roll call.

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

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

7. PUBLIC HEARING: **APPLICANT: Family Fun Fireworks**
REPRESENTATIVE: Caren Burdi
COMMON DESCRIPTION: 26800 Dequindre
LEGAL DESCRIPTION: 13-19-101-017
ZONE: C-2

VARIANCES REQUESTED: Permission to

- 1) Conduct a seasonal outdoor sales operation in an area of 20' x 40' (800 square ft.) with a 10' buffer around the tent from June 15, 2022 through July 6, 2022 from 10:00 am to 10:00 pm.
- 2) Waive twenty (20) additional off-street parking spaces for the outdoor sale and where the tent is located. In addition to the forty-four (44) spaces waived 3/22/2000.

ORDINANCES and REQUIREMENTS:

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.

Caren Burdi appeared before the board stating she is here on behalf of the applicant, Family Fun Fireworks. This is the request that they come for yearly, to conduct fireworks sales from a tent. This is the exact same request that has been requested and approved since 2012. Again, they conduct the outdoor sales in the tent, it is strictly monitored by the State of Michigan. They comply with all the State of Michigan rules and laws. They have been successfully doing it since 2012.

Chairman Nestorowicz thanked her for that presentation. This is a public hearing, is there anyone from the audience wanting 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 said they have been in front of the board many times. Does that Warren Fire Department have any say so in what goes on?

Caren Burdi explained each community gets to decide if they want to defer to having the state do the inspections, or they can do them themselves. If they do them themselves, they get paid a fee by the state. She doesn't know this year whether Warren will be doing them, or the state will be doing them, but she assured him that any Fire Official, whether state or city, who comes to their tent will be honored. You understand what she is saying? Any fire official who comes to their tent they will talk to them, follow through with what they're requesting. One of them will have the real responsibility for the paperwork that goes to the state. She doesn't know if Warren has opted out or in as far as them wanting to do the inspection.

Board Member Sylvester asked if in the tents if there is an approved certificate placed some place that everybody can see.

Caren Burdi replied absolutely. There is a license that will be displayed in the tent.

Secretary Jerzy said good evening. Is this the same applicant that had the tents on Mound as well?

Caren Burdi said it is. They won't be applying, she doesn't think, for that because they're building.

Secretary Jerzy said exactly.

Caren Burdi said if he decides to on a different side of that property, she might be back for that. Otherwise, it won't be on that corner.

Secretary Jerzy said his concern is, there are pictures to put up that he sent over. He went by this tent after a Sunday, after a hard storm in July last year. The tent was completely collapsed. He took multiple pictures. He just doesn't think that putting stakes into asphalt is a proper way to secure a tent. Would you tend to agree?

Caren Burdi replied no. Actually, the tent companies who put those tents up, they recommend.

There are two (2) ways you can do it; one is stakes into the asphalt, the second is water barrels.

Secretary Jerzy said you can do water barrels, or you can do cement. You can do cement blocks to anchor it to make it more secure. There are other options out there other than the two (2) that she's expressing.

Caren Burdi explained those are the two (2) that are offered to them. They're told the most secure is the into the asphalt.

Secretary Jerzy stated obviously it's failing, by the pictures. It is. So...

Caren Burdi said she would say there was a horrible storm, a bad storm, that any tent may have been...

Secretary Jerzy said he thinks she would have a better chance at success if they had two hundred (200) pound weights instead of putting a stake into the ground. It's like putting a screw in styrofoam expecting it to hold; it's not going to hold. He does events and have seen plenty of different setups. This is a failed setup.

Caren Burdi asked if he's looking for weights.

Secretary Jerzy said yes, someway to ensure that tent. He'll give her credit. If they're going to have a horrible storm nothing is going to stop an F4 tornado or whatever, everything is going to go. But straight-line winds or a just a quick thirty (30), forty (40), fifty (50) mile per hour gust here or there, they'll have a better chance of success. If people were in that tent, Mrs. Burdi, when that went over, heaven forbid. Kids come and get sparklers. It's a concern.

Caren Burdi said they don't sell to children, ever. They will never sell to children.

Secretary Jerzy said there's no kids that come into the tent?

Caren Burdi said she didn't say that, but she wants to be clear, because that kind of... They never sell to children, even if it's a sparkler. She just needed him to know. She understands the point he's making to her.

Secretary Jerzy asked if there's a way, they can ensure these are going to be secured better by her applicant. If not, then he can't vote for this. He apologized.

Caren Burdi asked that he preferred to have the weights, they can do the weights.

Secretary Jerzy said he would prefer something better than what's been happening.

Caren Burdi said he has to understand, that tent was thoroughly inspected and passed inspection with flying colors. She just needs him to know that she doesn't remember what storm it was or what particular day, etc. They would repair that tent before reopening for sales.

Secretary Jerzy said they did, but heaven forbid, during business hours something comes up and people are inside that tent.

Caren Burdi said if he prefers weights, they'll do weights.

Secretary Jerzy said he would prefer weights. Just to see how that happened. They might have a better chance of success. The last thing they want to do is be spending time in the morning, too, trying to reset the tent up, wasting business hours. That's his concern and that's all he wanted to express to her.

Caren Burdi said yep, they'll do weights.

Board Member Sylvester stated to Steve Watripont that he is a little concerned. It sounds like it's the state or it's the local fire department or somebody. Is there any guidelines to when they put up a tent how it is to be anchored and if those procedures have been followed?

Steve Watripont explained that the tent itself, he is not sure on that because that is more of a temporary construction stuff. Zoning has no authority in that realm.

Board Member Sylvester asked if that goes up, does anybody inspect it.

Steve Watripont said he believes it's all inspected, and all based on state guidelines, as the temporary fireworks sales and all that. That's all through the state.

Board Member Sylvester said the state inspected and approved, they're ready to go.

Steve Watripont explained it is beyond a zoning inspector's...

Board Member Sylvester said yeah, ok.

Steve Watripont said he doesn't know what all the steps are, but he knows it has to go through the state and they deal with the cities in certain regards.

Board Member Sylvester said to increase the strength of the tent, that's between this board and Mrs. Burdi. More or less?

Steve Watripont explained he doesn't know what authorities this board would have over that as well. He knows that basically this board has the authority to approve or deny it, and that's where he knows it lies.

Board Member Sylvester said at this point, her client is following guidelines for the installation of the tent.

Steve Watripont replied he believes so.

Chairman Nestorowicz asked if there's any other questions or concern from the board.

Board Member Clift said state fireworks consumer fireworks laws say they can set these things off from June 29th through July 4th. Every year he hears a lot of rambling and rumbling from neighbors

because they're hearing these things way ahead from when they're supposed to be used and way after they're supposed to be used. He doesn't see where it's necessary to have fourteen (14) days in advance to the holiday kick off for sales and he's really confused about having two (2) days after the deadline cutoff of July 4th strikes to go until July 6th. He just wanted to make those comments, he yields the floor.

Caren Burdi asked if she can explain.

Chairman Nestorowicz replied yes.

Caren Burdi explained when it's time to set up they tent, they often have to compete with other people who are setting up tents for fireworks in the area. So, the company that sets up their tent may have to schedule them a little earlier. He probably will not be open for business. What he does, he puts the tent up when he can get the company to put the tent up. Then there are a great deal of things he has to do for safety with regard to an FPA 1124, there are all sorts of things that have to be done inside that tent that he wants to take care of before he even brings product in. So, basically, the tent will sit there for probably until a weekend comes before he'll even open. So, he won't be open on 6/15, he'll be setting up and getting everything ready. After the sale on the 4th, he's got to consolidate the product, pack it up, get that out. He has to basically deconstruct all the stuff inside the tent. There is a great deal of things fire extinguishers, you need certain kinds of brooms, need certain kinds of coverings over the tables. All of these things need to be deconstructed and taken down. Then they have to arrange for the tent company to come and take the tent down. So, the days after aren't sales, pretty much, they are clean up. They don't want to be in a situation where they're not off the property fast enough to where they violate what they have done here, because then when she comes back next year there might be a complaint, they said they'd be off the property on July 4th and that's impossible for them. They are selling through July 4th. They could be off the property by July 7th, maybe even earlier, but she wants to make sure they comply. That's where the time gets eaten up. They have other people with schedules. Also, they rent tables for inside the tents, those are often they're competing with other fireworks companies and those are delivered on their schedule and that's another vendor that they deal with locally that they have to coordinate time with.

Board Member Clift said he appreciates her explanation, however, variance requested to conduct a seasonal outdoor sales operation with the dates stated June 15th through July 6th. It doesn't talk about set up days and then they start selling and then stop selling and then they go to tear down. But he appreciates her explanation, and he can see both sides of it, thank you.

Chairman Nestorowicz said he had a question for Steve. He totally understands Mrs. Burdi's explanation about the put up and tear down time, because it takes time to box all that stuff up. If they actually came back in the future and said their sales are from this date to this date, if the tent and product are there after that date, would they get a violation?

Steve Watripont explained they would be in violation of the zoning ordinance, because it is the operation itself.

Chairman Nestorowicz said he just wanted to get that clarification. If they came back with just their sale dates, they would probably end up getting a violation if they're not torn down before then, so.

He just wanted to get that clarified.

Caren Burdi thanked him.

Chairman Nestorowicz asked for any other questions or discussion.

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

No response.

Motion:

Board Member Anglin made a motion to give permission to:

- 1) Conduct a seasonal outdoor sales operation in an area of 20' x 40' (800 square ft.) with a 10' buffer around the tent from June 15, 2022 through July 6, 2022 from 10:00 am to 10:00 pm. Tents have a minimum additional weight on it to keep it from collapsing during a high wind.
- 2) Waive twenty (20) additional off-street parking spaces for the outdoor sale and where the tent is located. In addition to the forty-four (44) spaces waived 3/22/2000.

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

Board Member Sieracki supported the motion.

Chairman Nestorowicz stated they have a motion by Mr. Anglin, support by Mr. Sieracki. Roll call.

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

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

Board Member Sylvester said he had a comment. If he has a copy of that picture of where the tent blew down, and the people that are putting up the tent, if they could work with them. He knows they just talked about putting concrete blocks there, but to know exactly what they would need, and check with the weather service to see what was happening that day. So that doesn't happen again. That would solve a lot of problems.

Caren Burdi asked if they're offering her a picture.

Chairman Nestorowicz said after they vote on an item, they should not be discussing that item anymore.

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

Chairman Nestorowicz said bring it up during discussion on the next item.

8. PUBLIC HEARING: **APPLICANT: Family Fun Fireworks**
REPRESENTATIVE: Caren Burdi
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 fireworks sale operation with a 20' x 50' tent (1,000 square ft.) in a parking lot from June 15, 2022 through July 6, 2022, 9am to 10pm with a 10' buffer around tent.
- 2) Waive fifty-four (54) off-street parking spaces for the outdoor sales area and retail business combined.

ORDINANCES and REQUIREMENTS:

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.

Caren Burdi repeated on behalf of the Family Fun Fireworks. She doesn't know if she said her address before, 31851 Mound Road. Similarly, this is a request they have done since 2011. They did reduce the size of the tent a couple of years ago, it was a twenty (20) by sixty (60) tent. They reduced it to a twenty (20) by fifty (50) tent. Otherwise, the request has always been identical and has been granted since 2011. A couple things is, she's presuming that they should weight this tent, too. She doubts that it's specific to just one part of Warren. They will be glad to deal with the weights on this tent. Also, the hours nine (9) to ten (10) are not normally their hours. Their hours are normally ten (10) to ten (10). So, she doesn't mind if they have the hours ten (10) to ten (10). Besides that, again, it's the same information that she gave on the previous item.

Chairman Nestorowicz thanked her. This is a public hearing, is there anyone from the audience wanting to speak on this item?

No response.

Chairman Nestorowicz turned it over to the board. Mr. Sylvester you want to ask that question?

Board Member Sylvester apologized for that. Going back to the 28600 Dequindre. Like he said, he would check with the people that are building their tent they're now discussing and also check with the national weather service for that day and where the wind was coming from, what direction, get

a picture of the tent and then that can tell them whether it needs to be a 700 hundred pound weight, a 1,000 pound weight, whatever the case may be, and they should be in pretty good shape.

Caren Burdi stated she doesn't have that photo. Is there a way she can get it?

Board Member Sylvester said they had it here.

Secretary Jerzy said they can get her a copy, yeah.

Board Member Sylvester said thank you.

Chairman Nestorowicz asked if there are any other questions from the board.

Secretary Jerzy said he appreciates her taking it into consideration, Mrs. Burdi, the measures they discussed. Safety is always his first and foremost concern. He is all for free enterprise and people making money. It has nothing to do with her applicant, it's just a safety issue. Thank you very much for addressing it.

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

Motion:

Board Member Anglin made a motion to approve:

- 1) Conduct a temporary outdoor fireworks sale operation with a 20' x 50' tent (1,000 square ft.) in a parking lot from June 15, 2022 through July 6, 2022, 10am to 10pm with a 10' buffer around tent, with additional weights weighing down the tent.
- 2) Waive fifty-four (54) off-street parking spaces for the outdoor sales area and retail business combined.

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

Board Member Sieracki supported the motion.

Chairman Nestorowicz stated he has a motion by Mr. Anglin, support by Mr. Sieracki to approve the request. Roll call.

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 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 Clift	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

9. PUBLIC HEARING: **APPLICANT: Jeniffer Perez**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 29833 Sutherland
LEGAL DESCRIPTION: 13-12-305-020
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Operate a state licensed group day care for up to twelve (12) children, having a caregiver ratio to children of one (1) for six (6) and two (2) for twelve (12) children.

ORDINANCES and REQUIREMENTS:

Section 4C.07 Group Child Care Homes; Districts Allow with Approval: Paragraph (a) Special exemption approval required. A state licensed group child care home which meets all the standards listed below and receives approval of the Zoning Board of Appeals as a special exception pursuant to Article 20, Division 6, Special Exceptions upon approval of the Zoning Board of Appeals, shall be permitted in one family residential districts, R-1-A, R-1-B, R-1-C. Item 1. A mortgage survey, Item 2: residency, Item 3: locational criteria, Item 4: off-street parking requirements.

Section 20.35 – Special Exceptions Defined: A special exception is where the Zoning Ordinance permits certain uses that are authorized by the ordinance upon the Zoning Board of Appeals determining that the use meets the stated conditions for the specified use of the property. Outdoor retail sales, circuses, fairs and carnivals are examples of special exceptions. Special exceptions are not variances and may be temporary, seasonal or permanent in nature as provided by the applicable ordinance provision.

Chairman Nestorowicz asked her start with her name and address for the record and then her request.

Jeniffer Perez appeared before the board stating she is program director at Safari Kids Care located at 29833 Sutherland Drive. She is here for approval of a group home.

Chairman Nestorowicz said this is a public hearing, are there any members of the audience who want to speak on this item.

No response.

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

Board Member Sylvester stated she has been in front of the board before, haven't you?

Jeniffer Perez replied she was, back in December.

Board Member Sylvester said he has some questions. What has she done or looked at to make her facility, or her home, more accessible to the children, the families, looking out for their safety, and everything else that goes with that and being in the confines of the neighborhood? What has

she done? What has she changed since the last time she was here?

Jeniffer Perez explained the last time she came in December, she came here for a variance request. She was near an adult foster care, which is no longer in business. Which is why she came for a variance last time. Since it's no longer in business, she is here again applying for group now. Since she is now 1,500 feet from an adult foster care.

Board Member Sylvester said she is looking to have up to twelve (12) children in the home.

Jeniffer Perez said yeah, basically, her whole home has two (2) different levels. The basement would be her living space, and she has everything she needs for her own personal needs. Then the whole upstairs is basically dedicated to the group home.

Board Member Sylvester asked as far as safety concerns go. What has she done with regard to doors, windows, fire extinguishers, fire alarms? What has she done with regard to that?

Jeniffer Perez explained they need two (2) exits, which is what she has going on. They have the chain link fence as well. Everything is gated for the children to go play outside in the backyard. Before coming here, she also wanted to verify with her state licensing, because she is currently family. She just wanted to double check what she needed before coming into this meeting. They said in order for them to go and inspect or move anything, she needs approval from the city first. For safety, she does have...

Board Member Sylvester asked her to explain that family part again.

Jeniffer Perez stated she is currently a child family care at the moment with a ratio of one (1) to six (6). She currently is in business for that.

Board Member Sylvester asked if she currently had six (6) children in her home.

Jeniffer Perez replied yes, and she is licensed for that as well.

Board Member Sylvester asked if that's through the state.

Jeniffer Perez replied yes.

Board Member Sylvester asked if there are any guidelines, she has to file through them before opening up a daycare.

Jeniffer Perez replied of course. She also has to take training hours as well. They are all sponsored by LARA, and she has her license at the entrance of the door for families to see. She is also affiliated with Great Start Quality Program which she is start rated. She is also part of the ACD Food Program, which is a nutrition program that promotes healthy lifestyles for children and families as well. They do come and inspect randomly just to ensure she is doing her job correctly.

Board Member Sylvester said he has a question for Steve. Knowing that this facility is in a neighborhood, does the City of Warren have any guidelines, ordinances, rules, regulations with regard to the number of children she's going to have in her home and hours of operation.

Steve Watripont explained the city follows the state Zoning Enabling Act to allow for daycare homes or daycare group homes up to twelve (12) per approval, special exemption through the Zoning Board of Appeals. She meets all the qualifications in that. She has to be licensed through the state. They have to give permission first before she can go through that process with the state.

Board Member Sylvester asked as he knows right now, she's met the qualifications for the state.

Steve Watripont explained she has met the requirements of the ordinance.

Board Member Sylvester asked ordinance by the state or by the city.

Steve Watripont replied our ordinance.

Board Member Sylvester said he is assuming that our city and zoning department does not have a problem with her running a daycare facility a neighborhood.

Steve Watripont repeated that she meets everything within the ordinance.

Board Member Sylvester thanked him.

Chairman Nestorowicz said he knows when it was denied in December, that was because there was that group home 350 feet away.

Steve Watripont replied correct.

Chairman Nestorowicz said per the application now, it says that one is not in business anymore.

Steve Watripont explained he personally went out and inspected that home. It is now a residence.

Chairman Nestorowicz said he knows when they get zoning exceptions that stays with the land. Could that one day again become a group home? That's 350 feet or would...

Steve Watripont explained it could become a group home again, but at this point in time, she meets all of the ordinances of the city. So, that would be an issue for the group home being too close to a daycare at that point in time, if it happens again.

Chairman Nestorowicz said he just wanted to make sure. That they would have to come back and get their exception, if that was the case.

Board Member Sylvester said he had one more question. If she's going to have twelve (12) children, and he hopes she gets it ok, but at some point, in the morning and in the afternoon, and what's the oldest child going to be roughly?

Steve Watripont said that's not for him.

Board Member Sylvester said no, no, no it's going to be for you. What's the oldest child?

Jeniffer Perez replied basically she is licensed from twelve (12) months all the way to six (6) years old, depending on the year of enrollment and what the students of the group is. For example, if it's all toddlers between two (2) to three (3) then that would be her group. She does have to stay in compliance with the age group as well.

Board Member Sylvester said Steve, here's his concern. You're in a neighborhood you have twelve (12) separate kids, they're going to have twelve (12) different people driving around. You're going to have up to six (6) years of age, 3, 4, 5 years of age. Is everybody in that neighborhood going to be aware of what's going on and going to be looking out for that increase... It's a safety issue, that's what he's looking at.

Steve Watripont replied that he is unaware of who would be notified of what, it's all done through the state. We have to abide by the state Zoning Enabling Act for daycares and childcares, and it's an allowed use in this area.

Board Member Sylvester asked how they will get the children to the cars or whatever, to the sidewalk, to the curb or whatever, just so the other neighbors don't have to be swiveling their heads to look out for people.

Jeniffer Perez said basically, her neighbors are aware that there is a family childcare there at the moment, because they get sent a letter that they are in business there. Word of mouth goes around. People love it, it's something that they're looking for, so they don't mind at all. They haven't had a complaint at all until this moment. They have been there for a little over two (2) years, and if anything, people are telling her they hope she keeps growing. It's something that is needed at this moment in childcare.

Board Member Sylvester asked if there is anybody here to support her tonight from the neighborhood.

Jeniffer Perez replied yes.

Jonathan Sarmiento appeared before the board stating that he has seen all the comments from families in the neighborhood that they prefer a family childcare in home, rather than a commercial location. Being that it's only twelve (12) students, twelve (12) kids, they get more one (1) on one (1) attention from their teachers. There will be two (2) instructors in the house, so that's the one (1) to six (6). So, yeah, her neighbor loves it. She wishes she had kids so she could send them right over.

Board Member Sylvester asked instead of a commercial building.

Jonathan Sarmiento replied correct.

Board Member Sylvester thanked him.

Steve Watripont wanted to let him know that this notice was sent out to everyone within three hundred (300) feet. So, they were aware of it at that point in time, neighbors in that area.

Board Member Sylvester asked if he heard any negativity back.

Steve Watripont explained if he did, they would be here talking to the board.

Chairman Nestorowicz thanked them. Any other questions, discussion or motions?

Motion:

Board Member Furgal made a motion to grant permission to operate a state licensed group day care for up to twelve (12) children, having a caregiver ratio to children of one (1) for six (6) and two (2) for twelve (12) children.

Reasons being: Size and shape of the lot; Not a detriment to the area; She meets the requirements of the ordinance for a daycare.

Board Member Anglin supported the motion.

Chairman Nestorowicz said they have a motion by Mrs. Furgal and a support by Mr. Anglin to approve the request. Roll call.

Roll Call:

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

Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Clift	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.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

10. PUBLIC HEARING:

**APPLICANT: General Motors Company
(Todd Davis)**

REPRESENTATIVE:	Cassandra Bellow
COMMON DESCRIPTION:	30100 Mound
LEGAL DESCRIPTION:	13-09-300-001
ZONE:	M-3

VARIANCES REQUESTED: Permission to

Retain existing Gate 2 glass house and allow a vehicle maneuvering area no less than 130 ft. from the west property line.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards: (A) Front yards. M-3 zone-150 ft. 3. In. M-3 zones, front yards may be utilized for parking or vehicles provided that the front fifty (50) feet of a lot or tract in an M-3 district.

Chairman Nestorowicz asked the petitioner to start with their name and address for the record, and then the reasons for their request today.

Cassandra Bellow appeared before the board stating her address, 28647 Hillview.

Clare Jagenow appeared before the board stating she is with Smith Group Landscape Architect and consultant for General Motors. Business address is 201 Depot Street.

Chairman Nestorowicz asked if they wanted to explain their request.

Cassandra Bellow explained the existing gate 2 glass house, which is located on Mound Road just north of Twelve Mile is being renovated for interior improvements. These improvements include a site modification to allow one (1) vehicle access into the building. The building will be used for display of the General Motors product. To accommodate maneuvering into the building, they need to remove a small section of concrete pavement on the north side of the driveway that goes through Gate 2. The reason they need to remove the concrete is to allow that six (6) inch straight curb to be lowered to two (2) inches, that's a rolled curb, to give just enough space for the vehicle to backed in and pulled into the building. Really, it's just a one (1) for one (1) replacement of the existing concrete for new concrete so they can get the curb to work. Everything would be regraded to meet accessibility, ADA requirements, and no vehicle will be displayed on that exterior piece of concrete. It's simply for maneuvering to get it into the building. Then there won't be any changes to the landscape. If there is anything, by chance, it's just damage through construction. Obviously, it would be restored to the original condition.

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

No response.

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

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

No response.

Motion:

Board Member Anglin made a motion to give permission to retain an existing Gate 2 glass house and allow a vehicle maneuvering area no less than 130 ft. from the west property line.

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

Board Member Clift supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Anglin, support by Mr. Clift to approve

the request as stated. Roll call.

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 Clift	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 Furgal	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

11. PUBLIC HEARING: **APPLICANT: Visa Development**
REPRESENTATIVE: Salvatore Dimercurio
COMMON DESCRIPTION: 23445 Schoenherr (includes 23543 Schoenherr, in process of lot combination)
LEGAL DESCRIPTION: 13-26-430-009
ZONE: MZ, M-2, R-1-P

VARIANCES REQUESTED: Permission to

Allow hard surface parking up to the front property line.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards: (A) Front yards. 2. In an M-2 zone where a front yard has been established by the majority of the existing buildings in a block, all buildings hereinafter erected or altered shall conform to the building line thus established, provided no building in an M-2 zone shall be required to set back further than 50 feet. Provided, further, however, notwithstanding any provisions to the contrary, in M-2 zones, yards fronting on a major thoroughfare as defined by the master thoroughfare plan for the City of Warren or front yards facing a residential district shall be fifty (50) feet.

Salvatore Dimercurio appeared before the board stating his address, 48861 Hayes. He is the owner, and he has with him his Engineer to answer any questions.

James T. appeared before the board stating his address, 10775 South Saginaw.

Chairman Nestorowicz asked if they wanted to explain their request.

James T. explained for this project they had previously had Engineering approve for a warehouse building, and when the lot next door became available, extra sixty (60) foot lot, Mr. Dimercurio ended up purchasing that lot. So, they need to apply for the same variances that they applied for before, so they can have parking in front of the building.

Chairman Nestorowicz thanked him for that. This is a public hearing, is there anyone from the

audience wanting to comment on this item?

No response.

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

Board Member Clift said just so he understands what he is saying. They've already got an existing building with a variance, now.

James T. explained the building has not been built yet. They had it approved, but then Mr. Dimercurio purchased the lot next door also.

Board Member Clift said basically, they're going to mirror what they have already asked for an additional three (3) lots over. That satisfies his question, thank you.

Chairman Nestorowicz said he just wanted to add in, so that way it is part of the record. That previous approval for that lot was on 9/23/2020. So, that's what they did approve previously. This is just extending it to the additional lots.

Board Member Clift stated that pre-dates him.

Chairman Nestorowicz said that's why he wanted to say when it was done.

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

No response.

Motion:

Secretary Jerzy made a motion to grant the petitioner to allow hard surface parking up the front property line.

Reasons being: Not a detriment to the area; New size and shape to the building.

Board Member Perry supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Jerzy, support by Mr. Perry. Roll call.

Roll Call:

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

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Clift	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
Chairman Nestorowicz

Yes, for the reasons stated in the motion.
Yes, for the reasons stated in the motion.

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

12. PUBLIC HEARING: **APPLICANT: Rolar Property Services, Inc.-USE-**
REPRESENTATIVE: David Lawrason
COMMON DESCRIPTION: 5860 Frazho
LEGAL DESCRIPTION: 13-20-427-034
ZONE: M-2

VARIANCES REQUESTED: Permission to -USE-

- 1) Retain above ground fuel tanks in an M-2 zone. **USE**
- 2) Retain above ground fuel tanks no less than 32 ft. 2 in. from the south property line. **USE**
- 3) Retain above ground fuel tanks no less than 115 ft. 9 in. from the east property line. **USE**
- 4) Allow open storage no less than 3 ft. 11 in. from the east property line.
- 5) Allow open storage no less than 12 ft. 6 in. from the north property line.
- 6) Allow open storage on a non-hard (gravel) surface.
- 7) Construct a salt dome no less than 14 ft. from the south property line.
- 8) Retain hard surfacing no less than 16 ft. from the east property line.
- 9) Retain chain link fence that extends past the front building line no less than 3 ft. 11 in. from the east property line.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards: (P) Fire and safety hazards (the storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with state rules and regulations as established by Public Act No. 207, P.A. 1941 [MCL 29.1 ET SEQ.], as amended, and in addition the following regulations shall apply): bulk storage of flammable liquids, liquid petroleum gases and explosives allowed above ground if conditions meet those established by Chapter 13 of the Warren Codified Ordinances – Fire Prevention and Protection and Michigan Flammable Liquids Regulations as amended. Not allowed in M-1 & M-2 zones. In M-3 and M-4 zones: All tanks shall be located no less than one hundred fifty (150) feet from the property lines.

(S) Open Storage Other Than Junk: All open storage shall be located in a designated area approved by the Planning Commission as part of site plan approval. The area shall be enclosed on three (3) sides by chain link fencing with metal/plastic slats used for screening as deemed necessary by the Planning Commission. The designated area shall always be hard surfaced. In M-1 and M-2 zones the designated area shall not be located any closer that seventy-five (75) feet to the front property line unless the size of the lot is less than one hundred fifty (150) feet in depth in which case the Planning Commission may allow the designated area to be located no closer than twenty-five (25) feet from the front property line.

(A) Front Yards: M-2 25 ft. In an M-2 zone where a front yard has been established by the majority of the existing buildings in a block, all buildings hereinafter erected or altered shall conform to the building line thus established, provided no building in an M-2 zone shall be required to set back further than 50 feet. Provided, further, however, notwithstanding any provisions to the contrary, in M-2 zones, yards fronting on a major thoroughfare as defined by the Master Thoroughfare Plan for the City of Warren or front yards facing a residential district shall be fifty (50) feet. (b) Side yards, and rear yards; 20 ft. each.

Section 4D.39 – Location: All fences and walls constructed or installed between lots shall not

exceed a height of six (6) feet above the average grade of the two (2) adjoining lots and shall not extend closer to the front lot line than the established building line or front set back line.

Chairman Nestorowicz asked if they could start with their name and address and then take the board through their request.

David Lawrason appeared before the board, 709 South Blair.

Chris Westerlund appeared before the board from TDG Architects, 420 Baldwin Avenue.

David Lawrason thanked the board to take the time to hear his variance request for the property located at 5860 Frazho, and for his company Rolar Property Services, Inc. He is the president of Rolar. Rolar is a full-service exterior contractor specializing in lawn, landscape, and snow removal, exterior construction, and power sweeping. He moved the business to its current location in July of 2020. He has had the property under contract for purchase since February 2020. Since covid, he still has not closed on this property. Which he is hoping will happen within the next sixty (60) days. He lost his approval with the SPA because he was waiting on some environmental due diligence that the SPA had required, and that took a long time. Also, during covid, SPA put all financing for purchases as such as this on hold. So, when he closes on this property, he is going to be required to pave the gavel lot that he is requesting the open storage on, because of environmental concerns that were found during his environmental due diligence. This area that they're calling open storage is primarily going to be used for parking of company fleet vehicles and equipment. It's not going to be used for storage of miscellaneous things; it's primarily parking for this fleet vehicles. When he committed to this property, he made some assumptions based on zoning. How the existing layout was with the fencing and what appeared what it was previously used for, and how his two (2) adjacent industrial neighbors were set up as well. He was not aware he was going to have these zoning problems or the dimensional setbacks that ran through the property that is needed that he is currently utilizing and appeared to be utilizing. He's learned a significant amount about trying to own a commercial property through this process. He's not trying to plead any ignorance, however, when he looked at the property and saw how it was zoned, he did not know there would be dimensional setbacks running through these opened areas. So, five (5) of the requested variances are dimensional and will not change the existing footprint of the utilized portion of the property. They need this space to park company owned vehicles and equipment that are used daily to get their employees to job sites, as well as park employees' vehicles. Again, when he took possession of this property, there was an existing fence and what appeared to be, that the area used within the fence, was used for open storage and parking. He is also requesting a variance to construct a salt dome no less than fourteen (14) feet from the south property line. The salt dome is extremely important to their snow removal operation. It is considered industry best practices to store salt in a salt dome, no runoff from any weather, and to prevent the salt product to become contaminated from the weather as well. The structures height will be lower than the existing building roof line and the rear of it would be at the same distance from the south property line as the existing building. They have also requested a use variance for the above ground fuel tanks. They are currently utilizing two (2) 1,000-gallon fuel tanks. One for unleaded fuel, one for diesel. The tanks are double walled with an internal containment system and surrounded by concrete highway barriers. The city's fire marshal, Dave Evans, has reviewed and approved the current locations of the tanks. The fuel vendor, Oakland Fuels, fills and maintains the tanks. They currently have twenty-eight (28) fleet vehicles, plus some light and heavy

equipment, which makes trying to fuel vehicles the traditional way extremely difficult. The fuel tanks are critical to the day-to-day operation of his business. He has eleven (11) years' experience with these types of tanks, has never had an issue with them. They are widely accepted and used in the construction and trucking industries. Again, he thanks the boards time in reviewing these variance requests.

Chairman Nestorowicz thanked him for that explanation. This is a public hearing, is there anyone from the audience wishing to speak on this. Please approach.

Ralph Van Gorp appeared before the board, 5337 Rene Drive. He had some more questions in regard to, is there anything about the number of trucks be any larger than what he has right now, which is pick-up trucks and street cleaning type size. Will they be bigger? Will the number of trucks be running down that street be increased? Obviously, he is concerned with noise. Right now, Frazho Road, he believes, is no trucks on it. However, will this change if this is approved? Also, the service drive on Mound Road from Frazho down to Ten Mile is absolute mess. He doesn't know what effect the number of trucks increase and therefore tear it up even more than what it already is. He has some concerns with that.

Chairman Nestorowicz said he will direct those concerns to the petitioner. He asked if he would answer some of those questions. He heard there is a question about the number of trucks that are going to be there, the size of the trucks, and about if that's going to result in any extra traffic along Frazho.

David Lawrason explained as far as the number of trucks, ideally, he continues to try growing his business, so that number could change. He is down vehicles year over year because he got rid of a few that were old and obsolete. So, he can't guarantee; that number is going to go up and down. He does have another storage yard off site, that he keeps equipment at as well. He's limited on the space; they see the footprint. There is only so much he can put there. As far as traffic on Frazho, his trucks that are plated for permitted weights, they can't even go down Frazho, so they don't go down as it is. Mound service drive is being reconstructed from a letter he received this summer, hopefully, that happens. That's in really poor shape. He instructs his employees not to utilize Frazho. A pick-up truck or something like that, but he doesn't like his lawn rigs with trailers trucks going down Frazho, he instructs them to use the service drive on Mound Road as much as possible in consideration of his neighbors.

Chairman Nestorowicz asked the resident if that answered his questions or if he had any others.

Ralph Van Gorp replied yeah, he did. He has one (1) more. With them doing snow removal at night, will that be at any time of the day and night that the trucks would be going in to get salt from the yard. In other words, will they have trucks running around at 3 or 4 in the morning. Chairman Nestorowicz asked the petitioner to answer that, maybe the hours of what the trucks might be at that location.

David Lawrason explained for snow removal they're running at all hours. However, this is their second completed winter out of that location, and he doesn't know of any noise complaints as of right now. Again, they keep their plated dump trucks, they can't even go down Frazho or the motor carriers there, they're going to get pulled over anyways. He doesn't know if he heard them the last

two (2) winters.

Ralph Van Gorp replied no.

David Lawrason said ok, and he's glad to hear that. He doesn't want to be a nuisance.

Ralph Van Gorp said he couldn't tell if it was his truck or some other truck. (Inaudible)

Chairman Nestorowicz said understood. Do you have any other questions that he would like the board to address to the petitioner.

Ralph Van Gorp replied no.

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

Board Member Sylvester explained that he lives in his neighborhood. He also, it's his opinion, that his building that he moved from and to is smaller than what he needs to operate his business. Now, that gentleman right there was concerned about trucks in the middle of the night and disrupting them. He believes that he probably lives west to his buildings. However, they're building townhouses right across the street from him. Nobody has moved in them yet. There's no grass, they're still putting up the siding and they're right in front of his driveway. Now, you want to put a salt dome. He's looking at that and wake up in the morning to make breakfast or whatever, you open up the shades and you have a bunch of trucks and salt dome sitting there. Today he drove by there and probably could fit three (3) more trucks on that parking lot, that would be about it. They had a problem a ways back with parking on the street, where there was at least thirteen (13) cars parked on the street. So, what he's saying is, he wishes him all the best. He hopes he is very, very successful. He doesn't believe with the variance he's asking for and what he wants to do in the building that he chose, and he said it himself that he learned some stuff after the fact, that it might not be a really good spot for him. The reason he is saying that is just, he's seen his pick-up truck, not anything bigger, but he has seen his pick-up truck a few times come down his street and then to Frazho and into his yard. Those people living in those townhouses, he's sure they don't want to wake up in the morning and look at Rolar lawn maintenance or service whatever the case may be. He's going to let him know right now that he's going to be voting no on this. It's not that he doesn't want him to be in Warren, it's not that he doesn't want him to be successful. He just thinks what he wants to do and looking at Frazho and looking at the service drive and looking at everything that's there and wanting to put that salt dome there and whatever else he's going to do, and they don't have any control over that after the board said yes. He has to look at the residents that are going to be living in that area. That little area has become more residential in the last twenty (20) years than it ever was. He has lived in this city for sixty-three (63) years. So, he has to look out for those people, too. He hopes he understands where he is coming from and he's hoping he can find another spot.

David Lawrason said he does understand that. When he took possession of, and he's there on a lease right now, those townhouses weren't being constructed. That was an empty field for he's not sure how long. He didn't know that they were even going to be constructed. Employees parking on the street. Again, he didn't know they weren't allowed to do that. When he was informed that they were not allowed to do that, he made the correction immediately. As far as space goes, yeah,

that's why he needs that extra gravel space. There is a lot more, if they park properly, he can park the trucks and line them up better. There is also his neighbor to the south that he heard rumors maybe exiting and he's talking to Planning about splitting some of that land as well. But he understands.

(Inaudible)

David Lawrason said for sure, for sure. Again, he also has an additional storage yard for his other equipment that the board hasn't even seen. He doesn't keep on Frazho.

Board Member Sylvester said it's just those neighbors that aren't in those townhouses right now. Hypothetically, the board approves all this and they either have a hard time selling that or what is this across the street. He thinks he says he lives in Royal Oak; he doesn't think there is any place like his building in Royal Oak anywhere. Not in a residential area.

David Lawrason said he understands what he is saying, but this is zoned M-2, across the street from residential. He doesn't know if that's a zoning issue or not. If he knew it wasn't... He's using it for its zoned purpose, he believes. So, he can't answer that.

Chairman Nestorowicz asked for any other discussion.

Board Member Cliff said nothing personal, sir. He is going to ask a question and he wants an honest answer. Who helped him pick this piece of property up for his business? Who helped him pick this out? Did he have assistance? Did somebody work with him?

Chairman Nestorowicz said that is not a question for zoning related.

Board Member Cliff said he withdraws his question. He'll make another point. They're sitting here tonight and he's standing before them to make nine (9) variances on one piece of property, three (3) of which are use variances. He just sees reading through his explanation hardship, he's re-read it several times. He really pondered over, he likes helping businesses in the City of Warren thrive and succeed, but he cannot in good conscience support this. The way he interpreted it is that every single one of his hardships is a self-imposed hardship, sir. He yields the floor.

Board Member Sylvester said that he stated it was an M-2. M-2 is medium light industrial district. Which would probably mean somewhere between 5 or 6 o'clock they would be closing up for the day. He already stated doing the snow and everything, he might be running through there at 2 or 3 or 4 in the morning. Again, he can't give the reason why those townhouses are being built now, he can't tell him why those condos went up, he can't tell him any of that stuff. All's he can say is that him coming into the neighborhood is going to create a problem. Like he said, M-2 says medium light industrial district. He doesn't think any medium light industrials are operating at 2 or 3 or 4 in the morning. Thank you.

Secretary Jerzy said regarding the fuel tanks. How long have the fuel tanks been on the property? When were they installed?

David Lawrason replied around when they moved in July.

Secretary Jerzy asked July 2020.

David Lawrason replied yes.

Secretary Jerzy said so from July 2020 he's going to claim that he didn't have any idea that he needed a permit for the fuel tanks on the property. Or did he not think he needed proper approval to put them on the property? What was the thought process?

Chris Westlund said they have been in process with this since September 2020.

Secretary Jerzy said it doesn't look like until 6/7/2021 when the Fire Department picked up on this. Is that accurate?

David Lawrason replied no. He actually brought the Fire Department out. Again, he had these same tanks at his old building in Troy and he didn't realize, again, that there was going to be a zoning issue.

Secretary Jerzy asked if there was one in Troy when he installed them.

David Lawrason replied no.

Board Member Sylvester said he would like to fill in something with that.

David Lawrason stated actually, let him walk that back for a second. As far as Troy goes, he bought the business in January 2013. So, it is a family business. When he took over, he moved back from Chicago in 2011 to take over the business, to run it. The tanks in Troy were there, but steps were taken previously, he doesn't have that knowledge.

Secretary Jerzy said fair enough. He yields the floor.

Board Member Sylvester said he did check into the tanks. Again, he drives through there quite often, he lives right in that area just a block away. He inquired about the fuel tanks and fire administration was out there to take a look. He doesn't know about the timing of this that or whatever, but there was a request to the Fire Department to take a look at those tanks. At the time when he did that, there was no barriers around them, they were just sitting there out in the open in the corner of the building.

David Lawrason explained those barriers have been there since they moved in. Furthermore, to his concerns, after he had his meeting with the Planning Commission there was a lot of feedback from the community. He invited any concerned community member to his facility to explain to them what they were doing and how they were doing it. He spent the time and none of them are here right now. These are primarily the condo owners to the west of him and to the northwest. He got them comfortable, he showed them pictures of the salt dome and what its going to look like. The elevations were in these plans that were submitted. Again, from a concern with the neighbors he has met with the neighbors.

Chairman Nestorowicz understand. He had a question for Steve. Has this received Planning

approval? He was looking in here and didn't see paperwork.

Steve Watripont stated he can't verify one hundred (100) percent, but he believes they received conditional approval pending Zoning Board of Appeals and probably some site plan changes requirement. He believes they have gone there. He tries not to send anything to this board until it has gone to Planning. They might be able to answer the specifics more than him, but he does know they require that. They do ask Planning to give letters. They have given more letters lately, but they're busy, too, so he understands that.

Chairman Nestorowicz was just wondering if they had their approvals from Planning or not with this item. Or what Planning had to say regarding it.

Chris Westlund said they were approved through Planning.

Board Member Sylvester said there is a lot of stuff being said verbally. Why don't they have documents stating what's been approved, what's been accepted. To Mr. Watripont was notices given out to the areas around there to the condos and to the people that are building the townhouses. He's saying that people all accepted and talked to him. Where's at least one (1) or two (2) of the people saying they don't have a problem with this?

Steve Watripont said he can't tell people when to show up.

Board Member Sylvester asked if notices were sent out.

Steve Watripont explained by state law ordinances are required to be sent out to everyone within 300 feet of the property. That is done through the Council office, and he believes Nicole does that herself. She nodded and said yes it has been done. It is not done through the zoning department but that is required by law.

Nicole Jones stated 301 notices.

Chairman Nestorowicz said they did have one (1) resident that did come tonight and heard his questions.

Board Member Sylvester said alright.

Chris Westlund explained at the Planning Commission a number of residents came and spoke. That's why they were invited to the property, showed them around and explained what was happening.

Board Member Sylvester asked Mr. Chair why they don't have any correspondence from the Planning Commission with regard to this and nine (9) variances. He doesn't understand that.

Chairman Nestorowicz said they don't always get them.

Board Member Sylvester said they hardly ever. He's just asking. If they're making a decision but it has to come through this board then we look like the bad guy, why doesn't the board have an idea

about what they agreed to decided.

Chairman Nestorowicz said they do request letters and they sometimes get the letters from Ron Wuerth but it's not on every single case.

Board Member Sylvester asked the City Attorney why they're not getting that information.

Jennifer Pierce said she doesn't know how to answer his question. Planning approval is conditioned on these variances being granted.

Board Member Sylvester said it looks like they put the cart before the horse.

Jennifer Pierce said that's always the way it is.

Chairman Nestorowicz explained Planning would approve this but have to get variances from this board.

Board Member Sylvester interrupted saying cart before the horse. Why ask for variances and then they look at everything and then Planning will you approve?

Chairman Nestorowicz explained they don't know all the variances they might need based on what Planning wants to see. They come to us and give certain variances. Planning might look at it and say they need more then have to come back a second time.

Steve Watripont gave history for that last 10 or 15 years being a member on the board and the city. The reason it goes to Planning first and why they don't bring anything to this board without going to Planning first, there are some exceptions. A use variance for childcare and office district came before this board before Planning. There was no sense in going to Planning, doing the site plan for a use variance unless they granted it. If granted they still had to go through and get special land use and go that way. In this case, they need to go to site plan approval for site plan approval for storage and everything else before the variances. This way, they check everything, we double check on the variances, go from there. Sometimes we'll catch something that Planning doesn't catch, but if they don't give conditional approval, he gets notified of that or whoever is from the city here and would make this board aware of that probably before the board meeting if that happened. So, anything that comes before this board, he can almost guarantee it has been in front of Planning when it has to do with outside storage or construction. Somethings don't have to go in front of Planning Commission, in which case they just go for variances at that point. He doesn't know if that clarifies anything, but that's been the way it is and it's not the cart before the horse. In essence, that project has to have a site plan approval at some point.

Board Member Clift stated that the most frustrating thing that some of the board is feeling up there, is this business has been in operation on this site for two (2) years.

Steve Watripont stated yes.

Board Member Clift said ideally, Planning should have it before somebody moves into a building or onto a site and initiates their business operation, correct?

Steve Watripont stated that is ideal.

Board Member Clift repeated that is ideal. Since he has been here it's been the other way around. They're already running their business and now they're coming to do the variances way after the fact, two (2) years after the fact. In his mind it's mind boggling to him. He's just venting a little bit, Mr. Chair, please excuse him. He yields the floor.

Steve Watripont explained in regards to that, he knows they have been in contact with Planning for quite some time. They can probably tell the board how long they've been there and going through with Planning.

Board Member Clift stated it would have been nice to have a letter from Planning, maybe they can get some dates and they would understand that, but he appreciates him throwing that in there, sir. Thank you.

Steve Watripont said he doesn't disagree and most larger projects he knows they have been sending them lately. Don't know why. If he wants that he can put a condition on that that he gets that or table till he gets one and request a special letter from him at that point. He will hand deliver that if that's needed.

Secretary Jerzy said he has a quick question for Steve. If the board does grant this, he specified that he's leasing the property, he's not the property owner. Does that stay attached to the property after he leaves? If he bails, do they have nine (9) variances...?

Steve Watripont stated the Chair, Mrs. Furgal and City Attorney can all agree that yes, most definitely. Any variance granted stays with the land.

Secretary Jerzy asked if all nine (9) would stay with the land no matter what and allow somebody else to come in and do that, if he decides to leave.

Steve Watripont said correct.

Secretary Jerzy thanked him.

Board Member Sylvester said he has another one. He would request, and he's making a motion to table this.

Motion:

Board Member Sylvester made a motion to table this item with the request for staff report from Planning Department with a recommendation on variances request, and what are the implications if approved. He would like to have that and thinks they should be able to take a look at that. Table this until the board can review this further.

Board Member Clift supported the motion.

Chairman Nestorowicz said if he understands correctly. He wants to have something from Planning to say they approve this.

Board Member Sylvester said a staff report from Planning Department.

Board Member Anglin said he doesn't have a problem with that so much. His issue is that they're giving variance for a piece of property that somebody doesn't own. The owner of that property should be here today to request those variances.

(Inaudible)

Board Member Sylvester said they have done that before. And they have not allowed that to happen. They don't own the property.

Secretary Jerzy said there was a motion to table.

Chairman Nestorowicz said there's a motion to table.

Board Member Anglin said he wants to make an amendment to the motion.

Chairman Nestorowicz asked what is the discussion.

Board Member Anglin said his issue is that the property is not owned by these gentlemen. The owner of the property, who's going to receive the benefit of these variances should be here to present what he wants on that property. He doesn't know if the owner wants this on the property or not, he's just the lessee of the property. He knows one of his buildings, if tenants went in and did all this rezoning on that without his knowledge, without him being that that would upset him a little bit.

Chairman Nestorowicz stated based on the motion and discussion, they make the motion to next meeting April 13th. Table this to April 13th to get Planning to give the board their feedback and is it possible to get the owner of the property to come to the meeting. Is the owner of the property local?

David Lawrason said again, when they're talking about leasing, it's a little different because he has this building under contract for two (2) years and his intention is to close here very shortly. Second, he has the owner affidavit that he submitted with his variance application. He reviewed, his attorney's reviewed, and they understand why he is here. They signed off for him to be the representative for this property.

Board Member Anglin asked if that's in his packet. He apologized.

Steve Watripont explained that's part of the Zoning Board of Appeals application process. The owner affidavit has to be in there before they even send it onto the board. It's the second page.

Chairman Nestorowicz said yeah.

Board Member Anglin withdraws his statement.

Chairman Nestorowicz stated they have a motion and support to table this to the April 13th meeting to hear from Planning.

Roll Call:

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

Board Member Sylvester	Yes, to table with staff report.
Board Member Clift	Yes, to table.
Board Member Furgal	Yes, to table.
Board Member Sylvester	Yes, to table.
Board Member Sieracki	Yes, to table.
Secretary Jerzy	Yes, to table.
Board Member Anglin	Yes, to table.
Chairman Nestorowicz	Yes, to table.

The petitioner's request was **TABLED.**

Chairman Nestorowicz explained to the petitioner's they're hearing this on the next meeting on the 13th of April. Mr. Watripont, can you take the boards request to Planning to say that they want...

Steve Watripont said he will talk to Mr. Wuerth in the morning.

David Lawrason said he is not going to be in town the 13th, it's spring break for children.

Steve Watripont said the 27th.

Chairman Nestorowicz asked if they have a meeting on April 27th. Would that work?

David Lawrason said that would be perfect.

Chairman Nestorowicz said they need to revote. He asked Mr. Sylvester to remake the motion.

Motion:

Board Member Sylvester made a motion to rehear this with regard to the Planning documents to April 27, 2022.

Board Member Clift supported the motion.

Roll Call:

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

Board Member Sylvester	Yes, to table.
Board Member Clift	Yes, to table.
Board Member Furgal	Yes.
Board Member Anglin	Yes.

14. NEW BUSINESS

None.

15. ADJOURNMENT

Motion:

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

Voice Vote:

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

The meeting adjourned at 8:54 p.m.

Paul Jerzy
Secretary of the Board