



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

Zoning Board of Appeals
Office of the City Council
5460 Arden, Ste. 505
Warren, MI 48092
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**A Regular Meeting of the Zoning Board of Appeals
Wednesday, April 13, 2022 at 7:30 p.m. in the Warren Community Center
Auditorium, 5460 Arden, Warren, Michigan 48092.**

Site plans are available for viewing in the Building Department of
City Hall at 1 City Square, 3rd Floor, Warren, 48093.
Please call ahead: (586) 574 - 4504

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPTION OF THE AGENDA
5. APPROVAL OF THE MINUTES OF the **Regular Meetings of February 9, 2022
and March 9, 2022.**
6. PUBLIC HEARING:
REPRESENTATIVE: **APPLICANT: Randazzo Fresh Market-USE-**
COMMON DESCRIPTION: Michelle Noto
LEGAL DESCRIPTION: 13441 Thirteen Mile
ZONE: 13-02-481-020
MZ, C-1, P

VARIANCES REQUESTED: Permission to -USE-

Conduct the operation of an L shaped open air sales area (approx. 3,006 square ft. in a P zone), 9' from the front property line from May 1, 2022 to December 31, 2022.

ORDINANCES and REQUIREMENTS:

Section 4.52 (I): Zoning district must be consistent where the area is located.

Section 13.04: Front Yard. A fifteen (15) foot yard setback shall be provided.

Section 16.02 (A): Limitation of the use: uses in (P) parking zone: parking with or without charge of passenger vehicles. **Use**

7. PUBLIC HEARING: **APPLICANT: Patrick Sulaka**
REPRESENTATIVE: Richard Sulaka
COMMON DESCRIPTION: 24800 Hoover
LEGAL DESCRIPTION: 13-26-101-026
ZONE: M-2

VARIANCES REQUESTED: Permission to

Conduct a seasonal outdoor sales operation in an area of 30 ft. x 30 ft. (900 square ft.) from June 20, 2022 through July 7, 2022 from 9am to 9pm.

ORDINANCES and REQUIREMENTS:

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

8. PUBLIC HEARING: **APPLICANT: Thrifty Florist of Warren #1-USE-**
REPRESENTATIVE: Nicole Agbay
COMMON DESCRIPTION: 29010 Schoenherr
LEGAL DESCRIPTION: 13-12-353-010
ZONE: MZ, C-1, P

VARIANCES REQUESTED: Permission to -USE-

Conduct a seasonal outdoor sales operation in a P District from March 31, 2022 through January 31, 2023 (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.

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 ft. x 30 ft. (600 square ft.) from March 31, 2022 through January 31, 2023 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 4.5 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.

10. PUBLIC HEARING: **APPLICANT: Eddie H Babbie**
REPRESENTATIVE: Eddie or Austin Babbie
COMMON DESCRIPTION: 32800 Ryan
LEGAL DESCRIPTION: 13-05-101-039
ZONE: C-1

VARIANCES REQUESTED: Permission to

Conduct a seasonal outdoor sales operation in an area of 20 ft. x 30 ft. (600 square ft.) from June 21, 2022 through July 5, 2022 from 10am to 9pm.

ORDINANCES and REQUIREMENTS:

Section 4.52 Standards for Temporary Outdoor Retail Sales Approval (D): o sales activity or display of merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use.

11. PUBLIC HEARING: **APPLICANT: David and Delvi Dawood**
REPRESENTATIVE: Caren M. Burdi
COMMON DESCRIPTION: 12813 Eight Mile
LEGAL DESCRIPTION: 13-35-454-044
ZONE: M-1

VARIANCES REQUESTED: Permission to

- 1) Expand an auto repair facility from lots 355, 356, 357, 358 and 359 to include lots 13, 14, 15 and 16 for major auto repair, excluding collision, body work or painting on lots 13-16 which are directly adjacent to a residential zone.
- 2) Waive thirteen (13) required off-street parking spaces.

ORDINANCES and REQUIREMENTS:

Section 14.01 Uses (J): Automobile repair shops, including body and fender business, provided that such uses are conducted entirely within an enclosed building, and provided further that such establishments are located at least two hundred (200) feet from any residential district or are operated on the premises of and in conjunction with an automobile dealership in a building with appropriate filtering system to prevent emission of paint odors and with a masonry wall facing any such residential district, which shall have sound retarding insulation, shall have no doors other than any door required by law as a fire exit, and shall have no windows but may have glass block areas to transmit light.

Section 4.32 – Off-Street Parking Requirements: (20) Furniture and appliance stores, personal service shops (not including beauty parlors and barber shops), household equipment or furniture repair shops, clothing or shoe repair or service shops, hardware stores, motor vehicle sales, wholesale stores and machinery sales. One (1) parking space for each five hundred (500) square feet of floor area.

12. PUBLIC HEARING: **APPLICANT: Doetsch Environmental Services**
(Sean Schotthoefer)
REPRESENTATIVE: Sean Schotthoefer
COMMON DESCRIPTION: 13711 Eight Mile
LEGAL DESCRIPTION: 13-36-351-016
ZONE: M-2

VARIANCES REQUESTED: Permission to

- 1) Allow a 6 ft. decorative aluminum fence to the property line along Eight Mile and along Schoenherr.
- 2) Allow 32,170 square ft. of non-hard surface (gavel) for training purposes.
- 3) Hard surface no more than 25 ft. from the west setback along Schoenherr.

ORDINANCES and REQUIREMENTS:

Section 4D.08 – Fences, Walls and Landscape Screens in Front Yard Between Building Line and Front Property Line: No fence, wall or landscape screen shall be constructed between the established building line and the front property line.

Section 4.32 – Off-Street Parking Requirements: (K) All off-street parking areas shall be provided with adequate ingress and egress, shall be hard surfaced with concrete or plant-mixed bituminous material (base may be stabilized gravel or equivalent), shall be maintained in a usable dustproof condition, shall be graded and drained to dispose of all surface water, provide protective bumper curbs as per Sections 4.32 (i) and 16.07, and shall otherwise comply with Section 2.46 and 16.05 of this ordinance.

Section 17.02 – Industrial Standards: M-2 (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.

13. PUBLIC HEARING:	APPLICANT: 28805 Mound Road LLC
REPRESENTATIVE:	Reid Cooksey
COMMON DESCRIPTION:	288055 Mound
LEGAL DESCRIPTION:	13-17-226-032
ZONE:	C-2

VARIANCES REQUESTED: Permission to

- 1) Allow parking spaces with an 18 ft. length.
- 2) Retain hard-surfacing for parking to no less than 9.5 ft. in the front setback.
- 3) Retain a building no less than 4 ft. from the side (south) property line.
- 4) Retain a building no less than 20.8 ft. from the rear (west) property line.
- 5) Retain a building no less than 9.5 ft. from the front (east) property line.
- 6) Allow a 6 ft. high decorative privacy fence and curbing along the rear (west) property line.

ORDINANCES and REQUIREMENTS:

Section 4.32 – Off-Street Parking Requirements: (I) All spaces that abut a continuous curb required in accordance with Section 16.07 of this ordinance or a common property line shall be laid out in the following dimensions, including off-street maneuvering lanes: type: 90 degree, length: 22 ft. all spaces that do not abut a continuous curb required in accordance with Section 16.07 or a common property line shall be laid out in the following dimensions: type: 90 degree, length, 20 ft.

Section 14.06: Front yard for commercial buildings. A front yard setback of fifteen (15) feet shall be provided for commercial buildings, measuring from the right-of-way line proposed by the Master Thoroughfare plan of the City of Warren.

Section 14.08 – Side Yards on the Street Side of Corner Lots: The width of a side yard abutting upon a street shall be not less than fifteen (15) feet when rear yards abut rear yards.

However, in the case of a rear yard abutting a side yard of an adjacent residential lot, the side yard abutting upon a street shall be not less than twenty-five (25) feet.

Section 14.09 – Rear Yards: In C-2 districts, a rear yard of not less than twenty (20) feet shall be required.

Section 14.04 – Greenbelt: All non-residential uses, when adjacent to an existing residence or residential district or adjacent to an alley which abuts an existing residence or residential district, shall provide and maintain a twenty (20) foot greenbelt, or decorative wall, in compliance with Section 2.26 of this ordinance.

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| 14. PUBLIC HEARING: | APPLICANT: Ewm-Miller Wash, LLC-USE- |
| REPRESENTATIVE: | Jon Pellegrine |
| COMMON DESCRIPTION: | 28740 Mound |
| LEGAL DESCRIPTION: | 13-16-101-018 |
| ZONE: | MZ, M-2, C-2 |

VARIANCES REQUESTED: Permission to -USE-

- 1) Allow an automatic conveyor carwash in a C-2 zone. Use
- 2) Allow an automatic conveyor carwash to operate on a property that has 134.39 ft. of frontage when 150 ft. is required.

ORDINANCES and REQUIREMENTS:

Section 14.01 – Uses Permitted: (P) Auto wash uses are regulated in this section. 3. Automatic conveyor. An automatic conveyor is defined as an auto wash where the auto is attached to a conveyor to move the auto through the line as it is washed by machines and employees. An automatic conveyor auto wash shall be allowed only in C-3, M-1 and M-2 zones.

A. Site Design Requirements – 1. Lot Area: C. An automatic conveyor auto wash shall have a minimum lot area of twenty thousand (20,000) square feet with a minimum of one hundred fifty (150) feet of frontage along the major road.

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| 15. PUBLIC HEARING: | APPLICANT: Ragheed Akrawi, East Ten Mile Associate, LLC |
| | <i>(Rescheduled from 3/9/2022)</i> |
| REPRESENTATIVE: | Christine Jaber |
| COMMON DESCRIPTION: | 3839 Ten Mile |
| LEGAL DESCRIPTION: | 13-19-479-010 |
| ZONE: | M-2 |

VARIANCES REQUESTED: Permission to

Appeal of the Chief Zoning Inspector's determination that the above noted property does not qualify for a medical marihuana facility.

ORDINANCES and REQUIREMENTS:

Section 20.05 Jurisdiction: The Board of Appeals, in conformity with the provisions of this article and the Michigan Zoning Enabling Act, MCL 125.3601 et seq., is hereby authorized 1) to hear and decide appeals from and review any administrative order, requirement, decision or determination made by an administrative official or body charged with enforcement of a zoning ordinance adopted under this article; and 2) to hear and decide questions related to the interpretation of the zoning ordinance; and 3) to hear and decide questions related to interpretation of the zoning maps; and 4) shall have the authority to grant land use and non-use

variances according to the provisions of this article; and 5) to hear and decide matters which the zoning board of appeals is required to pass under this article.

Section 20.06 Appeals from an Administrative Order, Requirement, Decision or Determination: An appeal may be taken to the zoning board of appeals from an administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a zoning ordinance. The appeal may be filed by a person with a legal interest in the property that is the subject of the order, requirement, decision or determination; or by an officer, department board or bureau of the state or local unit of government; or by a person aggrieved by an order, requirement, decision or determination made by a person aggrieved by an order, requirement, decision or determination made by an administrative official or body charged with enforcement of a zoning ordinance.

16. NEW BUSINESS

17. ADJOURNMENT

Paul Jerzy
Secretary of the Board

Any person with a disability who needs accommodation for participation in this meeting should contact the Warren City Council Office at (586) 258-2060 – 48 hours in advance of the meeting to request assistance.

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
FEBRUARY 9, 2022

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, February 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:

Jeffrey Curle (Resigned)

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.

Chairman Nestorowicz stated they did receive a resignation letter from Mr. Curle. Effective now he has resigned from the board.

4. ADOPTION OF THE AGENDA

Chairman Nestorowicz stated they need to make changes to the agenda. Item 5 should be the approval of the minutes of January 12th meeting and then the January 26th meeting; they would have two minutes to approve today.

Motion:

Chairman Nestorowicz made a motion to approve the agenda with previously stated changes; Supported by Secretary Jerzy.

Voice Vote:

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

5. APPROVAL OF THE MINUTES of the Regular Meetings of January 12, 2022 and January 26, 2022.

Motion:

Board Member Anglin made a motion to approve the minutes of the Regular Meeting of January 12, 2022 and minutes of the Special Meeting of January 26, 2022; Supported by Secretary Jerzy.

Voice Vote:

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

6. PUBLIC HEARING:	APPLICANT: Great Lakes Capital
REPRESENTATIVE:	Jeff Smoke
COMMON DESCRIPTION:	6340 Fourteen Mile
LEGAL DESCRIPTION:	13-04-126-016
ZONE:	MZ, P, M-2

VARIANCES REQUESTED: Permission to

Waive 101 required off-street parking spaces.

ORDINANCES and REQUIREMENTS:

Section 4.32 – Off-Street Parking Requirements (H): The amount of required off-street parking space for new uses or buildings: (18) medical or dental clinics. One (1) parking space for each one hundred (100) square feet of usable floor area and one (1) parking space for each examining room, dental chair or similar use area. In no event shall there be less than three (3) spaces per doctor plus one (1) space for each two (2) employees.

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

Greg D. stated he is with Great Lakes Capital. He asked how everybody is doing today.

Chairman Nestorowicz asked for his address for the record also.

Greg D. said 112 West Jefferson.

Chairman Nestorowicz asked him to take the board through his request.

Greg D. explained there is a couple things. He knows the parking spaces reduction in count was one of the matters. The other that was brought up in Planning was the depth of the existing parking spaces that is on site currently; they're around 18 3/4 of a foot deep and they're requesting them to be twenty (20) feet. Those were previously approved and is something that is remaining from the current plan that's in place of Art Van Headquarters. He believes the recommendation from Planning was to approve the parking spaces.

Chairman Nestorowicz thanked him for those comments. This is a public hearing if there is anyone in the audience wishing to speak on this item.

No response.

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

Board Member Sylvester stated last night at the City Council meeting it was brought up, and he didn't know it until last night, that the parking arrangements for the buildings that are being built in the City of Warren and what have you; everything is being looked at. Quantity, location, number for what's going on in the building, the whole shoot and match. So, what he would like to do with this item is to table it. The City Council and Mr. Ron Wuerth let him know that it would be about two (2) weeks before they have an understanding. A lot of things are going to be changed, so if this gentleman would not mind coming back in a couple weeks where they have current information. Right now, they would be working on information that is not up to date; it is going to be changed.

Chairman Nestorowicz thanked him for that information. He did know that they're looking at the parking ordinances. Steve, can you step up to the microphone for a moment?

Steve Watripont explained last night the City Council did pass the new city ordinance. Within the board's packet the number of parking spaces required would drop to twenty-four (24) on the new ordinance. So, they still would have to request some with the new ordinance and the board should have a worksheet in their packet that shows the previous ordinance and the proposed ordinance, which is now past City Council, but still has to go through if there was any... has to be posted and everything to be.

Chairman Nestorowicz said according to this the current ordinance said they would have had... The variance would go down from 101 parking spaces that they would only need a variance of twenty-four (24) per this.

Steve Watripont said right. In the Building Division they are working with the new ordinance since it is passed City Council at this time as well.

Chairman Nestorowicz said Mr. Sylvester, you should have that...

Board Member Sylvester said he does. He wasn't sure what that was about, but...

(Fire alarm sounds)

Chairman Nestorowicz asked Mr. Sylvester if that would answer his questions to be able...

Board Member Sylvester said as long as it's alright with the other members, that's fine with him.

Board Member Clift said since the partitioning party already paid their money to have this hearing, he thinks they ought to just move ahead with it and deal with it under the ordinances that are in effect as of today.

Chairman Nestorowicz explained he would like to make a motion, not hearing anything from anyone else, to actually, based on...

Greg D. stated based on the... there's only going to be less than forty (40) staff members at this facility, so there is more than enough parking for them. Even if you look at the current state of the health care industry and how it's changed to virtual visits and whatnot, there's such a lower impact

of patients that are actually on site at any given time.

Chairman Nestorowicz said what he would like to do is make a motion to approve the request based on the new ordinance numbers, which would be to waive twenty-four (24) required off-street parking spaces, as opposed to the former ordinance, which would have been 101.

Motion:

Chairman Nestorowicz made a motion to approve the request based on new ordinance to waive twenty-four (24) required off-street parking spaces; Supported by Board Member Anglin.

Chairman Nestorowicz said they have a motion by Chair and support by Mr. Anglin. Roll call.

Roll Call:

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

Chairman Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Clift	No.
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.
Secretary Jerzy	Yes, for the reasons stated in the motion.

The petitioner's request was **APPROVED** with the above mentioned changed.

Greg D. asked if they could talk about the depth of the parking.

Board Member Furgal said that wasn't...

Chairman Nestorowicz said if he has any other questions, he could go to the Building Department.

Greg D. thanked the board.

7. PUBLIC HEARING:	APPLICANT: Global Signs & Awnings
REPRESENTATIVE:	Ayad Sitto
COMMON DESCRIPTION:	8655 Eight Mile
LEGAL DESCRIPTION:	13-34-380-006
ZONE:	M-2

VARIANCES REQUESTED: Permission to

Allow a 92.6 square ft. wall sign on the south elevation.

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 Nestorowicz asked if the petitioner to start with their name and address for the record, and then take the board through their request.

Ayad Sitto appeared before the board stating he is from Global Signs & Awning. The address is 22907 Dequindre.

Unknown said the address they're trying to get the sign approved for is 8655 East Eight Mile Road.

Chairman Nestorowicz asked them to describe their request to the board, please.

Unknown explained the building is 77,000 square feet. They did a mock-up, digital drawing, and the normal sign would be very small. The building sits very far back from the road, even with the ninety-two (92) square foot, it's still going to be a small sign, but it's doable. The production tool that was the previous owner had a lot; the whole building was covered in signage. So, this sign shouldn't do anything to obstruct anything.

Chairman Nestorowicz thanked him for that information. This is a public hearing, is there anyone from the audience wishing to speak?

No response.

Chairman Nestorowicz turned it over to the board for questions and discussion.

Secretary Jerzy stated he drives past that sight daily on the way to work, and the applicant is correct. The old production tool sign was much bigger than this one that's currently being proposed. Signage looks good, and he doesn't foresee a problem with it. Definitely need signage to jump start a new business, especially when changing over from a business like Production Tool to a furniture retailer. He thinks this drawing and design is good, in his opinion, and doesn't foresee it being a problem. He yields the floor.

Board Member Anglin asked how many square feet of that building is Romeo and Juliet Furniture actually taking and what is the frontage involved with that. Approximately.

Unknown explained the whole building is Romeo and Juliet. The rear of it is going to be warehouse, the front he thinks all 25,000 square foot all glass is the showroom. The frontage he thinks is 220 feet.

Board Member Anglin explained what he is concerned about is that if Romeo and Juliet is taking a section of it and going to split this building down like a strip mall setup and then they're going to have a twenty (20) foot frontage. Then, to him that sign would be too much for a twenty (20) foot. If that sign is for the whole building, then no, it's not too much signage. That's where his concern was, because he saw some other doors on the right and he wanted to make sure it wasn't being subdivided down into smaller units.

Unknown stated the whole building is theirs.

Board Member Anglin said that's not the case, then he does not have a problem with this.

Board Member Sylvester said the variance request says 92.6 square feet wall sign. On page 3 of

their submittal for application for variance, down on the last to explain hardship he has 103.8 square feet. Which number is correct?

Ayad Sitto replied 92.6 is the correct number.

Board Member Sylvester asked if there is any reason for the 103.8.

Ayad Sitto explained they measured a section of it, they have some area that is not signage in it. They have lower and upper cases of the font of the design if they look at it.

Board Member Sylvester asked if the 103.8 is the entire sign. Is 92.8 partial of the sign?

Ayad Sitto said it includes the empty space in the signage. Because they have some lower and upper cases in the lettering.

Board Member Sylvester said so, the total number they're looking at is the 103.8.

Ayad Sitto said the 92.6 is the total signage.

Board Member Sylvester asked Mr. Watripont to explain this for him.

Steve Watripont explained the way signage is measured, it was passed in an ordinance a couple years ago, is they don't box in the whole thing to be a square or rectangle. They can remove some of that empty space, drop down after the 'r' and go from there. So, the 92 is the correct number.

Board Member Sylvester asked what is the 103.8.

Steve Watripont said he has no idea; he didn't write that.

Board Member Sylvester said if they approve it, they're looking at 92.6.

Steve Watripont stated that's correct.

Board Member Sylvester thanked him.

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

No response.

Motion:

Secretary Jerzy made a motion to allow a 92.6 square foot wall sign on the south elevation.

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

Board Member Anglin supported the motion.

Chairman Nestorowicz stated they have a motion by Mr. Jerzy, support by Mr. Anglin to

approve the request for the reasons stated in the motion.

Roll Call:

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

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

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| 8. PUBLIC HEARING: | APPLICANT: Allied Signs, Inc. |
| REPRESENTATIVE: | Jim Fields |
| COMMON DESCRIPTION: | 8327 Twelve Mile |
| LEGAL DESCRIPTION: | 13-10-353-010 |
| ZONE: | MZ, P, C-2 |

VARIANCES REQUESTED: Permission to

Erect a 54.16 square ft. wall sign.

ORDINANCES and REQUIREMENTS:

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

Bob appeared before the board stating he is with Allied Signs; Jim Fields could not make it due to knee surgery. The address is 33650 Giftos Drive. Here on behalf of Affordable Dentures and Implants, located at 8327 Twelve Mile Road. They are requesting 14.6 additional square footage for a wall sign, where the ordinance only allows forty (40) square feet. His concern is the setback of that building and the small store front, an additional 14.6 square feet would be beneficial for visibility at the Tech Plaza Shopping Center.

Chairman Nestorowicz thanked him for those comments. 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 for discussion.

Board Member Anglin said he would like to make a motion, and the reason is this building does sit back quite a ways from the road. All the signs in there are pretty close to that size placement on the building. With the boards permission he would like to make a motion.

No response.

Motion:

Board Member Anglin made a motion to allow the petitioner is a 54.16 square foot wall sign.

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

Board Member Furgal supported the motion.

Chairman Nestorowicz stated he has a motion by Mr. Anglin, support by Mrs. Furgal to approve the request for the reasons stated in the motion.

Roll Call:

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

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member 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 Perry	Yes, for the reasons stated in the motion.
Board Member Sylvester	No, they have ordinances and that is in a shopping center and believes they should adhere to the 40 square feet.
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.

9. PUBLIC HEARING: **APPLICANT: Bazo Construction**
REPRESENTATIVE: Sarah Mheisen
COMMON DESCRIPTION: 21376 Van Dyke
LEGAL DESCRIPTION: 13-34-304-038
ZONE: C-2

VARIANCES REQUESTED: Permission to

Allow the following signage on a 160' x 3' = 480 square ft. gas canopy.

- a. North elevation (a) "Marathon" 112.5" x 15" = 11.7 square ft.
- b. West elevation (b) "Marathon" 112.5" x 15" = 11.7 square ft.
- c. South elevation (c) "Marathon" 112.5" x 15" = 11.7 square ft.

Total signage on gas canopy is 35.1 square ft., remainder 444.9 square ft. of decorative design.

ORDINANCES and REQUIREMENTS:

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

B. Nadeen appeared before the board stating he is with Bazo Construction; Sarah could not make it today. So, he is here on her behalf.

Chairman Nestorowicz explained he didn't see his name anywhere on the paper. Does he have a business card or something?

B. Nadeen said he doesn't have a business card on him.

Chairman Nestorowicz asked if he could email something to the office tomorrow, so they have a record that he's attending.

B. Nadeen asked if a driver's license...

Chairman Nestorowicz asked Nicole if she wants an email, if that's fine. He doesn't see his name anywhere on here.

(Inaudible)

Chairman Nestorowicz asked him to take the board through his request.

B. Nadeen explained the request is to install... There are two (2) signs right now on the canopy. So, Marathon updated their specs and are requiring three (3) channel letters on the canopy. They'll be installing an additional channel letter on the canopy. The rest of the canopy is basically what's up there; blue, red, white and blue. The only exception is the blue part would have an LED light around on three (3) sides where the channel letters are. That's it.

Chairman Nestorowicz thanked him for those comments. This is a public hearing, is there anyone from the audience wishing to speak on this item?

No response.

Chairman Nestorowicz turned it over to the board for discussion.

Secretary Jerzy asked that the blue bar is going to have...

B. Nadeen stated the red.

Secretary Jerzy asked the red bar is going to be illuminated.

B. Nadeen replied yes. It's a four (4) inch strip on the lower part of the canopy. It's going to be illuminated.

Secretary Jerzy said that's all he had. He thought he heard that wrong. So, ok. Thank you, sir.

Board Member Anglin explained that he stated there are two (2) Marathon signs on the canopy right now.

B. Nadeen replied yes.

Board Member Anglin asked that he wants to add the third one and the third one is 35.1 square feet. Which means overall they have three (3) of them at that, which would be just a little over one hundred (100) square feet total in total of signage on that canopy.

B. Nadeen explained the total of all three (3) is 35.1 square feet.

Board Member Anglin asked all three (3) signs will come to 35.1 square feet. He doesn't have a problem.

Board Member Furgal said it's just the Marathon.

Board Member Anglin said he thought they were bigger than that.

Board Member Furgal said the rest of it...

B. Nadeen explained they're fifteen (15) inches by 112.

Board Member Anglin said ok.

Board Member Sylvester asked if they have been before the board for other remodels for gas stations.

B. Nadeen replied yes.

Board Member Sylvester asked in the City of Warren.

B. Nadeen replied yes.

Board Member Sylvester asked roughly how many stations have they updated in the last couple years.

B. Nadeen asked in Warren.

Board Member Sylvester replied yeah.

B. Nadeen replied three (3) or four (4), maybe; he's not sure.

Board Member Sylvester asked that he came before the board and everything has been fine.

B. Nadeen explained he was here in the past three (3) years ago, he used to come attend the meetings, but...

Board Member Sylvester said ok. Where is this station located? He couldn't exactly make it out on the map.

B. Nadeen explained north of Eight Mile. He thinks it's between Eight and Ten. Nine and a half mile, somewhere around there.

Board Member Sylvester said oh ok. Thank you.

Board Member Anglin said if none of the other board members have any questions, he would like to make a motion.

No response.

Motion:

Board Member Anglin made a motion to allow the following signage on a 160' x 3' = 480 square ft. gas canopy:

- a. North elevation (a) "Marathon" 112.5" x 15" = 11.7 square ft.
- b. West elevation (b) "Marathon" 112.5" x 15" = 11.7 square ft.
- c. South elevation (c) "Marathon" 112.5" x 15" = 11.7 square ft.

Total signage on gas canopy is 35.1 square ft., remainder 444.9 square ft. of decorative design.

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

Board Member Sieracki supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Anglin and a support by Mr. Sieracki to approve the request for the reasons stated in the motion.

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 Furgal	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.

10. PUBLIC HEARING:	APPLICANT: Metro Detroit Signs
REPRESENTATIVE:	Kevin Deters at Metro Detroit Signs
COMMON DESCRIPTION:	2001 Thirteen Mile
LEGAL DESCRIPTION:	13-06-352-021
ZONE:	MZ, R-1-B, M-1, C-1

VARIANCES REQUESTED: Permission to

Erect two (2) wall signs, each 180" x 64" = 80 square ft. One on the south and one on the west elevation, these will be the only wall signs on the building. If approved, the previous variance granted on 4/26/2006 pertaining to the wall signs only be will 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-4): (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.

Paul Deters appeared before the board stating he is with Metro Signs and Lighting, 11444 Kaltz Avenue. Thank you for considering their request this evening. He doesn't know if any of the board had the opportunity to go by the facility, would notice that Klein's is undergoing a significant

upgrade and remodeling of that facility. Almost all of the signage that was there has been removed, including a large pylon sign that was previously on Dequindre Road. What they're hoping to do is modernize it. There was a lot of clutter that the new signs, for the large building that they have, are to scale and appropriately sized; they're much more modern looking, and he thinks they're going to be a nice asset for that business. As part of the entire lighting and show room and parking lots and façade and upgrade that they're going through.

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

Board Member Sylvester stated one question for the petitioner. Do you know the reduction and square footage of signage to what they're going to have?

Paul Deters stated in total, there's less than what's there now. Particularly, because they took down a pylon sign that was probably 120, 150 square feet, it was a big one, that was along Dequindre Road. They're just changing the faces in the existing monument sign that they have now, which they have a permit to do that. It sort of ties in conjunction with that, but he doesn't have the exact.

Board Member Sylvester said roughly.

Paul Deters replied it's probably a twenty-five (25) percent to thirty (30) percent decrease over what they had right now.

Board Member Sylvester thanked him.

Board Member Clift explained that he has been by, and they are doing some upgrades there and it's needing it, they're bringing that place out of the 1960's up to the modern times. Going by his composites, they're clean, they're easy to read, they're not loud, they're well made, they're nice little graphics on it, he thinks that would be a vast improvement over what they have going on there now. He thinks it was already stated that if he read this right, there's actually a square footage reduction that he said about twenty-five (25) percent, give or take.

Paul Deters said that is correct, yes.

Board Member Clift said he appreciates his answer and yields the floor.

Board Member Anglin said signs, he likes the signs, yes. He has been there many of times, wishing he could afford one of those, but that's not the case. Although, he did stop by there after getting this packet, and he wanted to see that Daytona they got parked in the front there, and he didn't see that. That would have made a better sign than anything he could have put up on that wall sitting out front. He has no objection to this.

Secretary Jerzy stated if no other members have anything to say, he would like to make a motion.

No response.

Motion:

Secretary Jerzy made a motion to allow the petitioner to erect two (2) wall signs, each 180"

x 64" = 80 square ft. One on the south and one on the west elevation, these will be the only wall signs on the building. If approved, the previous variance granted on 4/26/2006 pertaining to the wall signs only be will relinquished.

Reasons being: Size and shape of the lot; Bring the property up to code and spruce it up a little bit too.

Board Member Anglin supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Jerzy, support by Mr. Anglin to approve the request for the reasons stated in the motion. 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 Anglin	Yes, for the reasons stated in the motion.
Board Member Fungal	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 Perry	Yes, for the reasons stated in the motion.
Board Member Sieracki	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: Derik Leary,
Kimley-Horn & Associates, Inc**

REPRESENTATIVE: Eames Gilmore
COMMON DESCRIPTION: 28800 Dequindre
LEGAL DESCRIPTION: 13-18-101-012
ZONE: MZ, C-2, P

VARIANCES REQUESTED: Permission to

Allow an additional wall sign on the west elevation, 33 5/8" x 12' 2 3/4" = 34.3 square ft. If approved, total wall signage will be 373.73 square ft. and 2090 square ft. of red background/design element.

ORDINANCES and REQUIREMENTS:

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

Chris Hice appeared before the board stating Derik couldn't be here today and he has resent the application in via email, and he does have a hard copy here as well. His address is 7975 North High Street.

Chairman Nestorowicz asked him to take the board through his request.

Chris Hice explained since they were requesting to add the 34.3 square foot drive up sign to the west façade, which is the front of the building. It would be on the very left-hand side of the building.

It would be on the very left-hand side of the building. It's just to make customers aware they have the drive-up ability and can pick up their groceries with limited contact.

Chairman Nestorowicz thanked him for the explanation. This is a public hearing, is there anyone in the audience for this item?

No response.

Chairman Nestorowicz turned it over to the board for discussion. He just wanted to verify. At the Target store, all the other signs stay the same, it's just this one (1) sign here.

Chris Hice replied yes.

Chairman Nestorowicz said ok. He has no questions.

Chris Hice asked if they had three (3) sheets like that one.

Chairman Nestorowicz said they have a few.

Chris Hice explained he wanted to point out on the first one, he's got 32.4 square feet.

Chairman Nestorowicz said he'll take a look.

Chris Hice explained it's the one that has just the enlarged drive up sign on it. He just wants to confirm that theirs does say 32.4 square feet as well.

Board Member Clift said just so he understands properly. There is a misprint on the one document that he submitted by one tenth of a foot. It should actually be 34.3 on here. That's all he had, sir, thank you.

Board Member Furgal said it's on here.

(Inaudible)

Board Member Sylvester asked the petitioner. The drive up. He understands this, but on these larger sheets, what corner of the building is this. Is this the west elevation of the building?

Chris Hice explained it's an enlarged sample showing what the sign...

Board Member Sylvester said no, but is this the west elevation?

Chris Hice explained that is not the west elevation of this store. This is the sign that will go on the front of the west elevation.

Board Member Sylvester said he's not showing it on here. This is from a different store.

Chris Hice explained it's just a generic typical sign on a store.

Board Member Sylvester said but it will be on the north end of that west elevation?

Chris Hice replied correct.

Chairman Nestorowicz stated it will be on the west elevation facing, it's on the west side.

Board Member Sylvester said he's just trying to put one and one together, that's all.

Chairman Nestorowicz asked if there is any other questions or any motions.

Board Member Sylvester said one more. He doesn't know if he can see this from there, but that sign is going to be right up on here. It's the west elevation.

Chris Hice replied yes. Just on that upper right-hand side of that...

Board Member Sylvester asked right by those doors there.

Chris Hice replied yep.

Board Member Sylvester asked how he is going to be distributing food and everything. Through those doors?

Chris Hice explained they have a door there, yes, and they'll come out and they'll have a new parking area that is specifically for drive up.

Board Member Sylvester said ok. So, a little work has to be done there for that to happen.

Chris Hice replied correct.

Board Member Sylvester said thank you.

Board Member Clift said if nobody else has a comment on the board he would like to make a motion.

No response.

Motion:

Board Member Clift made a motion to allow an additional wall sign on the west elevation, 33 5/8" x 12' 2 3/4" = 34.3 square ft. If approved, total wall signage will be 373.73 square ft. and 2,090 square ft. of red background/design element.

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

Board Member Anglin supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Clift, support by Mr. Anglin to approve the request for reasons stated in the motion.

Roll Call:

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

Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member 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.

12. PUBLIC HEARING:	APPLICANT: Todd Ryan
REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	24200 Groesbeck
LEGAL DESCRIPTION:	13-25-153-031
ZONE:	M-2

VARIANCES REQUESTED: Permission to

- 1) Retain a building no less than 18.8 feet from the side (south) property line.
- 2) Allow open storage of a total of 38,562 square ft. when a size of the structures total 8,694 square ft. and the allowable outdoor storage would be 50% or 4,347 square ft.
- 3) Allow open storage on a non-hard surface.
- 4) Allow open storage up to the side (north) property line.
- 5) Allow open storage up to the side (south) property line.
- 6) Allow open storage up to the rear (east) property line.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards: (B) M-2 side yards, and rear yards, 20 ft. each.

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

Todd Ryan appeared before the board stating the property in question is 24200 Groesbeck Highway. They're requesting that the rear section of the property, which is the eastern most section of the property, be allowed to have open storage in that square footage area noted on the paper. He included four (4) prints in their packages. One has a picture of a truck maneuvering operation; the other is the storage. They have a ten (10) foot concrete ribbon around the exterior of the property lined in that area in question. The total rear of the property would be used for the storage and trucking maneuvering for loading and unloading of trucks in that area. That's what they're asking for.

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

No response.

Chairman Nestorowicz turned it over to the board for any questions and discussion here.

Board Member Clift asked the nature of the business that would be conducted at this site.

Todd Ryan explained the business that is there right now, he owns the property, the business there is called Fraco. Fraco is an international company that provides hydraulic mobile scaffolding components throughout the United States. The people that built the hydro mobile scaffold around the old train station in Detroit. They provide that type of lattice framework all over the place. They're based out of Montreal, and they ship their product here, fix, repair, store for temporary purposes, loading and unloading to be dispatched throughout the United States.

Board Member Clift asked if these are relatively newer units.

Todd Ryan explained new, used...

Board Member Clift asked refurbished.

Todd Ryan explained they refurbish their own. Yes, sir.

Board Member Clift asked hydraulically powered.

Todd Ryan explained there are hydraulic powered units, but the scaffolding is what takes up ninety (90) percent of the volume of space.

Board Member Clift asked where they're at with motor vehicles on this site stored on a daily basis.

Todd Ryan stated on the hard surfaced concrete in the front of the building.

Board Member Clift said what he is driving at on an unapproved gravel surface like that, he's hesitant to entertain outdoor storage of vehicles and equipment that have possibility leaking oil or popping cylinder hoses and draining out two (2) or three (3) gallons of oil onto unapproved surfaces in the gravel and then straight down into the dirt.

Todd Ryan explained the area in question is for storage of scaffolding itself, not the powered ones.

Board Member Clift said he understands, that's why he asked the question to clarify. He yielded the floor.

Board Member Anglin said he would like to make a motion if nobody else has any objections or concerns.

No response.

Motion:

Board Member Anglin made a motion to give permission to:

- 1) Retain a building no less than 18.8 feet from the side (south) property line.
- 2) Allow open storage of a total of 38,562 square ft. when a size of the structures total 8,694 square ft. and the allowable outdoor storage would be 50% or 4,347 square ft.
- 3) Allow open storage on a non-hard surface.
- 4) Allow open storage up to the side (north) property line.
- 5) Allow open storage up to the side (south) property line.
- 6) Allow open storage up to the rear (east) property line.

Reasons being: Not a detriment to the area; Size and shape of the lot; Doesn't abut up to any residential.

Board Member Furgal supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Anglin, support by Mrs. Furgal to approve the request for the reasons stated in the motion.

Roll Call:

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

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Furgal	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 Perry	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Secretary Jerzy	No, 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.

13. PUBLIC HEARING: **APPLICANT: Berry Belal**
REPRESENTATIVE: MA Designers & Builders Inc
COMMON DESCRIPTION: 1994 Nine Mile
LEGAL DESCRIPTION: 13-31-101-024
ZONE: M-2

VARIANCES REQUESTED: Permission to

- 1) Erect a building no less than 10 feet 7 inches from the side yard setback along the south property line.
- 2) Allow hard surfacing to within 15 feet of the front setback (Along Christopher) for parking.
- 3) Waive 13 stacking spaces for a new carwash.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards M-2 (B): Side yards and rear yards, 20 ft. (a) front yards 25 ft.

Section 14.01 – Uses Permitted: (P) Auto wash uses as regulated in this section. 3. Automatic conveyor. A. Site design requirements: 4. C. An automatic conveyor auto wash shall have a minimum of twenty (20) stack spaces per bay or one half (1/2) of the maximum total output of vehicles per hour.

Alex Raichouni appeared before the board stating he is with MA Designers, Inc. He is representing Salman Brothers LLC. In order to build a new addition to the existing oil change, it's going to be a new car wash.

Chairman Nestorowicz asked him to get closer to the mic because it was hard to hear him.

Alex Raichouni repeated his name. He is with MA Designer's, Inc. representing the owner, Salman Brother's, for adding an addition of a tunnel car wash to an existing oil change facility.

Chairman Nestorowicz asked him to state his address as part of that for the record, because he didn't hear him say the address.

Alex Raichouni said his address is 5710 Rouge Circle.

Chairman Nestorowicz said he didn't see his name as a part of... oh, wait a second. Never mind. He asked for his first name.

Alex Raichouni said it's a bad habit, but he goes by Alex and Ali. His real name is Ali, it might be Ali on there. MA Designer's Inc.

Chairman Nestorowicz said ok. He asked him to take the board through the variance for what he is asking for here.

Alex Raichouni explained they're asking for three (3) variances. They did get approved at the Planning Commission. The three (3) variances are, better if he just reads off this thing. Erect a building no less than 10 feet 7 inches from the side yard setback along the south property line, allow hard surfacing to within 15 feet of the front setback (Along Christopher) for parking. Which is really just on the east side, and then waive 13 stacking spaces for a new carwash.

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

No response.

Chairman Nestorowicz turned it over to the board for discussion.

Board Member Clift asked Mr. Watriont to come up to the podium, please. This proposal is good being zoned where it's going to be located? There's no issues except for the variances that are brought before them today?

Steve Watriont explained yes. Everything here, these are the only three (3) variances that are required.

Board Member Clift thanked him. His main concern is car washes are kind of loud and they're within a rocks throwing range of a couple of residences here. His question to them is going to be what are their intended hours of operation for this car wash?

Unknown explained their intended hours of operation would be from 8am to 7pm, which is their operations of their oil change currently. It won't be open later than the oil change hours. As far as their neighbors go, he has talked to all the neighbors, and they know them pretty well. They gave them the ok. That was his first concern, honestly, was the neighbors. They gave them the ok, they see no problem with it and that's what they're doing right now.

Board Member Clift said along with that, they're talking eighteen (18) stacking spaces for automobiles to enter this car wash, is that what they were looking at?

Alex Raichouni said thirteen (13). They're asking for a request of thirteen (13), but they are fitting 1, 2, 3, 4, 5, 6, 7... According to what they can fit there is almost nine (9) or ten (10), but according to the city ordinance, it's just not enough. He forgot what the ratio is.

Board Member Clift explained that is his concern. He sees what happens to carwashes on bright sunny mornings on the weekends and then in the evenings time. He has a little bit of concern with overflow falling out onto Nine Mile Road. Would you consider setting that or arrangement up so they can do a dual lane alternating merge into their facility to kind of address that? That would essentially double their stacking capability for their entrance way in.

Alex Raichouni stated that's true. Now that he's looking at it, he doesn't know why he didn't talk to Ron Wuerth about that, but they do have the space in order to do a double...

Board Member Clift said yes, sir. That's why he is bringing it up, because he got his oil changed many times there before he bought the new cars with the free oil changes. It's been about a year and a half, but they used to get a lot of his business there the last few years. So, he's kind of familiar with the layout of the property there and besides that noise, that was his other major concern. He doesn't think he's going to suggest it being added to their variance in order to get approval, but it's just something he would really like them to think about and maybe implement to keep that. They have no where for them to pull in, that's business going by right? He appreciates their indulgence in his questions. Thank you. He yielded the floor.

Board Member Sylvester said the picture he's looking at right now is Nine Mile Road up above, their car wash is going to be below that. Is that north or south?

Alex Raichouni replied south.

Board Member Sylvester said so that's south. Going towards the car wash they're going toward Eight Mile Road.

Alex Raichouni said he didn't hear the question really well.

Board Member Sylvester showed a picture and asked where the car wash is going to be.

Alex Raichouni explained it's on the south side of Nine Mile.

Board Member Sylvester repeated on the south side of Nine Mile Road. Ok. The residents behind. Do they have anything... there's only two (2) of them, right? Ok. Are they here? Did they write anything to say that they approve going from a quick oil change to a car wash? Let's be realistic, quick oil change most of them he doesn't even know where they are at until he drives by them.

Unknown said he doesn't have anything that's written. He can easily go get a handwritten letter from them or have their signature sign saying it's ok. Like he said, there's only two (2) neighbors back there anyways. He's already talked to both of them. If that's needed for him to get a signature, that would be no problem.

Board Member Sylvester asked if they have any idea who owns those other two (2) lots.

Unknown apologized and said he does not.

Board Member Sylvester said you don't. That's a concern to him too. Once that's there, are they going to be able to... Somebody is going to want to buy them. What would get his vote for that, because he doesn't think it's a good place for it, that's his opinion. He's not sure if those two (2) residents right there are going to understand. He asked if they're doing anything to keep the noise level down, any buffers, anything around there?

Alex Raichouni said what he can add, there's a six (6) foot high screen wall blocked wall that's separating them from the residential. That's number one, number two, the exterior wall from his building is another barrier. Then there's an escape lane of 10.7 feet. So, that space by itself should be like a barrier before they even get into the residential lot, then they have their garage, then they have their house way over there.

Board Member Sylvester asked if there's any way they can put any landscaping back there, like arborvitae's or something.

Alex Raichouni said yeah, if that's something that...

Board Member Sylvester said they grow high and then they'll be about eight (8) feet or whatever and they would block that sound, and with the wall there, he thinks that would be a lot better.

Alex Raichouni explained the only thing he could recommend in that sense, is probably put some arborvitae's really close to each other that can buffer the noise, that would buffer the noise the most.

Board Member Sylvester said if they could do that, they'll get his vote.

Alex Raichouni said ok, they will comply with him. As far as the blowers. These days with the technology, they only go on when a car is coming out.

Board Member Sylvester said correct.

Alex Raichouni explained car washes are not busy all the time, it just depends. He doesn't know how they are in this area; he thinks Billy would know more.

Board Member Sylvester said their blowers aren't within the confines of the building, they're right at the outside door?

Alex Raichouni said they're inside the building, nothing is...

Board Member Sylvester said they're on the inside, how far from the edge of the building are they in?

Alex Raichouni replied probably two (2) feet or three (3) feet.

Board Member Sylvester said yeah, so they're right there at the edge. Thank you.

Secretary Jerzy said he would just like to make a point. If the citizens had a problem with it, they would be here voicing their concerns. They're notified of this meeting. They have the right to come in and voice their opinion and seeing that none of them have, it just kind of says to the board that

they're ok with it. So, that's his point. He's all for new business in the city and expanding current businesses, too. He does like the layout. Mr. Clift did bring up a great point about the dual lane going in to avoid traffic overflow onto Nine Mile. Nine Mile is not really a super wide street, it is, but it gets clogged up there pretty good. So, if he can guarantee traffic won't be overflowed out there on a continual basis. He's concerned about the hours of operation, he thinks seven (7) o'clock is a little bit of a stretch. Maybe re-evaluate that going forward to try and appease the neighborhood a little bit more. Other than that, he doesn't really foresee a problem with this. He yielded the floor.

Board Member Anglin said a colleague brought up and it was his biggest concern was traffic backing up onto Nine Mile Road. He would like to rephrase number 3 to waive nine (9) stacking spaces, because they're going to get a minimum of four (4) if not more if they're double laning it. If they're agreeable to that, he will put a motion forward adding that into it.

Alex Raichouni said yes, he agrees.

Board Member Anglin explained he's going to make a change on the three to read waive nine (9) stacking spaces for new car washes. His reasoning for that would be moving necessary removing thirteen (13) because he's going to double stack them and he's going to get a minimum four (4), he could probably get five (5). If there is no objection from the petitioner, they have to have some knowledge from the petitioner, Miss Attorney? He's going to change 3 and he's agreeable to him changing it from thirteen (13) to nine (9) stacking spaces for a new car wash.

Jennifer Pierce asked what is his question to her.

Board Member Anglin asked all he has to do is read it with that change in there. He wants to make sure he gave his official ok and she saw that.

Jennifer Pierce said yes.

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

Chairman Nestorowicz said yes, Mr. Sylvester?

(Inaudible due to microphone not on.)

Board Member Anglin stated that's in Planning, not them.

Chairman Nestorowicz asked if his mic is on.

Board Member Sylvester asked the arborvitaes he was discussing with the petitioner, is that going to be included in that motion.

Board Member Anglin said it won't be included in his, because he thought that would have to go to Planning and not the Zoning Board.

Board Member Sylvester said he doesn't know and if it does...

Board Member Anglin said he thought that has to go in front of Planning.

Board Member Sylvester asked how do they go about making sure that gets done.

Board Member Furgal said we don't.

Board Member Anglin said you take the guy's word for it, and you drive by there, then next time they come in front of the board he can use his opinion on that. He doesn't know what else...

Board Member Sylvester asked if he has their word.

Unknown said of course, he has his word. He said he's there all the time, he can stop by all the time. They'll plant the trees.

Board Member Sylvester said alright, he's going to come by there. Thank you.

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

Unknown stated his name is Belal Berry.

Board Member Anglin said he will try one more time.

Motion:

Board Member Anglin made a motion to allow:

- 1) Erect a building no less than 10 feet 7 inches from the side yard setback along the south property line.
- 2) Allow hard surfacing to within 15 feet of the front setback (along Christopher) for parking.
- 3) Waive 9 stacking spaces for a new carwash.

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

Chairman Nestorowicz stated they have a motion by Mr. Anglin, support by Mr. Jerzy to approve the request for the reasons stated in the motion.

Roll Call:

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

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

14. PUBLIC HEARING: **APPLICANT: Brett Schneider / Madison Electric**
REPRESENTATIVE: Mike Gagnon
COMMON DESCRIPTION: 31855 Van Dyke
LEGAL DESCRIPTION: 13-04-426-002
ZONE: MZ, M-1, M-2

VARIANCES REQUESTED: Permission to

- 1) Waive 122,881 square ft. of required off-street parking.
- 2) Allow a structure to be erected no less than 17 feet 4 inches from the south property line (side yard).

ORDINANCES and REQUIREMENTS:

Section 4.32 – Off-Street Parking Requirements (23): Industrial establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing and engraving shops, warehouse and storage buildings. Provide upon land owned by such establishment about each industrial building, buildings or use, other than the front yard, or driveways which shall be sufficient in size to provide adequate facilities for the parking of automobiles and other motor vehicles used by the firm or employees or persons doing business therein, such space shall not be less than one (1) parking space for each four (4) employees, computed on the bases of the greatest number of persons to be employed at any one period during the day or night, and in no case shall the area allotted to off-street parking be less than one hundred (100) percent of the total floor area.

Section 17.02 – Industrial Standards: M-2 (B) Side yards, and rear yards, 20 ft. each.

Mike Gagnon appeared before the board stating they are here with Frank Rewold & Sons, Inc. representing Madison Electric at 31855 Van Dyke. They're coming to the board for two (2) variances. The existing facility there, Madison Electric, they're adding a second building to the site to allow for storage for more product. No new employees will be added, only two (2) new employees handle that. Plenty of parking on the site with what's there. The parking requirements are how basically they cannot do the addition, so useless. The second is the setback from the south property line, which is along Miller Road. This one really is... The existing building is not perfectly parallel to Miller Road right-of-way so as it heads to the west, the buildings actually get closer to the line. They're trying to line the addition so it all looks along the south side will be lined up properly.

Chairman Nestorowicz thanked him for that explanation of his request. This is a public hearing, anyone from the audience wishing to speak on this item. Approach the podium.

Adam Steer appeared before the board stating his address is 7243 Miller Drive. Just a quick request, and he'll say for the record, Madison Electric and Jomar are really good neighbors. Jomar is the name of his business, they're located on Miller Drive. In the November 8th Planning Commission meeting it was brought up about the subject of trees on the north side, and because of power lines they were voted against, or whatever have you. Then they were suggested on the south side as well, and because of utility lines or municipal drainage they were also vetoed. A potential landscape plan was supposed to be submitted to the Planning Commission. The only reason he asks this is because Miller Drive is the frontage of his building and so is most of the buildings on that street were, as he says, Madison Electric Miller is the back or side of their building, so it doesn't get much attention from them. Unfortunately, because of the White Castle and the motel there is sometimes debris, so anything that could be requested or suggested from the City Council with regards to required landscaping or just something on that side would help. He sees people pull out into the street to come visit his building to make it look as good as possible. He's super excited that they're

expanding, he actually requested to buy that property from him because they're expanding as well. So, again they're neighbors and customers of each other so no grievances. But if there could be something done. He's not sure if there is a landscaping requirement, but something. Just a request, he doesn't want to hold up the whole process.

Chairman Nestorowicz thanked him for those comments. Looking at a page here, it does have a landscape plan. It does identify along Miller Road, winter berry holly shrubs that are being planted every twenty-five (25) feet.

Mike Gagnon explained at the Planning Commission, as he stated, there was some requirements. Those requirements were added to the plan, resubmitted to the site plan or the Planning Commission. Basically, they won't give a... they have seen these plans, they have accepted everything, they are approved contingent upon getting variances. Once that happens then the site plan will be approved. They did address those issues on the site plan.

Chairman Nestorowicz asked if there are any other comments from the audience.

No response.

Chairman Nestorowicz turned it over to the board for discussion.

Secretary Jerzy stated the current existing state of the trees on the lot, are all of those going to remain?

Mike Gagnon asked by the existing building.

Secretary Jerzy replied yes.

Mike Gagnon stated that where the addition...

Secretary Jerzy asked that's where it's going to be. Ok. He thought he understood that correctly. He just wanted to make sure. He just wants to make a statement for the record. He would love that street get repaved. Miller is just absolutely abysmal. He just thought he would throw that onto the record. Hopefully, they can get someone to repave that road for them. Anyway, it's a good site plan. Madison Electric has been in town for a long time. He used to work on Miller at E&E Engineering for a few years, so he knows the area well. They do keep their property up as best as they can, given the elements on the south side of their building. So, he thinks a berm and some kind of shrubbery would probably eliminate some of the trash build up, too. He doesn't know if he saw a berm that he saw on that plan, to create some kind of hill.

Mike Gagnon replied there is no berm. Not on the south side, there is a greenbelt there now that they're planting some vegetation in that greenbelt.

Secretary Jerzy asked if there would be room to create some kind of hill or berm...

Board Member Anglin said it takes twenty (20) feet.

Secretary Jerzy said that answers the question. That's all he has; he yields the floor.

Board Member Sylvester said he apologizes if he missed anything. The new building that they're going to build, that's basically going to be the south side. He has it within two one hundredths of a foot. Is going to be right in line with the building that's on the east side, right?

Mike Gagnon replied correct. The existing building, the south lines of those buildings will be...

Board Member Sylvester said they're minuscule of each other. Ok. Been a good business in the city and he hopes they get to stay, and he will be voting for this.

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

No response.

Motion:

Board Member Anglin made a motion to:

- 1) Waive 122,881 square ft. of required off-street parking.
- 2) Allow a structure to be erected no less than 17 feet 4 inches from the south property line (side yard).

Reasons being: Not a detriment to the area; Size and shape of the property; Happy to see them expanding.

Secretary Jerzy supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Anglin, support by Mr. Jerzy to approve the request per the reasons stated.

Roll Call:

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

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

15. NEW BUSINESS

Chairman Nestorowicz wanted to thank Mr. Curle for his service on the board while he was on, since he has resigned as they heard earlier. He appreciated his work here.

Secretary Jerzy said he would like to echo that sentiment. He hasn't have had as much time with Mr. Curle as some of them had, but his input has been resourceful, he's always been spot on with

some of his questions, been very thorough. He will be greatly missed and wish him the best of luck on his next adventures in life. That's all he had.

16. 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 8:44 p.m.

Paul Jerzy
Secretary of the Board

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 todays 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 it 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, somehow 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 Watrion 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 Cliff 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.

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| 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 Fungal	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.

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| 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 Watriont 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 Watriont explained she has met the requirements of the ordinance.

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

Steve Watriont 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 Watriont 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
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.

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.

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| 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	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.

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 Clift 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 Clift 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 Watrion 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.
Board Member Perry	Yes.
Board Member Sieracki	Yes, to table.
Secretary Jerzy	Yes, to table.
Chairman Nestorowicz	Yes, to table.

The petitioner's request was **TABLED** to April 27, 2022.

Chairman Nestorowicz said to his knowledge it's not going to be reposted to the neighborhood, so this is the notification. Especially, to the citizen that is here. He wants him to understand this is the notification for the new date. For the petitioner, the board will see you in a month.

David Lawrason thanked the board for their time.

13. ADMINISTRATIVE HEARING: **APPLICANT: Ragheed Akrawi, East Ten Mile Associate, LLC**

REPRESENTATIVE: Christine Jaber
COMMON DESCRIPTION: 3839 Ten Mile
LEGAL DESCRIPTION: 13-19-479-010
ZONE: M-2

VARIANCES REQUESTED: Permission to

Appeal of the Chief Zoning Inspector's determination that the above noted property does not qualify for a medical marihuana facility.

ORDINANCES and REQUIREMENTS:

Section 20.05 Jurisdiction: The Board of Appeals, in conformity with the provisions of this article and the Michigan Zoning Enabling Act, MCL 125.3601 et seq., is hereby authorized 1) to hear and decide appeals from and review any administrative order, requirement, decision or determination made by an administrative official or body charged with enforcement of a zoning ordinance adopted under this article; and 2) to hear and decide questions related to the interpretation of the zoning ordinance; and 3) to hear and decide questions related to interpretation of the zoning maps; and 4) shall have the authority to grant land use and non-use variances according to the provisions of this article; and 5) to hear and decide matters which the zoning board of appeals is required to pass under this article.

Section 20.06 Appeals from an Administrative Order, Requirement, Decision or Determination: An appeal may be taken to the zoning board of appeals from an administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a zoning ordinance. The appeal may be filed by a person with a legal interest in the property that is the subject of the order, requirement, decision or determination; or by an officer, department board or bureau of the state or local unit of government; or by a person aggrieved by an order, requirement, decision or determination made by a person aggrieved by an order, requirement, decision or determination made by an administrative official or body charged with enforcement of a zoning ordinance.

This item was rescheduled to April 13, 2022, during the adoption of the agenda, per the petitioner's request.

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

6

CITY OF WARREN

ZONING BOARD OF APPEALS - USE

SUMMARY OF VARIANCE REQUEST

APPLICANT: RANDAZZO FRESH MARKET

REPRESENTATIVE: MICHELLE NOTO

COMMON DESCRIPTION: 13441 THIRTEEN MILE

PARCEL NUMBER: 12-13-02-481-020

ZONED DISTRICT: MZ, C-1, P

REASON: Petitioner seeks to conduct the outdoor sale operation in front of the existing market and in the designated area adjacent to the parking lot.

ORDINANCES and REQUIREMENTS:

SECTION 4.52 (I): Zoning district must be consistent where the area is located.

SECTION 13.04: FRONT YARD. A fifteen (15) foot front yard setback shall be provided.

SECTION 16.02 (A): Limitation of the use: uses in (P) Parking zone: parking with or without charge of passenger vehicles. **USE**

VARIANCES REQUESTED: Permission to:

To conduct the operation of an L shaped open air sales area (approx. 3,006 sq. ft. in a p zone), 9' from the front property line from May 1, 2022, to December 31, 2022.

Previous Variance Requested: See attached sheet

dwenson, Zoning Inspector 02/25/2022 03/16/2022 (M) (P) (C)

CITY OF WARREN
Division of Buildings & Safety Engineering

NOTICE OF REJECTION

NAME OF APPLICANT: RANDAZZO FRESH MARKET

Your request for **BUILDING PERMIT** has been **REJECTED**, as it does not meet the requirements of the City of Warren Zoning Ordinance #30 as follows:

SECTION 4.52 (I): ZONING DISTRICT.

SECTION 13.04: FRONT YARD.

SECTION 16.02: LIMITATION OF THE USE.

It is necessary for you to make application to the Zoning Board of Appeals to obtain a variance for the above noted sections.

dwenson, Zoning Inspector

\$195 SW
2/25/22

16 PLANS BEING SUBMITTED MUST BE PRE-FOLDED
A COPY OF ALL DOCUMENTS MUST BE SUBMITTED ELECTRONICALLY FOR
COMMERCIAL SUBMISSIONS

CITY OF WARREN ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

PLEASE PRINT OR TYPE

Name of Applicant: Randazzo Fresh Market, Mr. Salvatore Randazzo, Vice President

Address: _____ Telephone: _____

Applicant's Email Address: _____ ☐ prefer email communication

Name and Address of Property Owner (if different) Salvatore Randazzo

Name of Representative: Michelle Noto Telephone: - - -

Representative's Address: _____

Representative's Email Address: _____ ☐ prefer email communication

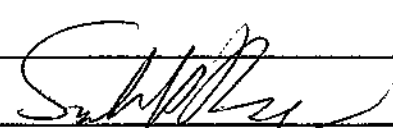
Address of Property: 13441 Thirteen Mile Rd., Warren, MI 48088

Parcel I.D. No. (as shown on tax bill): 13.02.481.020

Purpose of Request: Use Variance to Continue the operation of open-air Sales
(in a "P" zone) per plan from May 1, 2022 through December 31, 2022.

Please explain the nature of your hardship:

Needs approval of the board.

Signature:  Date: 2/24/2022

The approval of any land use or dimensional variance from the regulations of the Warren Zoning Ordinance does **NOT** affect or rescind any requirement of the ordinance to obtain site plan approval, Building Division permit or to otherwise comply fully with the Code of Ordinances, or other applicable State or Federal regulations

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE Salvatore Randazzo
Name(s) of Person(s)
OF _____
Address, City, State _____ Zip _____ Telephone _____
THE Vice President OF Randazzo Fruit Markets #2 Inc., dba Randazzo Fresh Market
Title of Officer Name of Company
BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT We
I/We/It
_____/RECORDED LAND CONTRACT PURCHASER(S) X/RECORDED DEEDHOLDER(S)

OF LAND FOR WHICH SUBMITTAL HAS BEEN/WILL BE MADE TO THE CITY OF WARREN,
MACOMB COUNTY, MICHIGAN IN A:

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT Michelle Noto *
Name(s) of Person(s)

THE Secretary OF Randazzo Fresh Market *
Title of Officer Name of Company

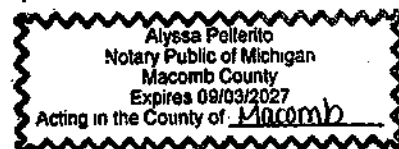
OF _____
Address, City, State _____ Zip _____ Telephone _____

IS/ARE/MY/OUR DESIGNATED REPRESENTATIVE(S) IN THE PROCESSING OF SAID PETITION.
FURTHER, DEPONENT SAYS NOT.

SIGNED [Signature] L.S.
SIGNED Michelle Noto L.S.*

*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF _____



ON THIS 24th DAY OF February, 20 22, BEFORE ME PERSONALLY CAME
Salvatore Randazzo, TO ME KNOWN TO BE THE INDIVIDUAL (S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT, FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT He DID SO OF His OWN FREE WILL AND DEED.

[Signature]
NOTARY PUBLIC, MACOMB COUNTY, MICHIGAN
MY COMMISSION EXPIRES: 09/03/2027

NOTICE TO OWNER

If a representative appears on your behalf, they must be informed on all pertinent data relative to your request. Failure to answer any question from the Board could result in your request being delayed or denied. IT IS THEREFORE RECOMMENDED THAT YOU appear in person.

13441 13 Mile**4/13/2011**

Randazzo Fresh Market, 13441 13 Mile Road, Also Known As 13-02-481-020, GRANTED the following request: To renew the operation of an "L" shaped open air sales area (approx. 3,006 sq. ft. in a "P" Zone), 9' from the front property line from March 1, 2011 to December 31, 2011 and to waive 16 required off-street parking spaces as per the site plan.

13441 ¹³ Mile**6/23/10**

Randazzo Fresh Market, Salvatore Randazzo, 13441 13 Mile, Also Known As 13-02-481-020, GRANTED the following request: To renew the operation of an "L" shaped open air sales area (approx. 3,006 sq. ft. in a "P" Zone), 9' from the front property line from March 1, 2010 to December 31, 2010, and to waive 16 required off street parking spaces as per the site plan.

13441 Thirteen Mile**6/23/10**

Randazzo Fresh Market, Salvatore Randazzo, 13441 13 Mile, Also Known As 13-02-481-020, GRANTED the following request: To renew the operation of an "L" shaped open air sales area (approx. 3,006 sq. ft. in a "P" Zone), 9' from the front property line from March 1, 2010 to December 31, 2010, and to waive 16 required off street parking spaces as per the site plan.

3/8/06**13441 Thirteen Mile-Card 1**

RANDAZZO FRESH MARKET, SALVATORE RANDAZZO, VICE PRESIDENT, 13441 Thirteen Mile, Also Known As 13-02-481-020 - **GRANTED** request 1) To construct a 21' x 91' open air sales area with a sun screen and a 4' high wrought iron fence with brick pillars 9' from the front property line and to conduct seasonal outdoor sales for one year in a "p" zone. 2) To waive 16 required off-street parking spaces in conjunction with the outdoor sales. 3) To construct a 5' x 10' monument sign, 5' high and 5' setback from the front property line,

3/8/06**13441 Thirteen Mile-Card 2**

containing a 2' x 7.5' electronic message center in a "p" zone. Also to erect two 6' x 12' (72 sq. ft. each) wall signs, one on the east side wall and one on the south front wall. Total signage 159 sq. ft. **WITH THE CONDITION** that the variance granted with regard to the ground sign electronic message center will not change more than every 5 minutes with no flashing, blinking or scrolling and that the previous variances granted on this item for April 27, 2005, May 5, 2005 and June 22, 2005 are relinquished.

13441 Thirteen Mile

4/13/2016

PUBLIC HEARING:

APPLICANT: Randazzo Fresh Market,
Mr. Salvatore Randazzo, Vice Pres.

REPRESENTATIVE

Angel Ruggero

COMMON DESCRIPTION:

13441 Thirteen Mile Road

LEGAL DESCRIPTION:

13-02-481-020

ZONE:

C-1 & P

VARIANCES REQUESTED: Permission to

Conduct the operation of an "L" shaped open air sales area (approx. 3,006 sq. ft. in a "P" Zone); 9' from the front property line from May 1, 2016, to December 31, 2016, and to waive 16 required off-street parking spaces per the site plan.

The Petitioner's request was GRANTED as written.

3/13/2013

13441 Thirteen Mile

Randazzo Fresh Market, 13441 Thirteen Mile Road, 13-02-481-020, petitioner was GRANTED permission to renew the operation of an "L" shaped open air sales area (approx. 3,006 sq. ft. in a "P" Zone), 9' from the front property line from May 1, 2013, to December 31, 2013, and to waive 16 required off-street parking spaces per the site plan.

WITH THE FOLLOWING CONDITIONS: Next year the petitioner will use the standard wording "to conduct" instead of "to renew the operation of".

13441 13 Mile

March 11, 2015

PUBLIC HEARING

APPLICANT: Randazzo Fresh Market,
Mr. Salvatore Randazzo, Vice Pres.

REPRESENTATIVE:

Angel Ruggero

COMMON DESCRIPTION:

13441 Thirteen Mile Road

LEGAL DESCRIPTION:

13-02-481-020

ZONE:

C-1 & P

VARIANCES REQUESTED: Permission to

Conduct the operation of an "L" shaped open air sales area (approx. 3,006 sq. ft. in a "P" zone), 9' from the front property line from May 1, 2015, to December 31, 2015, and to waive 16 required off-street parking spaces per the site plan.

The petitioner's request was GRANTED.

3/28/2012

13441 Thirteen Mile

Randazzo Fresh Market, 13441 13 Mile Road, also known as 13-02-481-020, GRANTED the following: To renew the operation of an "L" shaped open air sales area (approx. 3,006 sq. ft. in a "P" Zone), 9' from the front property line from May 1, 2012 to December 31, 2012, and to waive 16 required off-street parking spaces per the site plan.

PUBLIC HEARING

APPLICANT: Randazzo Fresh Market

REPRESENTATIVE:

Mr. Salvatore Randazzo/Angel

Vaughn

COMMON DESCRIPTION:

13441 Thirteen Mile

LEGAL DESCRIPTION:

13-02-481-020

ZONE:

C-1 & P

VARIANCES REQUESTED: Permission to:

Conduct the operation of an "L" shaped open air sales area (approx. 3,006 sq. ft. in a "P" Zone), 9' from the front property line from May 1, 2014 to December 31, 2014 and to waive 16 required off-street parking spaces per the site plan.

Petitioner's request was Granted as listed.

3/12/14

PUBLIC HEARING: 4/12/2017 APPLICANT: RANDAZZO FRESH MARKET-USE-
REPRESENTATIVE: ANGEL RUGGERO
COMMON DESCRIPTION: 13441 THIRTEEN MILE
LEGAL DESCRIPTION: 13-02-481-020
ZONE: MZ, C-1, P

VARIANCES REQUESTED: PERMISSION TO-USE-
CONDUCT THE OPERATION OF AN I SHAPED OPEN AIR SALES AREA (APPROX. 3,006 SQ. FT. IN A P ZONE), 9' FROM THE FRONT PROPERTY LINE
FROM MAY 1, 2017 TO DECEMBER 31, 2017 AND TO WAIVE 16 REQUIRED OFF-STREET PARKING SPACES PER THE SITE PLAN.

ORDINANCES AND REQUIREMENTS:
SECTION 4.32 (H) 22: ONE PARKING SPACE FOR EACH 150 SQ. FT. OF AREA.
SECTION 4.52 (I): ZONING DISTRICT MUST BE CONSISTENT WHERE THE AREA IS LOCATED.
SECTION 13.04: FRONT YARD. A FIFTEEN (15) FOOT FRONT YARD SETBACK SHALL BE PROVIDED.
SECTION 16.02 (A): LIMITATION OF THE USE. USES IN (P) PARKING ZONE: PARKING WITH OR WITHOUT CHARGE OF PASSENGER VEHICLES.

THE PETITIONER'S REQUEST WAS GRANTED AS WRITTEN.

PUBLIC HEARING: 2/7/2018 APPLICANT: RANDAZZO FRESH MARKET -USE--
REPRESENTATIVE: MICHELLE MUELLER
COMMON DESCRIPTION: 13441 THIRTEEN MILE
LEGAL DESCRIPTION: 13-02-481-020
ZONE: MZ, C-1, P

VARIANCES REQUESTED: PERMISSION TO -USE--
CONDUCT THE OPERATION OF AN L SHAPED OPEN AIR SALES AREA (APPROX. 3,006 SQ. FT. IN A P ZONE), 9' FROM THE FRONT
PROPERTY LINE FROM MAY 1, 2018, TO DECEMBER 31, 2018, AND TO WAIVE 16 REQUIRED OFF-STREET PARKING SPACES PER
THE SITE PLAN.

ORDINANCES AND REQUIREMENTS:
SECTION 4.32 (H) 22: ONE PARKING SPACE FOR EACH 150 SQ. FT. OF AREA.
SECTION 4.52 (I): ZONING DISTRICT MUST BE CONSISTENT. WHERE THE AREA IS LOCATED.
SECTION 13.04: FRONT YARD. A FIFTEEN (15) FOOT FRONT YARD SETBACK SHALL BE PROVIDED.
SECTION 16.02 (A): LIMITATION OF THE USE: USES IN (P) PARKING ZONE: PARKING WITH OR WITHOUT CHARGE OF PASSENGER
VEHICLES.

THE PETITIONER'S REQUEST WAS GRANTED AS WRITTEN.

PUBLIC HEARING: 2/13/2019 APPLICANT: RANDAZZO FRESH MARKET-USE-
REPRESENTATIVE: MICHELLE NOTO
COMMON DESCRIPTION: 13441 THIRTEEN MILE
LEGAL DESCRIPTION: 13-02-481-020 /
ZONE: MZ, C-1, P

VARIANCES REQUESTED: PERMISSION TO-USE-
CONDUCT THE OPERATION OF AN L SHAPED OPEN AIR SALES AREA (APPROXIMATELY 3,006 SQUARE FEET IN A P ZONE), 9'
FROM THE FRONT PROPERTY LINE FROM MAY 1, 2019 TO DECEMBER 31, 2019 AND TO WAIVE 16 REQUIRED OFF-STREET
PARKING SPACES PER THE SITE PLAN.

ORDINANCES AND REQUIREMENTS:
SECTION 4.32 (H) 22: ONE PARKING SPACES FOR EACH 150 SQUARE FEET OF AREA.
SECTION 4.52 (I): ZONING DISTRICT MUST BE CONSISTENT WHERE THE AREA IS LOCATED.
SECTION 13.04: FRONT YARD. A FIFTEEN (15) FOOT FRONT YARD SETBACK SHALL BE PROVIDED.
SECTION 16.02 (A): LIMITATION OF THE USE: USES IN (P) PARKING ZONE: PARKING WITH OR WITHOUT CHARGE OF PASSENGER
VEHICLES.

PUBLIC HEARING: 1/8/2020

**APPLICANT: Randazzo Fresh Market,
Mr. Salvatore Randazzo-USE-**

REPRESENTATIVE:

Michelle Noto

COMMON DESCRIPTION:

13441 Thirteen Mile

LEGAL DESCRIPTION:

13-02-481-020

ZONE:

MZ, C-1, P

VARIANCES REQUESTED: Permission to-USE-

Conduct the operation of an L shaped open air sales area (approximately 3,006 square ft. in a P zone), 9' from the front property line from May 1, 2020 to December 31, 2020, and to waive 16 required off-street parking spaces per the site plan.

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

PUBLIC HEARING: 4/28/2021

APPLICANT: Randazzo Fresh Market

Mr. Salvatore Randazzo – USE –

REPRESENTATIVE:

Michelle Noto

COMMON DESCRIPTION:

13441 Thirteen Mile

LEGAL DESCRIPTION:

13-02-481-020

ZONE:

MZ, C-1, P

VARIANCES REQUESTED: Permission to – USE –

Conduct the operation of an L shaped open air sales area (approximately 3,006 square ft. in a P zone), 9' from the front property line from May 1, 2021 to December 31, 2021 and to waive 16 required off-street parking spaces per the site plan.

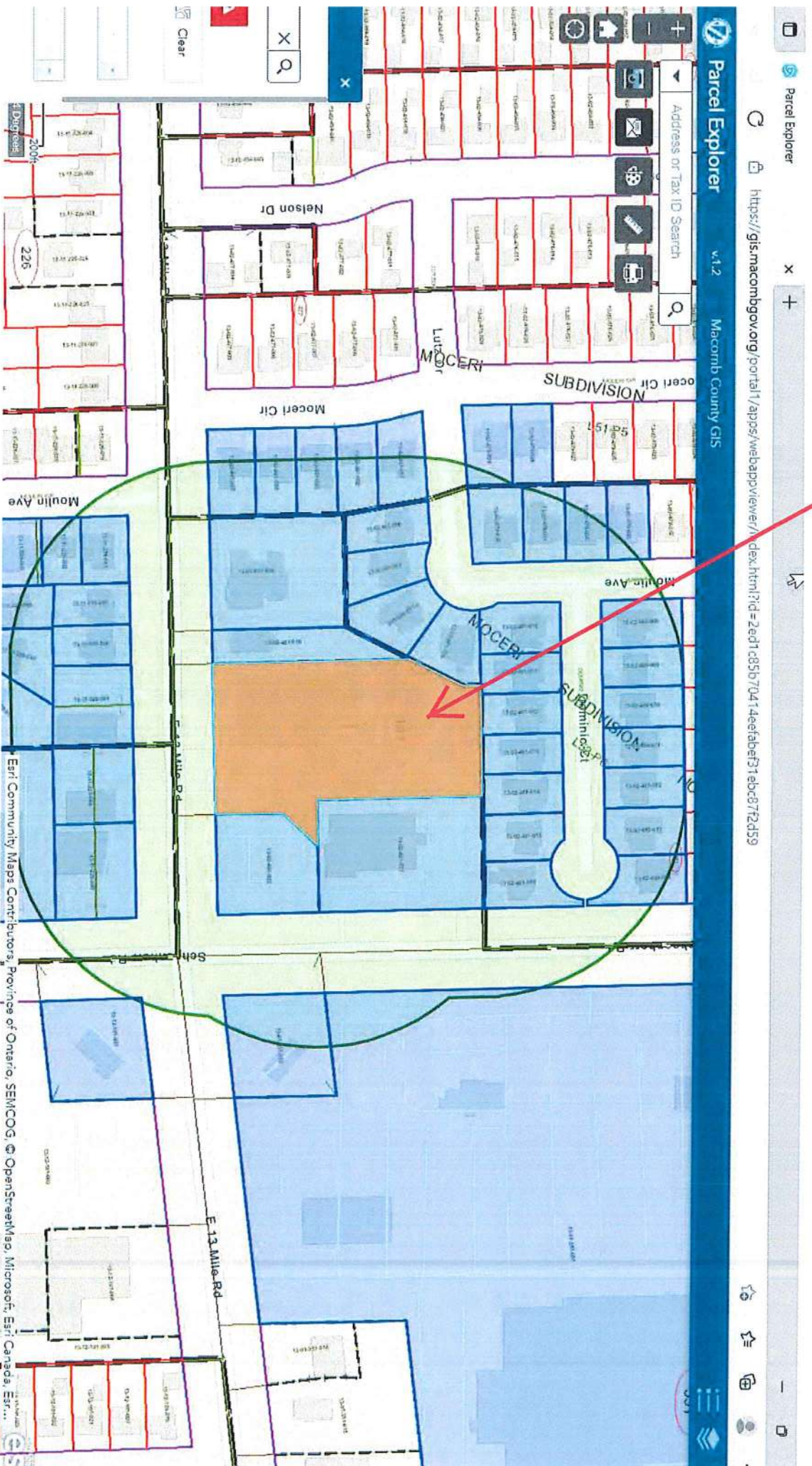
The petitioner's request was **APPROVED** as written.

WARREN



1344 1 NINETEEN MILE
13-02-481-020

410



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



Zoning Board of Appeals
Office of the City Council
5460 ARDEN, SUITE 505
WARREN, MI 48092
P: (586) 258-2060
F: (586) 268-0606

NOTICE OF PUBLIC HEARING

The Warren Board of Appeals will hold a Public Hearing in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan on:

WEDNESDAY: APRIL 13, 2022 at 7:30 P.M.

Applicant: RANDAZZO FRESH MARKET-~~USE~~-
Common Description: 13441 THIRTEEN MILE

VARIANCE(S) REQUESTED: Permission to: -~~USE~~-

Conduct the operation of an L shaped open air sales area (approx.. 3,006 square ft. in a P zone), 9' from the front property line from May 1, 2022 to December 31, 2022.

PLEASE NOTE: WARREN'S ZONING ORDINANCE PROVIDES THAT THIS NOTICE BE SENT TO THOSE PERSONS OWNING PROPERTY WITHIN 300 FEET OF THE PROPERTY INVOLVED.

IF THE ADDRESS THIS NOTICE IS MAILED TO CONTAINS MORE THAN FOUR (4) DWELLING UNITS LEASED BY DIFFERENT PERSONS, THIS NOTICE SHALL BE POSTED AT THE PRIMARY ENTRANCE.

Any person with a disability who needs accommodation for participation in this meeting should contact the Warren City Council Office at (586) 258-2052 – at least 48 hours in advance of the meeting to request assistance.

You may e-mail: njones@cityofwarren.org or contact us by U.S. Mail at the address listed above, to express any views you may have pertaining to this matter.

Sincerely,
Board of Appeals

OFFICE OF THE CITY COUNCIL

Patrick Green, (Mayor Pro Tem) President, At Large
Gary Watts, Vice-President, Dist. 4
Mindy Moore, Secretary, Dist. 3

Jonathan Lafferty, Asst. Sec'y, Dist. 2
Angela Rogensues, At Large

Ronald Papandrea, Dist. 1
Eddie Kabacinski, Dist. 5

ZONING BOARD OF APPEALS

SUMMARY OF VARIANCE REQUEST

APPLICANT: PATRICK E SULAKA

REPRESENTATIVE: RICHARD SULAKA

COMMON DESCRIPTION: 24800 HOOVER

PARCEL NUMBER: 12-13-26-101-026

ZONED DISTRICT: M-2

REASON: Petitioner seeks to operate a seasonal outdoor sales of fireworks for which there is insufficient parking.

ORDINANCES and REQUIREMENTS:

SECTION 4.52 STANDARDS FOR TEMPORARY OUTDOOR RETAIL SALES APPROVAL. (D): No sales activity or display of merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use.

VARIANCES REQUESTED: Permission to:

1) Conduct a seasonal outdoor sales operation in an area of 30 ft. x 30 ft. (900 sq. ft.), from June 20, 2022 through July 7, 2022 from 9 a.m. TO 9 p.m.

Previous Variance Requested: See attached sheet

dwenson, Zoning Inspector 03/04/2022 03/17/2022 (M) (P) (C)

CITY OF WARREN
Division of Buildings & Safety Engineering

NOTICE OF REJECTION

NAME OF APPLICANT: SULAKA, PATRICK E

Your request for **BUILDING PERMIT** has been **REJECTED**, as it does not meet the requirements of the City of Warren Zoning Ordinance #30 as follows:

**SECTION 4.52 (D): SALES ACTIVITY OR DISPLAY OF
MERCHANDISE**

It is necessary for you to make application to the Zoning Board of Appeals to obtain a variance for the above noted sections.

dwenson, Zoning Inspector

3/4/22
#250
Dew

16 PLANS BEING SUBMITTED MUST BE PRE-FOLDED
A COPY OF ALL DOCUMENTS MUST BE SUBMITTED ELECTRONICALLY FOR
COMMERCIAL SUBMISSIONS

CITY OF WARREN ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

PLEASE PRINT OR TYPE

Name of Applicant: Patrick Sulaka

Address: _____ Telephone: _____

Applicant's Email Address: _____ ☐ prefer email communication

Name and Address of Property Owner (if different) Larry Farida

Name of Representative: Richard Sulaka Telephone: _____

Representative's Address: _____

Representative's Email Address: _____ ☐ prefer email communication

Address of Property: 24800 Hoover Rd. Warren, Mich. 48089

Parcel I.D. No. (as shown on tax bill): 13-26-101-020

Purpose of Request: To conduct outside sales of Michigan Legal Fireworks from

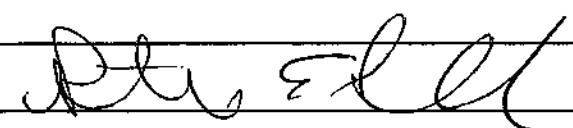
June 20, 2022 ----- July 7, 2022 ----- (9:00am --- 9:00pm)

Please explain the nature of your hardship:

1) Need approval from ZBA to obtain a outside sales license.

2) Need a variance to omit 12 parking spaces for the purpose

of outside sales.

Signature:  Date: 3/3/22

The approval of any land use or dimensional variance from the regulations of the Warren Zoning Ordinance does **NOT** affect or rescind any requirement of the ordinance to obtain site plan approval, Building Division permit or to otherwise comply fully with the Code of Ordinances, or other applicable State or Federal regulations

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE Larry Farida
Name(s) of Person(s)
OF _____
Address, City, State _____ Zip _____ Telephone _____
THE Owner OF Value Center Market Place (property)
Title of Officer _____ Name of Company _____
BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT I
_____/RECORDED LAND CONTRACT PURCHASER(S) X/RECORDED DEEDHOLDER(S)

OF LAND FOR WHICH SUBMITTAL HAS BEEN/WILL BE MADE TO THE CITY OF WARREN,
MACOMB COUNTY, MICHIGAN IN A:

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT Patrick E Sulaka *
Name(s) of Person(s)

THE Owner OF Mariah Distributors LLC *
Title of Officer _____ Name of Company _____

OF _____
Address, City, State _____ Zip _____ Telephone _____

IS/ARE/MY/OUR DESIGNATED REPRESENTATIVE(S) IN THE PROCESSING OF SAID PETITION.

FURTHER, DEPONENT SAYS NOT.

SIGNED [Signature] L.S.
SIGNED _____ L.S.*

*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF Macomb

ON THIS 3rd DAY OF March, 2022, BEFORE ME PERSONALLY CAME
LARRY FARIDA, TO ME KNOWN TO BE THE INDIVIDUAL (S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT, FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT HE DID SO OF HIS OWN FREE WILL AND DEED,

[Signature]
NOTARY PUBLIC, Macomb COUNTY, MICHIGAN
MY COMMISSION EXPIRES: 9-23-2025

NOTICE TO OWNER

If a representative appears on your behalf, they must be informed on all pertinent data relative to your request. Failure to answer any question from the Board could result in your request being delayed or denied. IT IS THEREFORE RECOMMENDED THAT YOU appear in person.

PUBLIC HEARING: 6/10/2020

APPLICANT: Patrick Sulaka

REPRESENTATIVE:

Richard Sulaka

COMMON DESCRIPTION:

24800 Hoover

LEGAL DESCRIPTION:

13-26-101-026

ZONE:

M-2

VARIANCES REQUESTED: Permission to

- 1) Conduct a seasonal outdoor sales operation in an area of 30' x 30' (900 square ft.) from June 20, 2020 through July 6, 2020 from 9 a.m. to 9 p.m.
- 2) Waive twelve (12) additional off-street parking spaces for the outdoor sale and where the tent is located.

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

PUBLIC HEARING: 5/12/2021

APPLICANT: Patrick Sulaka

REPRESENTATIVE:

Richard Sulaka

COMMON DESCRIPTION:

24800 Hoover

LEGAL DESCRIPTION:

13-26-101-026

ZONE:

M-2

VARIANCES REQUESTED: Permission to

- 1) Conduct a seasonal outdoor sales operation in an area of 30 ft. x 30 ft. (900 square ft.) from June 20, 2021 through July 7, 2021 from 9:00 am to 9:00 pm.
- 2) Waive 12 additional off-street parking spaces for the outdoor sale and where the tent is located.

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

PUBLIC HEARING: 4/25/18
REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

APPLICANT: PATRICK E. SULAKA
PATRICK E. SULAKA
24800 HOOVER
13-26-101-026
M-2

VARIANCES REQUESTED: PERMISSION TO

1. CONDUCT A SEASONAL OUTDOOR SALES OPERATION IN AN AREA OF 30 X 30 (900 SQUARE FEET), FROM JUNE 20, 2018 THROUGH JULY 6, 2018 FROM 9 AM TO 9 PM.
2. WAIVE 12 ADDITIONAL OFF-STREET PARKING SPACES FOR THE OUTDOOR SALE AND WHERE THE TENT IS LOCATED.

ORDINANCES AND REQUIREMENTS:

SECTION 4.32 (H) 22: ONE (1) PARKING SPACE REQUIRED FOR EACH 150 SQUARE FEET 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.

THE PETITIONER'S REQUEST WAS GRANTED AS WRITTEN.

PUBLIC HEARING: May 8, 2019
REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

APPLICANT: Patrick E. Sulaka
Patrick E. Sulaka
24800 Hoover
13-26-101-026
M-2

VARIANCES REQUESTED: Permission to

1. Conduct a seasonal outdoor sales operation in an area of 30' x 30' (900 sq. ft.), from June 21, 2019 through July 7, 2019 from 9 a.m. to 9 p.m.
2. Waive 12 additional off-street parking spaces for the outdoor sale and where the tent is located.

ORDINANCES and REQUIREMENTS:

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

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

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

24800 Hoover Road
LEGAL DESCRIPTION: 13-26-101-020

5/25/2016

VARIANCES REQUESTED: Permission to

1. Waive 99 required off street parking spaces.
2. Retain 18 foot long parking spaces.

This matter was Tabled to a date unknown; that would be determined after it goes to the Planning Commission.

24800 Hoover Road
LEGAL DESCRIPTION: 13-26-101-020

5/25/2016

VARIANCES REQUESTED: Permission to

1. Conduct a seasonal outdoor sales operation in an area of 30' x 30' (900 square feet) from June 23, 2016 through July 6, 2016 from 9 am to 9 pm.
2. Waive 12 additional off-street parking spaces for the outdoor sale and where the tent is located.

The Petitioner's request was **GRANTED** as written.

24800 Hoover

6/11/2008

VALUE FRESH MARKET PLACE, LARRY FARIDA, AFENDI II LLC, 24800 Hoover, 13-26-101-020 – **GRANTED** request to To renovate the existing ground sign (ZBA approved 6/10/70)(6' x 10' (160 sq. ft.) and install an electronic message center 4.3' x 15' (64.5 sq. ft.) inside the existing sign frame. Also, to erect two (2) wall signs on the face of the building. One (1) sign 5.6' x 20' (112 sq. ft.) and one (1) sign 2' x 11.2' (22.4 sq. ft.). Total of 132.4. sq. ft. of wall signage, as presented in the revised design package. WITH THE CONDITION that there will be no flashing, blinking or scrolling of the electronic sign and that it will not change more than four (4) times per day.

1/21/70

24800 Hoover Rd.

BORMAN'S INCORPORATED, 24800 Hoover Road, also known as 13-26-101-020 – **GRANTED** permission to hardsurface the front yard on Hoover Road and Ten Mile Road and use for parking with the condition they provide an 11 foot greenbelt on Hoover Road and Ten Mile Road.

24800 Hoover

Borman's Inc.

Granted at the meeting of January 21, 1970 with
condition - 11' greenbelt.

24800 Hoover Road

Beaton Sign, Inc.

Rep: David Beaton

Granted permission to erect 35' sign at the Meeting
of June 10, 1970.

24800 Hoover Rd.

Beaton Sign, Inc.
18615 Weaver, Detroit

Tabled at the Meeting of December 8, 1971 until Wednesday,
January 12, 1972.

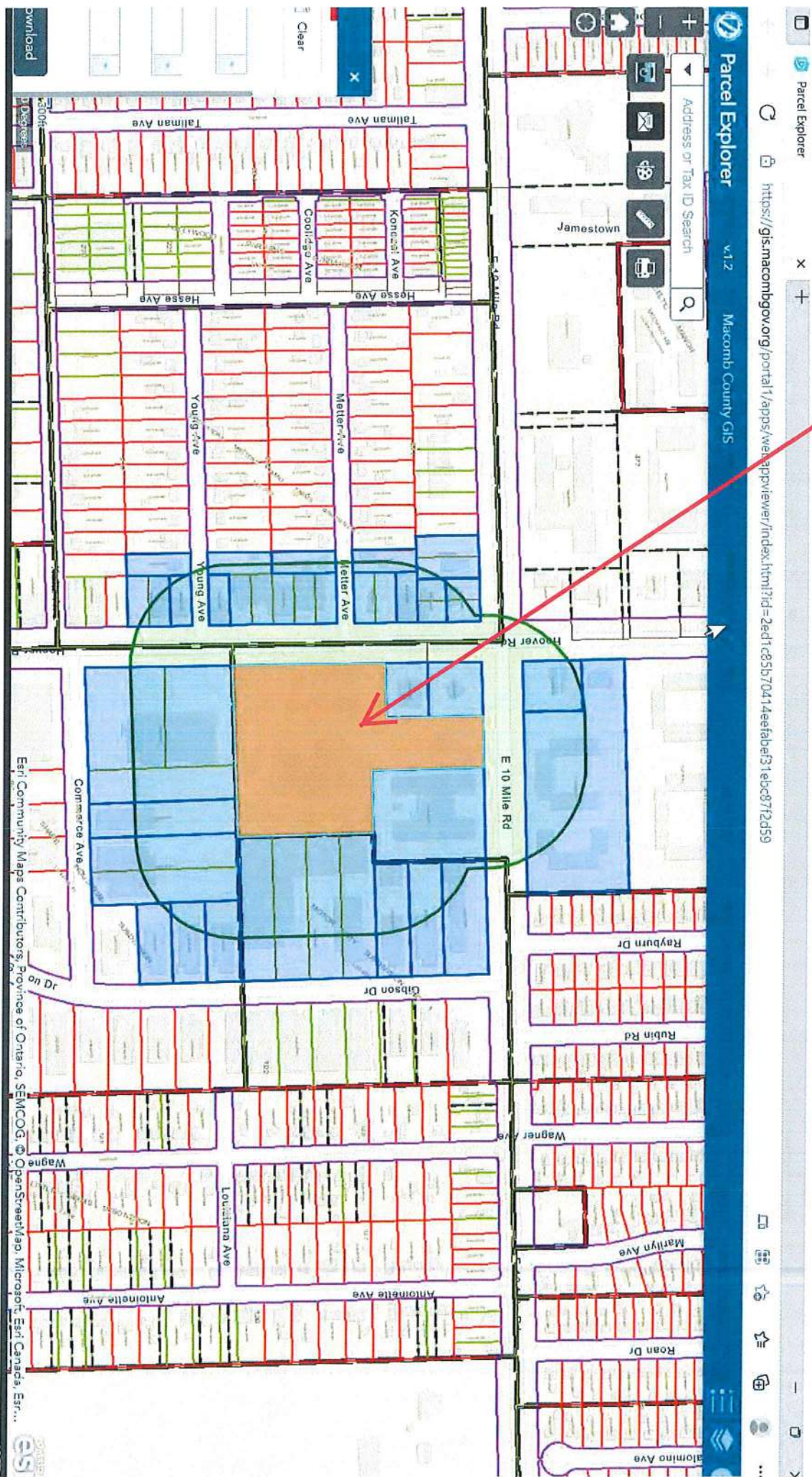
Tabled indefinitely at the Meeting of January 12, 1972.
Request granted at the Meeting of January 17, 73
for permission to erect a 3'x7' sign to an ex-
isting sign 11 ft. from the front property line.

WARREN



248UU Hoover
13-26-101-026

27



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



Zoning Board of Appeals
Office of the City Council
5460 ARDEN, SUITE 505
WARREN, MI 48092
P: (586) 258-2060
F: (586) 268-0606

NOTICE OF PUBLIC HEARING

The Warren Board of Appeals will hold a Public Hearing in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan on:

WEDNESDAY: APRIL 13, 2022 at 7:30 P.M.

Applicant: PATRICK E SULAKA
Common Description: 24800 HOOVER

VARIANCE(S) REQUESTED: Permission to:

Conduct a seasonal outdoor sales operation in an area of 30 ft. x 30 ft. (900 square ft.) from June 20, 2022 through July 7, 2022 from 9am to 9pm.

PLEASE NOTE: WARREN'S ZONING ORDINANCE PROVIDES THAT THIS NOTICE BE SENT TO THOSE PERSONS OWNING PROPERTY WITHIN 300 FEET OF THE PROPERTY INVOLVED.

IF THE ADDRESS THIS NOTICE IS MAILED TO CONTAINS MORE THAN FOUR (4) DWELLING UNITS LEASED BY DIFFERENT PERSONS, THIS NOTICE SHALL BE POSTED AT THE PRIMARY ENTRANCE.

Any person with a disability who needs accommodation for participation in this meeting should contact the Warren City Council Office at (586) 258-2052 – at least 48 hours in advance of the meeting to request assistance.

You may e-mail: njones@cityofwarren.org or contact us by U.S. Mail at the address listed above, to express any views you may have pertaining to this matter.

Sincerely,
Board of Appeals

OFFICE OF THE CITY COUNCIL

Patrick Green, (Mayor Pro Tem) President, At Large
Gary Watts, Vice-President, Dist. 4
Mindy Moore, Secretary, Dist. 3

Jonathan Lafferty, Asst. Sec'y, Dist. 2
Angela Rogensues, At Large

Ronald Papandrea, Dist. 1
Eddie Kabacinski, Dist. 5

CITY OF WARREN

ZONING BOARD OF APPEALS - USE**SUMMARY OF VARIANCE REQUEST**

APPLICANT: THRIFTY FLORIST OF WARREN #1

REPRESENTATIVE: NICOLE AGBAY

COMMON DESCRIPTION: **29010 SCHOENHERR**

PARCEL NUMBER: 12-13-12-353-010

ZONED DISTRICT: MZ, C-1, P

REASON: Petitioner seeks to operate seasonal outdoor sales operation per site plan submitted, 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.

VARIANCES REQUESTED: Permission to:

Conduct a seasonal outdoor sales operation in a P District from March 31, 2022 through January 31, 2023, (788 sq. ft.) to no less than 16 ft. from the Schoenherr Rd. property line and 50 ft. from the north property line per site plan and same as last year.

Previous Variance Requested: See attached sheet

dwenson, Zoning Inspector 03/02/2022 03/16/2022 (M) (P) (C)

CITY OF WARREN
Division of Buildings & Safety Engineering

NOTICE OF REJECTION

NAME OF APPLICANT: THRIFTY FLORIST OF WARREN #1

Your request for **BUILDING PERMIT** has been **REJECTED**, as it does not meet the requirements of the City of Warren Zoning Ordinance #30 as follows:

SECTION 4.46 (A)
SECTION 16.02

It is necessary for you to make application to the Zoning Board of Appeals to obtain a variance for the above noted sections.

dwenson, Zoning Inspector

16 PLANS BEING SUBMITTED MUST BE PRE-FOLDED
A COPY OF ALL DOCUMENTS MUST BE SUBMITTED ELECTRONICALLY FOR
COMMERCIAL SUBMISSIONS

CITY OF WARREN ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

3-2-22
3
\$185.00

PLEASE PRINT OR TYPE

Name of Applicant: Thrifty Florist Warren

Address _____ Telephone _____

Applicant's Email Address: _____ ☐ prefer email communication

Name and Address of Property Owner (if different) Anthony C. Rea

Name of Representative: Nicole Arban Telephone _____

Representative's Address: _____

Representative's Email Address: _____ ☐ prefer email communication

Address of Property: 29010 Schoenherr Rd Warren MI 48093

Parcel I.D. No. (as shown on tax bill): 13-12-353-010

Purpose of Request: to conduct seasonal outdoor sales

operation in a "P" district from March 31, 2022 -
Jan 31, 2023. (788 sq ft.) to no less than 16 ft from
the Sch. Rd. property line + 50 ft from the north
property line per the site plan + same as last

Please explain the nature of your hardship: year.

We are asking for approval from the
board for outdoor exposure to
sell our seasonal items.

Signature: [Signature] Date: 2-15-22

The approval of any land use or dimensional variance from the regulations of the Warren Zoning Ordinance does **NOT** affect or rescind any requirement of the ordinance to obtain site plan approval, Building Division permit or to otherwise comply fully with the Code of Ordinances, or other applicable State or Federal regulations

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE Anthony C. Rea
Name(s) of Person(s)

OF _____
Address, City, State

THE President OF Thrifty Florist Zip Telephone
Title of Officer Name of Company

BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT I
I/We/It

_____/RECORDED LAND CONTRACT PURCHASER(S) _____/RECORDED DEEDHOLDER(S)

OF LAND FOR WHICH SUBMITTAL HAS BEEN/WILL BE MADE TO THE CITY OF WARREN,
MACOMB COUNTY, MICHIGAN IN A:

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT Nicole Agbay *
Name(s) of Person(s)

THE District Manager OF Thrifty Florist *
Title of Officer Name of Company

OF _____
Address, City, State Zip Telephone

IS/ARE/MY/OUR DESIGNATED REPRESENTATIVE(S) IN THE PROCESSING OF SAID PETITION.

FURTHER, DEPONENT SAYS NOT.

SIGNED Nicole Agbay L.S.
SIGNED _____ L.S.*

*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF Oakland

ON THIS 28 DAY OF February, 2022, BEFORE ME PERSONALLY CAME
Nicole Agbay, TO ME KNOWN TO BE THE INDIVIDUAL (S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT, FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT she DID SO OF her OWN FREE WILL AND DEED.

MARIELLEN THOMAS
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Nov 5, 2027
ACTING IN COUNTY OF Oakland

Mariellen Thomas
NOTARY PUBLIC, Wayne COUNTY, MICHIGAN
MY COMMISSION EXPIRES: 11-5-2027

NOTICE TO OWNER

If a representative appears on your behalf, they must be informed on all pertinent data relative to your request. Failure to answer any question from the Board could result in your request being delayed or denied. IT IS THEREFORE RECOMMENDED THAT YOU appear in person.

Non-use variances relate to the modification of applicable area, dimension or structural regulations. The concurring vote of five (5) members of the Board shall be required to approve a non-use variance. **No variation from the provisions or requirements of this article shall be authorized by the Board unless the Board finds that the applicant has demonstrated all of the following to establish there is a practical difficulty in complying with the article requirement.**

The reason you are seeking the variance must be something that is beyond your control. You cannot justify approval of a variance on the simple contention that it is inconvenient to follow the rules. What extraordinary situation affects only your property and no others in the vicinity or zone?

Use the space provided below to demonstrate how your request will meet the following criteria for a non-use variance.

Unreasonable impact/burden. Strict compliance with area, setback, frontage, height, bulk or density requirements would unreasonably prevent the applicant from using the property for a permitted purpose, or would be unnecessarily burdensome.

Requires approval of the board.

Not self-imposed. The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.

Requires approval of the board.

Property unique. The property has unique physical features or characteristics; or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.

Corner lot

Not a detriment. Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; and will not cause public safety concerns.

It will not be a detriment to the area.

Not personal or economic. The variance request is not primarily related to personal or economic hardship, rather, it is related to the unique features of the property.

This is for annual sales.

Necessary. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that enjoyed by other properties in the same zoning district and in the vicinity.

Necessary

29010 Schoenherr**1/11/2017**

LEGAL DESCRIPTION: 13-12-353-010, -027 & -025

VARIANCES REQUESTED: Permission to:

Conduct a SEASONAL outdoor sales operation in a "P" District from March 31, 2017 through January 8, 2018, (788 sq. ft.) to no less than 16 feet from the Schoenherr Road property line and 50 feet from the north property line per site plan and same as last year.

The petitioner's request was GRANTED as written.

29010 Schoenherr**2/10/2016****PUBLIC HEARING:****APPLICANT: THRIFTY FLORIS of Warren***(Rescheduled from 1/13/2016)*

REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

Ms. Nicole Agbay
29010 Schoenherr Road
13-12-353-010, -027, & -025
C-1 & P

VARIANCES REQUESTED: Permission to:

Conduct a SEASONAL outdoor sales operation in a "P" District from March 31, 2016 through January 8, 2017, (788 sq. ft.) to no less than 16 ft. from the Schoenherr Rd. property line and 50 ft. from the north property line per site plan and same as last year.

The Petitioner's request was GRANTED as written.

29010 Schoenherr**1/13/16**

PUBLIC HEARING APPLICANT:
REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

Thrifty Florist of Warren
Ms. Nicole Agbay
29010 Schoenherr Road
13-12-353-010, -027 & -025
C-1 & P

VARIANCES REQUESTED: Permission to:

Conduct a Seasonal outdoor sales operation in a "P" District from March 31, 2016 through January 8, 2017 (788 sq. 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.
Petitioner's request was RESCHEDULED to February 10, 2016.

4/8/15**29010 Schoenherr**

APPLICANT: Thrifty Florist of Warren
Ms. Nicole Agbay
29010 Schoenherr Road
13-12-353-010, -027, -025
C-1 & P

PUBLIC HEARING
REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

VARIANCES REQUESTED: Permission to
Conduct a Seasonal outdoor sales operation in a "P" District from March 31, 201 through January 8, 2016 (788 sq. ft.) to no less than 16 ft. from the Schoenherr Rd. property line and 50 ft. from the north property line per site plan and same as last year.

The petitioner's request was GRANTED.

2/12/2014**29010 Schoenherr**

APPLICANT: Thrifty Florist of Warren
Ms. Linda Grogan
29010 Schoenherr Road
13-12-353-010, -027, & -025
C-1 & P

PUBLIC HEARING
REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

VARIANCES REQUESTED: Permission to:
To conduct a SEASONAL outdoor sales operation in a "P" District from March 31, 2014 through January 8, 2015, (788 sq. ft.) to no less than 16 ft. from the Schoenherr Road property line and 50 ft. from the north property line as per site plan and same as last year.

Petitioner's request was GRANTED as stated above.

PUBLIC HEARING: 1/10/2018
REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

APPLICANT: THRIFTY FLORIST OF WARREN 1 -USE-
NICOLE AGBAY OR LINDA GROGAN
29010 SCHOENHERR
13-12-353-010
MZ, C-1, P

VARIANCES REQUESTED: PERMISSION TO -USE-

CONDUCT A SEASONAL OUTDOOR SALES OPERATION IN A P DISTRICT FROM MARCH 31, 2018 THROUGH JANUARY 8, 2019, (788 SQ. FT.) TO NO LESS THAN 16 FEET FROM THE SCHOENHERR ROAD PROPERTY LINE AND 50 FEET FROM THE NORTH PROPERTY LINE PER SITE PLAN AND SAME AS LAST YEAR.

ORDINANCES AND REQUIREMENTS:

SECTION 4.46 (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 AUTOMOBILES PARKING OF PRIVATE PASSENGER VEHICLES.

THE PETITIONER'S REQUEST WAS APPROVED AS WRITTEN.

THE P9. PUBLIC HEARING: 2/13/2019
REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

APPLICANT: THRIFTY FLORIST OF WARREN #1-USE-
NICOLE AGBAY OR LINDA GROGAN
29010 SCHOENHERR
13-12-353-010
MZ, C-1, P

VARIANCES REQUESTED: PERMISSION TO-USE-

CONDUCT A SEASONAL OUTDOOR SALES OPERATION IN A "P" DISTRICT FROM MARCH 31, 2019 THROUGH JANUARY 8, 2020 (788 SQUARE FEET) TO NO LESS THAN 16 FEET FROM THE SCHOENHERR ROAD PROPERTY LINE AND 50 FEET 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.

THE PETITIONER'S REQUEST WAS APPROVED AS WRITTEN.

: 2/12/2020
REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

APPLICANT: Thrifty Florist Warren 1 -USE-
Nicole Agbay
29010 Schoenherr
12-13-12-353-010, 025 & 027
MZ, C-1, P

VARIANCES REQUESTED: Permission to -USE-

Conduct a seasonal outdoor sales operation in a P district from March 31, 2020 through January 31, 2021, (788 sq. ft.) to no less than 16 feet from the Schoenherr Road property line and 50 feet from the north property line per site plan and same as last year.

The Petitioner's request was Granted as written.

PUBLIC HEARING: 4/28/2021

APPLICANT: Thrifty Florist of Warren

#1- **USE** -

REPRESENTATIVE:

Nicole Agbay

COMMON DESCRIPTION:

29010 Schoenherr

LEGAL DESCRIPTION:

13-12-353-010. 025 and 027

ZONE:

MZ, C-1, P

VARIANCES REQUESTED: Permission to - USE -

Conduct a seasonal outdoor sales operation in a P district from March 31, 2021 through January 31, 2022 (788 square ft.) to no less than 16 feet from the Schoenherr Road property line and 50 feet from the north property line, per site plan and same as last year.

The petitioner's request was APPROVED as written.

WARREN



5/2



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



Zoning Board of Appeals
Office of the City Council
5460 ARDEN, SUITE 505
WARREN, MI 48092
P: (586) 258-2060
F: (586) 268-0606

NOTICE OF PUBLIC HEARING

The Warren Board of Appeals will hold a Public Hearing in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan on:

WEDNESDAY: APRIL 13, 2022 at 7:30 P.M.

Applicant: THIRTY FLORIST OF WARREN #1-~~USE-~~
Common Description: 29010 SCHOENHERR

VARIANCE(S) REQUESTED: Permission to: -~~USE-~~

Conduct a seasonal outdoor sales operation in a P District from March 31, 2022 through January 31, 2023 (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.

PLEASE NOTE: WARREN'S ZONING ORDINANCE PROVIDES THAT THIS NOTICE BE SENT TO THOSE PERSONS OWNING PROPERTY WITHIN 300 FEET OF THE PROPERTY INVOLVED.

IF THE ADDRESS THIS NOTICE IS MAILED TO CONTAINS MORE THAN FOUR (4) DWELLING UNITS LEASED BY DIFFERENT PERSONS, THIS NOTICE SHALL BE POSTED AT THE PRIMARY ENTRANCE.

Any person with a disability who needs accommodation for participation in this meeting should contact the Warren City Council Office at (586) 258-2052 – at least 48 hours in advance of the meeting to request assistance.

You may e-mail: njones@cityofwarren.org or contact us by U.S. Mail at the address listed above, to express any views you may have pertaining to this matter.

Sincerely,
Board of Appeals

OFFICE OF THE CITY COUNCIL

Patrick Green, (Mayor Pro Tem) President, At Large
Gary Watts, Vice-President, Dist. 4
Mindy Moore, Secretary, Dist. 3

Jonathan Lafferty, Asst. Sec'y, Dist. 2
Angela Rogensues, At Large

Ronald Papandrea, Dist. 1
Eddie Kabacinski, Dist. 5

CITY OF WARREN

ZONING BOARD OF APPEALS

SUMMARY OF VARIANCE REQUEST

APPLICANT: THRIFTY FLORIST OF WARREN 2
REPRESENTATIVE: NICOLE AGBAY
COMMON DESCRIPTION: 30975 RYAN
PARCEL NUMBER: 12-13-07-227-013
ZONED DISTRICT: C-1

REASON: Petitioner seeks to operate a seasonal outdoor sales operation with insufficient parking per site plan, same as previous year.

ORDINANCES and REQUIREMENTS:
SECTION 4.5 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.

VARIANCES REQUESTED: Permission to:
1. Conduct a seasonal outdoor sales operation 20 ft. x30 ft. (600 sq. ft.) from March 31, 2022 through January 31, 2023, to no less than 45 ft. from the Ryan Road property line and 45 ft. from the 13 Mile property line.

Previous Variance Requested: See attached sheet

CITY OF WARREN
Division of Buildings & Safety Engineering

NOTICE OF REJECTION

NAME OF APPLICANT: THRIFTY FLORIST OF WARREN 2

Your request for **BUILDING PERMIT** has been **REJECTED**, as it does not meet the requirements of the City of Warren Zoning Ordinance #30 as follows:

SECTION 4.52

It is necessary for you to make application to the Zoning Board of Appeals to obtain a variance for the above noted sections.

dwenson, Zoning Inspector

16 PLANS BEING SUBMITTED MUST BE PRE-FOLDED
A COPY OF ALL DOCUMENTS MUST BE SUBMITTED ELECTRONICALLY FOR
COMMERCIAL SUBMISSIONS

CITY OF WARREN ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

3-2-22
5.1
\$195.00

PLEASE PRINT OR TYPE

Name of Applicant: Thrifty Florist Warren 2

Address _____ Telephone _____

Applicant's Email Address _____ ☐ prefer email communication

Name and Address of Property Owner (if different) Anthony C. Rea

Name of Representative: Nicole Aghay Telephone: _____

Representative's Address: _____

Representative's Email Address: _____ ☐ prefer email communication

Address of Property: 30975 Ryan Rd Warren MI 48092

Parcel I.D. No. (as shown on tax bill): 13-07-277-013

Purpose of Request: To conduct a seasonal outdoor sales

operation 20x30=600 sq. ft. from March 31, 2022
to Jan 31, 2023. to no less than 50ft. from the
Ryan property line + 45ft from 13 Mile Rd property
line. To waive parking spaces in connection w/

Please explain the nature of your hardship: outdoor sales per site plan +
same as last year.

We are asking for approval from the
board for outdoor exposure to sell
our seasonal items.

Signature: [Signature] Date: 2-15-22

The approval of any land use or dimensional variance from the regulations of the Warren Zoning Ordinance does **NOT** affect or rescind any requirement of the ordinance to obtain site plan approval, Building Division permit or to otherwise comply fully with the Code of Ordinances, or other applicable State or Federal regulations

Non-use variances relate to the modification of applicable area, dimension or structural regulations. The concurring vote of five (5) members of the Board shall be required to approve a non-use variance. **No variation from the provisions or requirements of this article shall be authorized by the Board unless the Board finds that the applicant has demonstrated all of the following to establish there is a practical difficulty in complying with the article requirement.**

The reason you are seeking the variance must be something that is beyond your control. You cannot justify approval of a variance on the simple contention that it is inconvenient to follow the rules. What extraordinary situation affects only your property and no others in the vicinity or zone?

Use the space provided below to demonstrate how your request will meet the following criteria for a non-use variance.

Unreasonable impact/burden. Strict compliance with area, setback, frontage, height, bulk or density requirements would unreasonably prevent the applicant from using the property for a permitted purpose, or would be unnecessarily burdensome.

Requires approval of the board.

Not self-imposed. The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.

Requires approval of the board.

Property unique. The property has unique physical features or characteristics; or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.

Corner lot.

Not a detriment. Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; and will not cause public safety concerns.

It will not be a detriment to the area.

Not personal or economic. The variance request is not primarily related to personal or economic hardship, rather, it is related to the unique features of the property.

This is for annual sales.

Necessary. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that enjoyed by other properties in the same zoning district and in the vicinity.

Necessary

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE Anthony C. Rea

THE President OF Thrifty Florist Telephone _____
Address, City, State _____ Zip _____
Title of Officer Name of Company
BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT I
_____/RECORDED LAND CONTRACT PURCHASER(S) _____/RECORDED DEEDHOLDER(S)

OF LAND FOR WHICH SUBMITTAL HAS BEEN/WILL BE MADE TO THE CITY OF WARREN,
MACOMB COUNTY, MICHIGAN IN A:

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT Nicole Agbay *
Name(s) of Person(s)
THE District Manager OF Thrifty Florist *
Title of Officer Name of Company

Ol _____
Address, City, State _____ Zip _____ Telephone _____

IS/ARE/MY/OUR DESIGNATED REPRESENTATIVE(S) IN THE PROCESSING OF SAID PETITION.

FURTHER, DEPONENT SAYS NOT.

SIGNED [Signature] L.S.
SIGNED _____ L.S.*

*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF Oakland

ON THIS 28 DAY OF February, 2022, BEFORE ME PERSONALLY CAME
Nicole Agbay, TO ME KNOWN TO BE THE INDIVIDUAL (S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT, FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT she DID SO OF her OWN FREE WILL AND DEED.

MARIELLEN THOMAS
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Nov 5, 2027
ACTING IN COUNTY OF Oakland

Mariellen Thomas
NOTARY PUBLIC, Wayne COUNTY, MICHIGAN
MY COMMISSION EXPIRES: 11-5-2027

NOTICE TO OWNER

If a representative appears on your behalf, they must be informed on all pertinent data relative to your request. Failure to answer any question from the Board could result in your request being delayed or denied. IT IS THEREFORE RECOMMENDED THAT YOU appear in person.

1/11/2017

30975 Ryan

LEGAL DESCRIPTION: 13-07-227-013

VARIANCES REQUESTED: Permission to:

Conduct a SEASONAL outdoor sales operation 20' X 30' (600 sq. ft.) from March 31, 2017 through January 8, 2018, to no less than 58 ft. from the Ryan Road property line and 45 feet from the 13 Mile property line. To waive five (5) parking spaces in connection with outdoor sales per site plan and same as last year.

The Petitioner's request was **GRANTED** as written.

2/10/2016

30975 Ryan

PUBLIC HEARING:

APPLICANT: THRIFTY FLORIST
of Warren, #2

(Rescheduled from 1/13/2016)

Ms. Nicole Agbay

30975 Ryan Road

13-07-227-013

C-1 & P

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

ZONE:

VARIANCES REQUESTED: Permission to:

Conduct a SEASONAL outdoor sales operation 20'X30' (600 sq. ft.) from March 31, 2016 through January 8, 2017, to no less than 58 ft. from the Ryan Road property line and 45 ft. from the 13 Mile property line. To waive five (5) parking spaces in connection with outdoor sales per site plan and same as last year.

The Petitioner's request was **GRANTED** as written

4/8/15

30975 Ryan

PUBLIC HEARING

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

ZONE:

APPLICANT: Thrifty Florist of Warren #2

Ms. Nicole Agbay

30975 Ryan Road

13-07-227-013

C-1 & P

VARIANCES REQUESTED: Permission to

Conduct a seasonal outdoor sales operation 20' x 30' (600 sq. ft.) from March 3 2015 through January 8, 2016 to no less than 58 ft. from the Ryan Road property line and 45 ft. from the 13 Mile property line. To waive five (5) parking spaces in connection with outdoor sales per site plan and same as last year.

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

30975 Ryan

3/13/2013

30975 Ryan

1/8/2014

THRIFTY FLORIST of Warren, #2, Anthony C. Rea, 30975 Ryan Road, 13-07-227-013, petitioner was GRANTED permission to:

1. Conduct a SEASONAL Outdoor sales operation 20'x30' (600 sq. ft.) from March 31, 2013 through January 8, 2014, to no less than 58 ft. from the Ryan Road property line and 45 ft. from the 13 Mile property line.
2. Waive five (5) parking spaces in connection with outdoor sales per site plan and same as last year.

PUBLIC HEARING
REPRESENTATIVE:

APPLICANT: Thrifty Florist of Warren
Ms. Linda Grogan

COMMON DESCRIPTION:
30975 Ryan Road

LEGAL DESCRIPTION:
13-07-227-013

ZONE:
C-1 & P

VARIANCES REQUESTED: Permission to:

To conduct a SEASONAL outdoor sales operation 20' x 30' (600 sq. ft.) from March 31, 2014 through January 8, 2015, to no less than 58 ft. from the Ryan Road property line and 45 ft. from the 13 Mile property line. To waive five (5) parking spaces in connection with outdoor sales per site plan and same as last year.

Petitioner's request was GRANTED as stated above.

APPLICANT: THRIFTY FLORIST OF WARREN 2

LINDA GROGAN OR NICOLE AGBAY

30975 RYAN

13-07-227-013

C-1

VARIANCES REQUESTED: PERMISSION TO

1. CONDUCT A SEASONAL OUTDOOR SALES OPERATION 20 X 30 (600 SQ. FT.) FROM MARCH 31, 2018 THROUGH JANUARY 8, 2019, TO NO LESS THAN 58 FT. FROM THE RYAN ROAD PROPERTY LINE AND 45 FT. FROM THE 13 MILE PROPERTY LINE.

2. WAIVE FIVE (5) PARKING SPACES IN CONNECTION WITH OUTDOOR SALES PER SITE PLAN AND SAME AS LAST YEAR.

ORDINANCES AND REQUIREMENTS:

SECTION 4.32 (H) 22: OFF-STREET PARKING. ONE (1) PARKING SPACE REQUIRED FOR EACH 150 SQ. FT. OF BUILDING AND OUTDOOR SALES AREA COMBINED.

SECTION 4.53 (C): NO SALES ACTIVITY OR DISPLAY OF SHALL BE PERMITTED. IN THE AREA DESIGNATED FOR REQUIRED OFF-STREET PARKING FOR THE EXISTING OR TEMPORARY USE.

APPLICANT: THRIFTY FLORIST OF WARREN #2

NICOLE AGBAY OR LINDA GROGAN

30975 RYAN

13-07-227-013

C-1

VARIANCES REQUESTED: PERMISSION TO

1) CONDUCT SEASONAL OUTDOOR SALES OPERATION 20 FEET X 30 FEET (600 SQUARE FEET) FROM MARCH 31, 2019 THROUGH JANUARY 8, 2020, TO NO LESS THAN 58 FEET FROM THE RYAN ROAD PROPERTY LINE AND 45 FEET FROM THE THIRTEEN MILE PROPERTY LINE.

2) WAIVE FIVE (5) PARKING SPACES IN CONNECTION WITH OUTDOOR SALES PER SITE PLAN AND SAME AS LAST YEAR.

ORDINANCES AND REQUIREMENTS:

SECTION 4.32 PARAGRAPH (H) ITEM 22: OFF-STREET PARKING. ONE (1) PARKING SPACE REQUIRED FOR EACH 150 SQUARE FEET OF BUILDING AND OUTDOOR SALES AREA COMBINED.

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.

THE PETITIONER'S REQUEST WAS APPROVED AS WRITTEN. TIONER'S REQUEST WAS GRANTED AS WRITTEN.

APPLICANT: Thrifty Florist Warren 2

Nicole Agbay

30975 Ryan

12-13-07-227-013

C-1

VARIANCES REQUESTED: Permission to

1. Conduct a seasonal outdoor sales operation 20 x 30 (600 sq. ft.) from March 31, 2020 through January 31, 2021, to no less than 45 feet from the Ryan Road property line and 45 feet from the 13 Mile property line.
2. Waive five (5) parking spaces in connection with outdoor sales per site plan and same as last year.

The Petitioner's request was Granted as written.

PUBLIC HEARING: 4/28/2021

APPLICANT: Thrifty Florist Warren #2

REPRESENTATIVE:

Nicole Agbay

COMMON DESCRIPTION:

30975 Ryan

LEGAL DESCRIPTION:

13-07-227-013

ZONE:

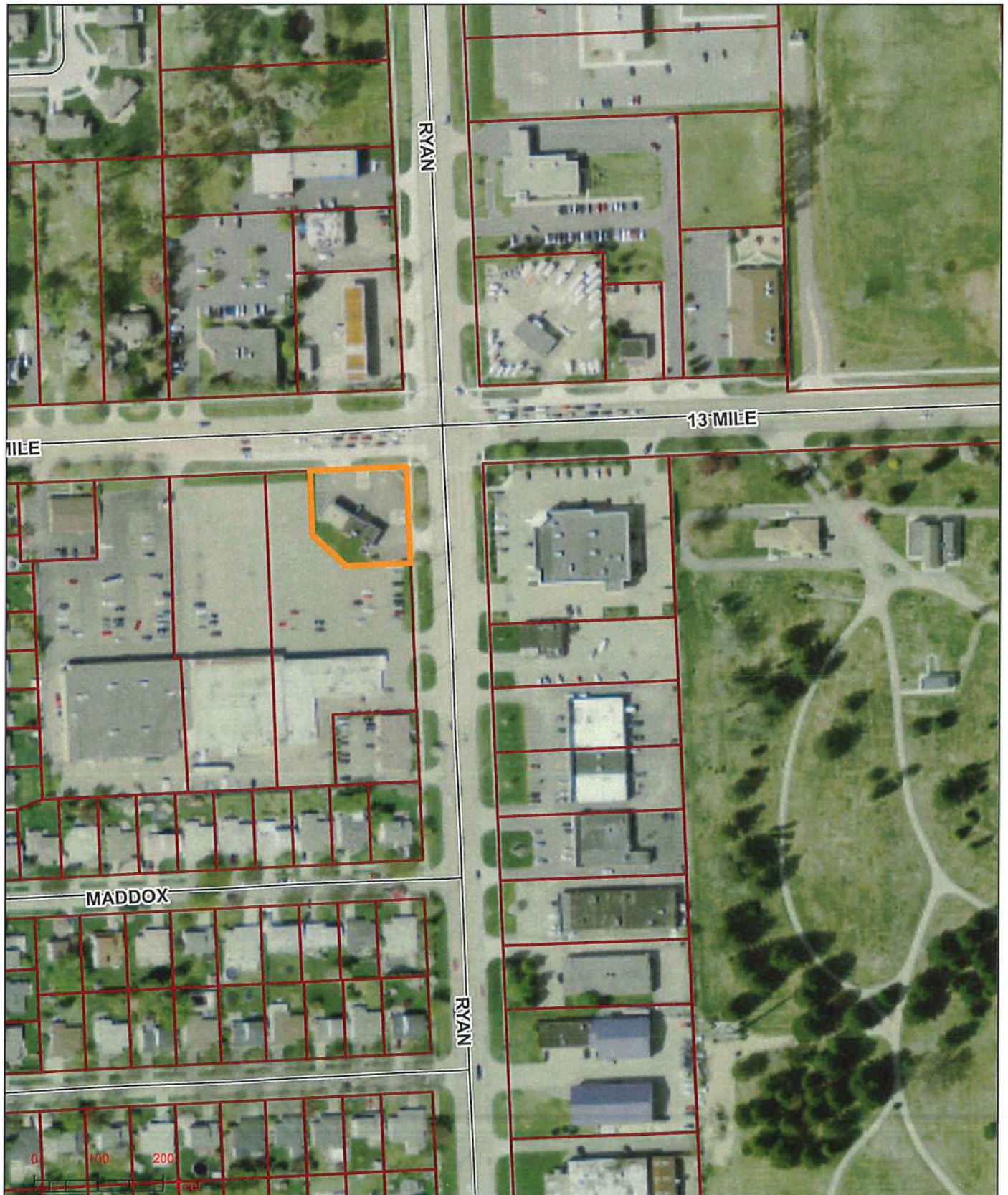
C-1

VARIANCES REQUESTED: Permission to

- 1) Conduct a seasonal outdoor sales operation 20' x 30' (600 square ft.) from March 31, 2021 through January 31, 2022 to no less than 45 feet from the Ryan Road property line and 45 feet from the Thirteen Mile Road property line.
- 2) Waive five (5) parking spaces in connection with outdoor sales, per site plan and same as last year.

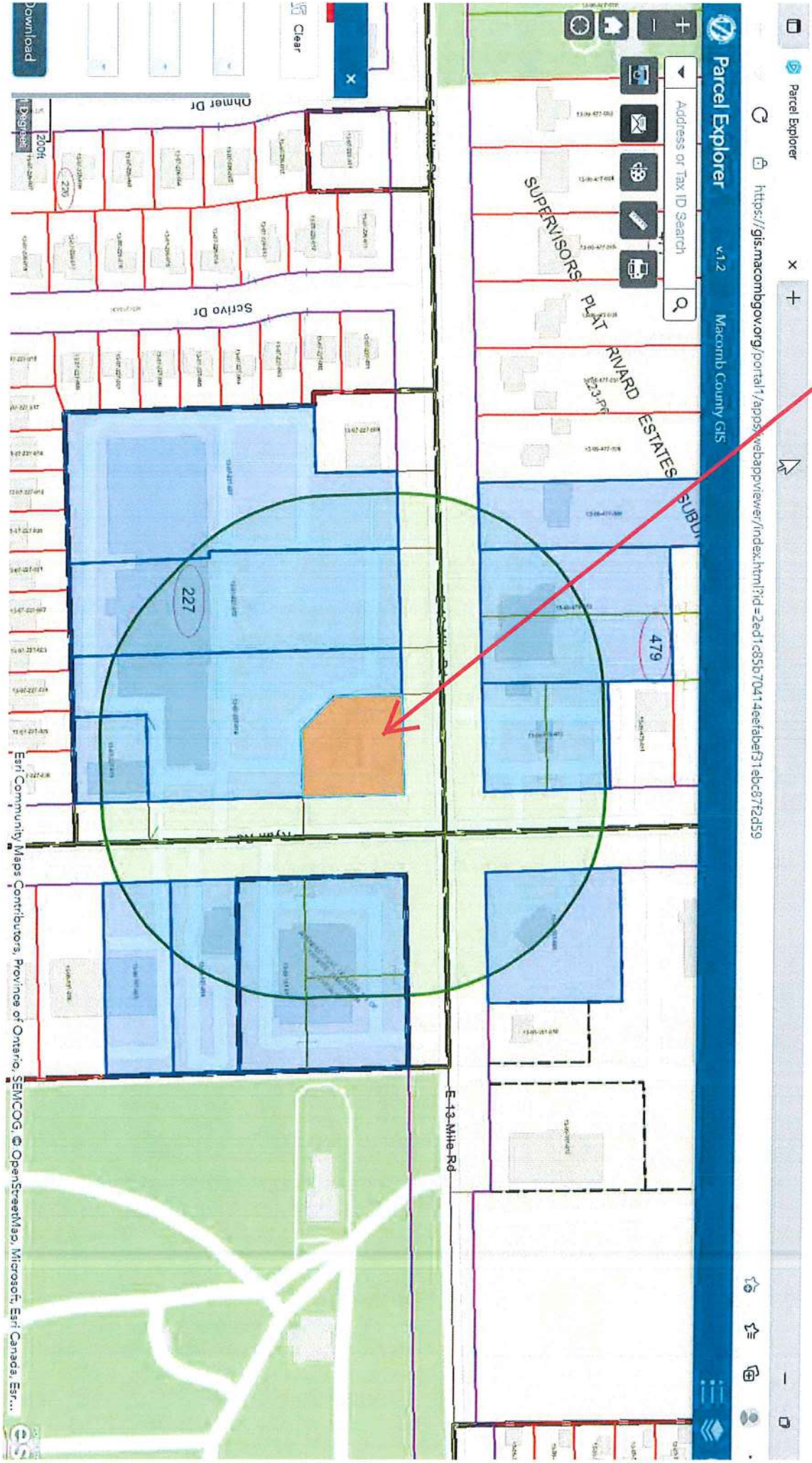
The petitioner's request was **APPROVED** as written.

WARREN



000710 Nyall
13-07-227-013

12



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



Zoning Board of Appeals
Office of the City Council
5460 ARDEN, SUITE 505
WARREN, MI 48092
P: (586) 258-2060
F: (586) 268-0606

NOTICE OF PUBLIC HEARING

The Warren Board of Appeals will hold a Public Hearing in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan on:

WEDNESDAY: APRIL 13, 2022 at 7:30 P.M.

Applicant: THIRTY FLORIST OF WARREN #2
Common Description: 30975 RYAN

VARIANCE(S) REQUESTED: Permission to:

Conduct a seasonal outdoor sales operation 20 ft. x 30 ft. (600 square ft.) from March 31, 2022 through January 31, 2023 to no less than 45 ft. from the Ryan Road property line and 45 ft. from the Thirteen Mile property line.

PLEASE NOTE: WARREN'S ZONING ORDINANCE PROVIDES THAT THIS NOTICE BE SENT TO THOSE PERSONS OWNING PROPERTY WITHIN 300 FEET OF THE PROPERTY INVOLVED.

IF THE ADDRESS THIS NOTICE IS MAILED TO CONTAINS MORE THAN FOUR (4) DWELLING UNITS LEASED BY DIFFERENT PERSONS, THIS NOTICE SHALL BE POSTED AT THE PRIMARY ENTRANCE.

Any person with a disability who needs accommodation for participation in this meeting should contact the Warren City Council Office at (586) 258-2052 – at least 48 hours in advance of the meeting to request assistance.

You may e-mail: njones@cityofwarren.org or contact us by U.S. Mail at the address listed above, to express any views you may have pertaining to this matter.

Sincerely,
Board of Appeals

OFFICE OF THE CITY COUNCIL

Patrick Green, (Mayor Pro Tem) President, At Large
Gary Watts, Vice-President, Dist. 4
Mindy Moore, Secretary, Dist. 3

Jonathan Lafferty, Asst. Sec'y, Dist. 2
Angela Rogensues, At Large

Ronald Papandrea, Dist. 1
Eddie Kabacinski, Dist. 5

ZONING BOARD OF APPEALS

SUMMARY OF VARIANCE REQUEST

APPLICANT: EDDIE H BABBIE
REPRESENTATIVE: EDDIE OR AUSTIN BABBIE
COMMON DESCRIPTION: 32800 RYAN
PARCEL NUMBER: 12-13-05-101-039
ZONED DISTRICT: C-1

REASON: Petitioner seeks to operate a seasonal outdoor sales of fireworks.

ORDINANCES and REQUIREMENTS:

SECTION 4.52 STANDARDS FOR TEMPORARY OUTDOOR RETAIL SALES APPROVAL. (D): No sales activity or display of merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use.

VARIANCES REQUESTED: Permission to:

1) Conduct a seasonal outdoor sales operation in an area of 20 ft x 30 ft. (600 sq. ft.), from June 21, 2022 through July 5, 2022 from 10 am to 9 pm.

Previous Variance Requested: See attached sheet

dwenson, Zoning Inspector 03/03/2022 03/18/2022 (M) (P) (C)

CITY OF WARREN
Division of Buildings & Safety Engineering

NOTICE OF REJECTION

NAME OF APPLICANT: EDDIE H BABBIE

Your request for **BUILDING PERMIT** has been **REJECTED**, as it does not meet the requirements of the City of Warren Zoning Ordinance #30 as follows:

**SECTION 4.52 (D): SALES ACTIVITY OR DISPLAY OF
MERCHANDISE**

It is necessary for you to make application to the Zoning Board of Appeals to obtain a variance for the above noted sections.

dwenson, Zoning Inspector

16 PLANS BEING SUBMITTED MUST BE PRE-FOLDED
A COPY OF ALL DOCUMENTS MUST BE SUBMITTED ELECTRONICALLY FOR
COMMERCIAL SUBMISSIONS

CITY OF WARREN ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

PLEASE PRINT OR TYPE

PD.
9-3-22
9-8
\$125.00

Name of Applicant: Eddie Babbie (14 mile Tent LLC)

Address: _____

Applicant's Email Address: _____ ☐ prefer email communication

Name and Address of Property Owner (if different) Babbie Enterprises LLC

Name of Representative: _____

Representative's Address: _____

Representative's Email Address: _____ ☐ prefer email communication

Address of Property: 32800 Ryan Rd Warren

Parcel I.D. No. (as shown on tax bill): _____

Purpose of Request: Outdoor Fireworks Tent, 20 x 30, Seasonal Sales.

Please explain the nature of your hardship:

Tent was installed and used for only 8 days in 2021, we had an easy flow of traffic did not affect any of our parking spaces. We also followed all city and state safety guidelines. We also maintained proper buffer for safety, plenty of lighting in the tent area and did not affect neighbors. we also added speed bumps to parking lot.

Signature: [Signature] Date: 3/6/2022

The approval of any land use or dimensional variance from the regulations of the Warren Zoning Ordinance does **NOT** affect or rescind any requirement of the ordinance to obtain site plan approval, Building Division permit or to otherwise comply fully with the Code of Ordinances, or other applicable State or Federal regulations

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE Eddie H. Babbie
Name(s) of Person(s)
OF _____
Address, City, State _____ Zip _____ Telephone _____
THE Member OF Babbie Enterprises, LLC
Title of Officer Name of Company
BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT Eddie H. Babbie
I/We/It
_____/RECORDED LAND CONTRACT PURCHASER(S) /RECORDED DEEDHOLDER(S)

OF LAND FOR WHICH SUBMITTAL HAS BEEN/WILL BE MADE TO THE CITY OF WARREN,
MACOMB COUNTY, MICHIGAN IN A:

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT Austin Babbie *
Name(s) of Person(s)
THE Manager OF Babbie Enterprises, LLC *
Title of Officer Name of Company
OF _____
Address, City, State _____ Zip _____ Telephone _____

IS/ARE/MY/OUR DESIGNATED REPRESENTATIVE(S) IN THE PROCESSING OF SAID PETITION.

FURTHER, DEPONENT SAYS NOT.

SIGNED [Signature] L.S.

SIGNED _____ L.S.*

*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF Macomb

ON THIS 3rd DAY OF March, 2020, BEFORE ME PERSONALLY CAME
_____, TO ME KNOWN TO BE THE INDIVIDUAL (S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT, FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT He DID SO OF His OWN FREE WILL AND DEED.

MADISON TAKALA
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MACOMB
My Commission Expires Nov. 24, 2027
Acting in the County of Macomb

Madison Takala
NOTARY PUBLIC, Macomb COUNTY, MICHIGAN
MY COMMISSION EXPIRES: 11/24/2027

NOTICE TO OWNER

If a representative appears on your behalf, they must be informed on all pertinent data relative to your request. Failure to answer any question from the Board could result in your request being delayed or denied. IT IS THEREFORE RECOMMENDED THAT YOU appear in person.

32800-32790 Ryan

8/9/06

BABBIE ENTERPRISES LLC, EDDIE BABBIE, MANAGER, 32800-32790 Ryan, Also Known As 13-05-101-015, 13-05-101-006 and 13-05-101-007 – **TABLED** request to the meeting of August 23, 2006.

32800-32790 Ryan

8/23/06

BABBIE ENTERPRISES LLC, EDDIE BABBIE, MANAGER, 32800-32790 Ryan, Also Known As 13-05-101-015, 13-05-101-006 and 13-05-101-007 – **GRANTED** request to construct one (1) monument sign, 11' x 15' (165 sq. ft.) 13' high, on a 2' brick pedestal base and frame, to no less than 3' of the front property line on Ryan for the new strip shopping center.

PUBLIC HEARING: 6/9/2021
REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

APPLICANT: 14 Mile Tent LLC
Eddie Babbie
32800 Ryan
13-05-101-039
C-1

VARIANCES REQUESTED: Permission to

- 1) Conduct a seasonal outdoor sales operation in an area of 20' x 30' (600 square ft.) from June 21, 2021 through July 5, 2021 from 10:00 a.m. to 9:00 p.m.
- 2) Waive 14 off-street parking spaces for the outdoor sale and where the tent is located.

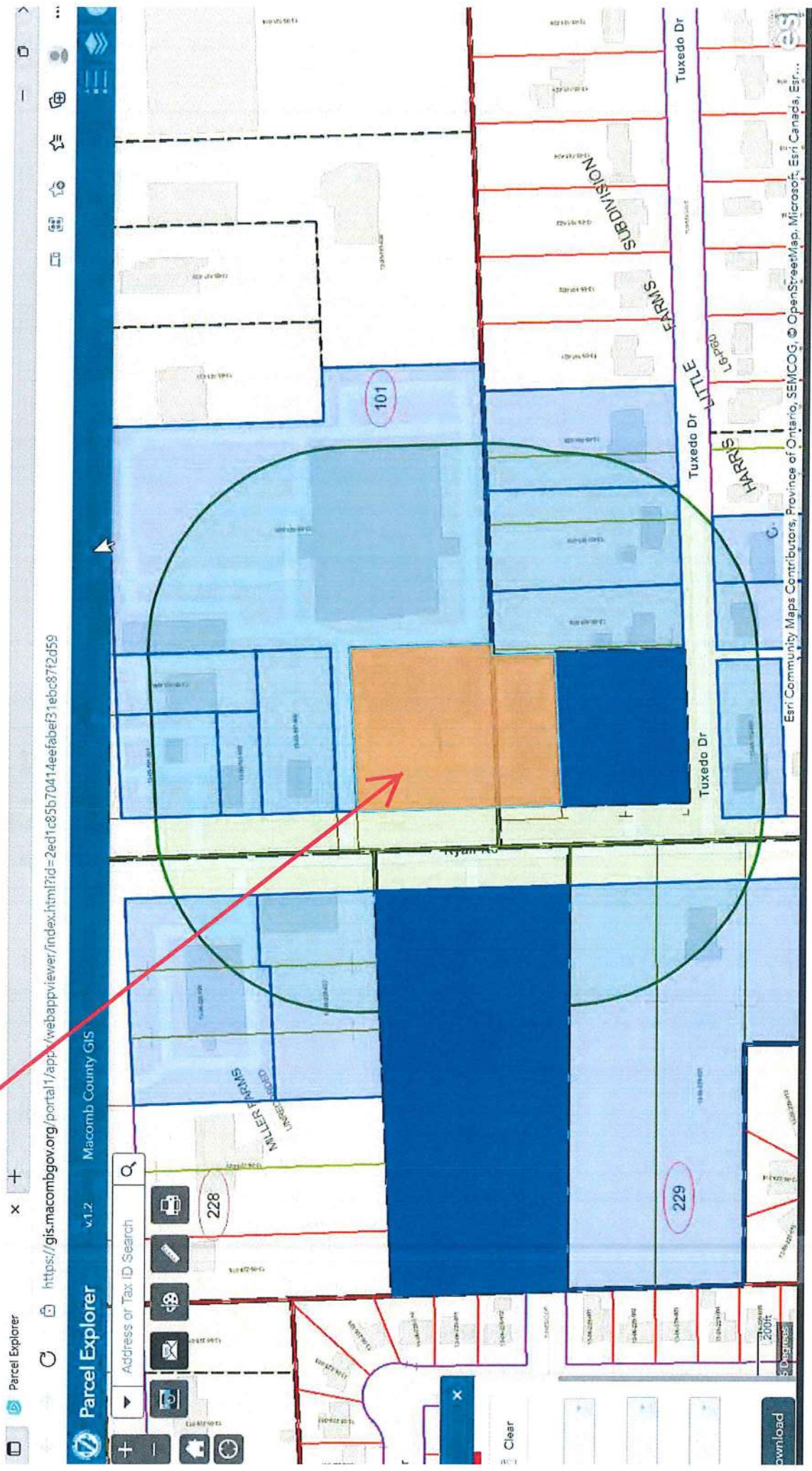
The petitioner's request was **APPROVED** as written.

WARREN



32800 RYAN
13-05-101-039

44



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



Zoning Board of Appeals
Office of the City Council
5460 ARDEN, SUITE 505
WARREN, MI 48092
P: (586) 258-2060
F: (586) 268-0606

NOTICE OF PUBLIC HEARING

The Warren Board of Appeals will hold a Public Hearing in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan on:

WEDNESDAY: APRIL 13, 2022 at 7:30 P.M.

Applicant: EDDIE H BABBIE
Common Description: 32800 RYAN

VARIANCE(S) REQUESTED: Permission to:

Conduct a seasonal outdoor sales operation in an area of 20 ft. x 30 ft. (600 square ft.) from June 21, 2022 through July 5, 2022 from 10am to 9pm.

PLEASE NOTE: WARREN'S ZONING ORDINANCE PROVIDES THAT THIS NOTICE BE SENT TO THOSE PERSONS OWNING PROPERTY WITHIN 300 FEET OF THE PROPERTY INVOLVED.

IF THE ADDRESS THIS NOTICE IS MAILED TO CONTAINS MORE THAN FOUR (4) DWELLING UNITS LEASED BY DIFFERENT PERSONS, THIS NOTICE SHALL BE POSTED AT THE PRIMARY ENTRANCE.

Any person with a disability who needs accommodation for participation in this meeting should contact the Warren City Council Office at (586) 258-2052 – at least 48 hours in advance of the meeting to request assistance.

You may e-mail: njones@cityofwarren.org or contact us by U.S. Mail at the address listed above, to express any views you may have pertaining to this matter.

Sincerely,
Board of Appeals

OFFICE OF THE CITY COUNCIL

Patrick Green, (Mayor Pro Tem) President, At Large
Gary Watts, Vice-President, Dist. 4
Mindy Moore, Secretary, Dist. 3

Jonathan Lafferty, Asst. Sec'y, Dist. 2
Angela Rogensues, At Large

Ronald Papandrea, Dist. 1
Eddie Kabacinski, Dist. 5

ZONING BOARD OF APPEALS

SUMMARY OF VARIANCE REQUEST

APPLICANT: DAVID AND DELVI DAWOOD

REPRESENTATIVE: CAREN M BURDI

COMMON DESCRIPTION: 12813 EIGHT MILE

PARCEL NUMBER: 12-13-35-454-044

ZONED DISTRICT: M-1

REASON: Petitioner wishes to expand an auto repair facility.

ORDINANCES and REQUIREMENTS:

SECTION 14.01 USES (J) Automobile repair shops, including body and fender business, provided that such uses are conducted entirely within an enclosed building, and provided further that such establishments are located at least two hundred (200) feet from any residential district or are operated on the premises of and in conjunction with an automobile dealership in a building with appropriate filtering system to prevent emission of paint odors and with a masonry wall facing any such residential district, which shall have sound retarding insulation, shall have no doors other than any door required by law as a fire exit, and shall have no windows but may have glass block areas to transmit light.

SECTION 4.32 - OFF-STREET PARKING REQUIREMENTS. (20) Furniture and appliance stores, personal service shops (not including beauty parlors and barber shops), household equipment or furniture repair shops, clothing or shoe repair or service shops, hardware stores, motor vehicle sales, wholesale stores and machinery sales. One (1) parking space for each five hundred (500) square feet of floor area.

VARIANCES REQUESTED: Permission to:

1. To expand an auto repair facility from lots 355, 356, 357, 358 & 359 to include lots 13, 14, 15 & 16 for major auto repair, excluding collision, body work or painting on lots 13-16 which are directly adjacent to a residential zone.
2. Waive 13 required off-street parking spaces.

Previous Variance Requested: See attached sheet

CITY OF WARREN
Division of Buildings & Safety Engineering

NOTICE OF REJECTION

NAME OF APPLICANT: DAVID AND DELVI DAWOOD

Your request for **BUILDING PERMIT** has been **REJECTED**, as it does not meet the requirements of the City of Warren Zoning Ordinance #30 as follows:

SECTION 14.01 USES
SECTION 4.32 OFF-STREET PARKING

It is necessary for you to make application to the Zoning Board of Appeals to obtain a variance for the above noted sections.

dwenson, Zoning Inspector

16 PLANS BEING SUBMITTED MUST BE PRE-FOLDED
A COPY OF ALL DOCUMENTS MUST BE SUBMITTED ELECTRONICALLY FOR
COMMERCIAL SUBMISSIONS

CITY OF WARREN ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

PLEASE PRINT OR TYPE

Name of Applicant: David and Delvi Dawod

Address: _____

Applicant's Email Address: _____ ☒ prefer email communication

Name and Address of Property Owner (if different) _____

Name of Representative: Caren M. Burdi, Attorney Telephone: _____

Representative's Address: _____

Representative's Email Address: _____ ☒ prefer email communication

Address of Property: 12813 E. 8 Mile Road, Warren, Michigan, 48089

Parcel I.D. No. (as shown on tax bill): 12-13-35-454-044

Purpose of Request: To expand the auto repair facility from Lots 355, 356, 357, 358 and 359 to Lots

13, 14, 15 and 16 that is within 200 feet of residential. Please see attached KEM-TEC Boundary Survey.

To waive 13 required parking spaces.

Please explain the nature of your hardship:

The owner has an opportunity to rent to an auto repair facility in a portion of the building, specifically Lots, 13

14, 15 and 16, which is the part of the building that is the east portion of the building abutting the parking lot.

There will be no collision, body work or painting. Planning has approved 12 spaces for vehicles that are waiting

to be repaired or to be picked up by customers after repair. That leaves 17 spaces for customers and employees

More than enough parking for the use. The only door for the repair facility faces the side street and not the

residential property.

Signature: _____ Date: 3-2-22

The approval of any land use or dimensional variance from the regulations of the Warren Zoning Ordinance does **NOT** affect or rescind any requirement of the ordinance to obtain site plan approval, Building Division permit or to otherwise comply fully with the Code of Ordinances, or other applicable State or Federal regulations

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE David and Delvi Dawod
Name(s) of Person(s)
OF: _____
Address, City, State _____ Zip _____ Telephone _____
THE _____ OF _____
Title of Officer _____ Name of Company _____
BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT WE _____
_____/RECORDED LAND CONTRACT PURCHASER(S) X I/We/It
_____/RECORDED DEEDHOLDER(S)

OF LAND FOR WHICH SUBMITTAL HAS BEEN/WILL BE MADE TO THE CITY OF WARREN,
MACOMB COUNTY, MICHIGAN IN A:

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT Caren M. Burdi, Attorney *
Name(s) of Person(s)

THE _____ OF _____ *
Title of Officer _____ Name of Company _____

OF _____
Address, City, State _____ Zip _____ Telephone _____

IS/ARE/MY/OUR DESIGNATED REPRESENTATIVE(S) IN THE PROCESSING OF SAID PETITION.

FURTHER, DEPONENT SAYS NOT.

SIGNED [Signature] L.S.

SIGNED [Signature] L.S.*

*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF MACOMB

ON THIS 2 DAY OF MARCH, 2022, BEFORE ME PERSONALLY CAME
DAVID AND DELVI DAWOD, TO ME KNOWN TO BE THE INDIVIDUAL (S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT, FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT THEY _____ DID SO OF THEIR _____ OWN FREE WILL AND DEED.

ACTING IN MACOMB COUNTY

Caren M. Burdi
NOTARY PUBLIC, MACOMB COUNTY, MICHIGAN
MY COMMISSION EXPIRES: May 22, 2023

NOTICE TO OWNER

If a representative appears on your behalf, they must be informed on all pertinent data relative to your request. Failure to answer any question from the Board could result in your request being delayed or denied. IT IS THEREFORE RECOMMENDED THAT YOU appear in person.

Worksheet #1 - Section 20.23 - Non-use variance; practical difficulty standard.

Non-use variances relate to the modification of applicable area, dimension or structural regulations. The concurring vote of five (5) members of the Board shall be required to approve a non-use variance. **No variation from the provisions or requirements of this article shall be authorized by the Board unless the Board finds that the applicant has demonstrated all of the following to establish there is a practical difficulty in complying with the article requirement.**

The reason you are seeking the variance must be something that is beyond your control. You cannot justify approval of a variance on the simple contention that it is inconvenient to follow the rules. What extraordinary situation affects only your property and no others in the vicinity or zone?

Use the space provided below to demonstrate how your request will meet the following criteria for a non-use variance.

Unreasonable impact/burden. Strict compliance with area, setback, frontage, height, bulk or density requirements would unreasonably prevent the applicant from using the property for a permitted purpose, or would be unnecessarily burdensome.

Currently the a portion of the building is approved for auto repair with no problems with the neighbors.

The expansion will not affect the homeowners that are currently behind the part of the building that is already approved for auto repair. The area of expansion has no overhead doors on the back and are abutted by the parking lot with a 6 foot concrete wall.

Not self-imposed. The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.

The property is zoned M-1 and has been for rent since the Owner's purchased the building in October of 2019.

The pandemic has made it extremely difficult to rent industrial property in the City and the only occupants who show an interest in the property are car repair facilities. The property has shown that they get along with their neighbors and their have been no complaints by neighbors about the use of the property currently.

Property unique. The property has unique physical features or characteristics; or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.

It is unique to place industrial property abutting residential zoned property. The proposed use of a car repair facility is a good fit in this location as the overhead door does not face the residences but instead faces the side street. The area of the building proposed for auto repair abuts the parking lot. The residences are to the West of the area where the auto repair will be inside the building.

Not a detriment. Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; and will not cause public safety concerns.

The property currently exists as it is on the site plan. The use is already car repair with no issues with the neighbors. The neighbors will experience no change in the use and enjoyment of their property with this expansion of auto repair.

Not personal or economic. The variance request is not primarily related to personal or economic hardship, rather, it is related to the unique features of the property.

It is unique to have M-1 properties abutting residential properties. Usually there are buffer zones used such as commercial zones. This makes it difficult for the property owner to secure an M-1 use. In addition, many M-1 uses are manufacturing and require far more sq footage than this building offers.

Necessary. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that enjoyed by other properties in the same zoning district and in the vicinity.

The owners have been unable to secure an M-1 use for the property in over three years.

12813 E. Eight Mile Rd.

Duran Sales Co.

Rep: Jules Vandenameele, Jr.
22480 Marine, E. Det.

Request granted at meeting of Sept. 18, 1968.

*Granted permission to erect a 4' high
cyclone fence in lieu of a masonry
wall as requested for on Site Plan
approval*

12813 Eight Mile

3/28/2012

Mark Fuga, 12813 8 Mile Road, also known as 13-35-454-032, denied the petitioner's request.

*Operate an "auto repair and/or
collision business" adjacent to
a residential district, have
outdoor storage of repair
vehicles.*

12813 Eight Mile

4/30/2003

GLEN AND MARK FUGA, 12813 Eight Mile, Also Known As 13-35-454-032 -- **TABLED** request to the meeting of June 11, 2003.

12813 Eight Mile

6/11/2003

GLEN AND MARK FUGA, 12813 Eight Mile, also known As 13-35-454-032 -- **DENIED** request to operate an auto repair and/or collision business adjacent to a residential district without the required masonry wall abutting residential.

12813 Eight Mile

12/10/2003

GLEN & MARK FUGA, 12813 Eight Mile, Also Known As 13-35-454-032 -- **GRANTED** request to operate an auto repair and/or collision business adjacent to a residential district and to install the required masonry wall (approximately 389.45 linear feet) to the front and side property lines on Coleen and Fairfield abutting residential as per plan. **WITH THE CONDITIONS** 1) The variance is limited to lots 355, 356, 357, 358 and 359. 2) No more than two vehicles shall be outside the building waiting for repair or pick up. 3) Hours of operation are limited -- Monday through Friday 7 a.m. to 7 p.m., Saturday -- 8 a.m. to 7 p.m. and no Sundays.

2021 WARREN



25/11



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



Zoning Board of Appeals
Office of the City Council
5460 ARDEN, SUITE 505
WARREN, MI 48092
P: (586) 258-2060
F: (586) 268-0606

NOTICE OF PUBLIC HEARING

The Warren Board of Appeals will hold a Public Hearing in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan on:

WEDNESDAY: APRIL 13, 2022 at 7:30 P.M.

Applicant: DAVID AND DELVI DAWOOD
Common Description: 12813 EIGHT MILE

VARIANCE(S) REQUESTED: Permission to:

- 1) Expand an auto repair facility from lots 355, 356, 357, 358 and 359 to include lots 13, 14, 15, and 16 for major auto repair, excluding collision, body work or painting on lots 13-16 which are directly adjacent to a residential zone.
- 2) Waive 13 required off-street parking spaces.

PLEASE NOTE: WARREN'S ZONING ORDINANCE PROVIDES THAT THIS NOTICE BE SENT TO THOSE PERSONS OWNING PROPERTY WITHIN 300 FEET OF THE PROPERTY INVOLVED.

IF THE ADDRESS THIS NOTICE IS MAILED TO CONTAINS MORE THAN FOUR (4) DWELLING UNITS LEASED BY DIFFERENT PERSONS, THIS NOTICE SHALL BE POSTED AT THE PRIMARY ENTRANCE.

Any person with a disability who needs accommodation for participation in this meeting should contact the Warren City Council Office at (586) 258-2052 – at least 48 hours in advance of the meeting to request assistance.

You may e-mail: njones@cityofwarren.org or contact us by U.S. Mail at the address listed above, to express any views you may have pertaining to this matter.

Sincerely,
Board of Appeals

OFFICE OF THE CITY COUNCIL

Patrick Green, (Mayor Pro Tem) President, At Large
Gary Watts, Vice-President, Dist. 4
Mindy Moore, Secretary, Dist. 3

Jonathan Lafferty, Asst. Sec'y, Dist. 2
Angela Rogensues, At Large

Ronald Papandrea, Dist. 1
Eddie Kabacinski, Dist. 5

ZONING BOARD OF APPEALS**SUMMARY OF VARIANCE REQUEST**

APPLICANT: DOETSCH ENVIRONMENTAL SERVICES (Sean Schotthoefer)
REPRESENTATIVE: SEAN SCHOTTHOEFER
COMMON DESCRIPTION: 13711 EIGHT MILE
PARCEL NUMBER: 12-13-36-351-016
ZONED DISTRICT: M-2

REASON: Petitioner seeks variances related to new construction.

ORDINANCES and REQUIREMENTS:

SECTION 4D.08. - FENCES, WALLS AND LANDSCAPE SCREENS IN FRONT YARD BETWEEN BUILDING LINE AND FRONT PROPERTY LINE. No fence, wall or landscape screen shall be constructed between the established building line and the front property line.

SECTION 4.32 - OFF-STREET PARKING REQUIREMENTS. (K) All off-street parking areas shall be provided with adequate ingress and egress, shall be hard surfaced with concrete or plant-mixed bituminous material (base may be stabilized gravel or equivalent), shall be maintained in a usable dustproof condition, shall be graded and drained to dispose of all surface water, provide protective bumper curbs as per Sections 4.32 (i) and 16.07, and shall otherwise comply with Section 2.46 and 16.05 of this ordinance.

SECTION 17.02 - INDUSTRIAL STANDARDS. M-2 (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.

VARIANCES REQUESTED: Permission to:

1. Allow a 6ft. decorative aluminum fence to the property line along 8 Mile and along Schoenherr.
2. Allow 32,170 sf of non-hard surface (gravel) for training purposes.
3. To hard surface no more than 25 ft. from the west setback along Schoenherr.

Previous Variance Requested: See attached sheet

CITY OF WARREN
Division of Buildings & Safety Engineering

NOTICE OF REJECTION

NAME OF APPLICANT: DOETSCH ENVIRONMENTAL SERVICES

Your request for **BUILDING PERMIT** has been **REJECTED**, as it does not meet the requirements of the City of Warren Zoning Ordinance #30 as follows:

SECTION 4D.08 FENCES, WALLS & LANDSCAPE SCREENS.
SECTION 4.32 OFF STREET PARKING REQUIREMENTS.
SECTION 17.02 INDUSTRIAL STANDARDS.

It is necessary for you to make application to the Zoning Board of Appeals to obtain a variance for the above noted sections.

dwenson, Zoning Inspector

\$440 SW 2/23/22
16 PLANS BEING SUBMITTED MUST BE PRE-FOLDED
A COPY OF ALL DOCUMENTS MUST BE SUBMITTED ELECTRONICALLY FOR
COMMERCIAL SUBMISSIONS **RECEIVED**

CITY OF WARREN ZONING BOARD OF APPEALS 2022
APPLICATION FOR VARIANCE

CITY OF WARREN
BUILDING DIVISION

PLEASE PRINT OR TYPE

Name of Applicant: Doetsch Environmental (Sean Schotthoefer)

Address: _____ Telephone: _____

Applicant's Email Address: _____ ☐ prefer email communication

Name and Address of Property Owner (if different) _____

Name of Representative: Sean Schotthoefer Telephone: _____

Representative's Address: _____

Representative's Email Address: _____ ☐ prefer email communication

Address of Property: 13711 E. 8 Mile Rd.

Parcel I.D. No. (as shown on tax bill): 13-36-351-016

Purpose of Request: 1. Requesting a variance for 22,495 sft of required parking in excess of what is provided.

2. Requesting a variance for 32,170 sft of gravel surface in lieu of pavement for training grounds use.

3. Requesting a variance for 25 ft of encroachment on the 50' front yard setback along Schoenherr Rd.

4. Requesting a variance to replace a fence within the 50' front yard, in the same location.

Please explain the nature of your hardship:

1. The use of the facility while requiring significant hard scape for maneuvering of vehicles, it does not require the equivalent standard vehicular parking.

2. The use of the facility also requires a training area so employees are trained to enter underground infrastructure, typically along side active traffic, in a safe manner. Using a paved surface for a training ground area that can also be served just the same with a gravel surface would add additional burden to the city's stormwater infrastructure.

3. The larger vehicles used at this facility require additional maneuvering space surrounding the facility. Additionally those vehicles require a larger enclosed building for protected storage and the site size does not allow for the full 50' front setback. However we are proposing a landscaped berm in lieu of the full setback.

4. The existing fence is in poor condition, as part of this project we are proposing to replace with a decorative fence along the street frontages, in the same location as the existing. Moving the new fence to the 50' setback may pose a safety issue and provide a screened from public view location to breach the fence.

Signature: Sean Schotthoefer Date: 2-22-2022

The approval of any land use or dimensional variance from the regulations of the Warren Zoning Ordinance does **NOT** affect or rescind any requirement of the ordinance to obtain site plan approval, Building Division permit or to otherwise comply fully with the Code of Ordinances, or other applicable State or Federal regulations

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE SEAN SCHOTTHOEFER
Name(s) of Person(s)
OF _____
Address, City, State _____ Zip _____ Telephone _____
THE PARTNER OF 3671 VERNOR HIGHWAY HOLDINGS
Title of Officer Name of Company
BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT IT
_____/RECORDED LAND CONTRACT PURCHASER(S) XX/RECORDED DEEDHOLDER(S)

OF LAND FOR WHICH SUBMITTAL HAS BEEN/WILL BE MADE TO THE CITY OF WARREN,
MACOMB COUNTY, MICHIGAN IN A:

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT _____
Name(s) of Person(s)

THE _____ OF _____
Title of Officer Name of Company

OF _____
Address, City, State _____ Zip _____ Telephone _____

IS/ARE/MY/OUR DESIGNATED REPRESENTATIVE(S) IN THE PROCESSING OF SAID PETITION.

FURTHER, DEPONENT SAYS NOT.

SIGNED  L.S.
SIGNED _____ L.S.*

*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF MACOMB

ON THIS 22 DAY OF FEBRUARY, 2022, BEFORE ME PERSONALLY CAME
SEAN SCHOTTHOEFER, TO ME KNOWN TO BE THE INDIVIDUAL (S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT, FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT HE DID SO OF HIS OWN FREE WILL AND DEED.

DIANN REGELBRUGGE
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WAYNE
My Commission Expires November 25, 2026
Acting in the County of Macomb



NOTARY PUBLIC, MACOMB COUNTY, MICHIGAN
MY COMMISSION EXPIRES: 11-25-2026

NOTICE TO OWNER

If a representative appears on your behalf, they must be informed on all pertinent data relative to your request. Failure to answer any question from the Board could result in your request being delayed or denied. IT IS THEREFORE RECOMMENDED THAT YOU appear in person.

Non-use variances relate to the modification of applicable area, dimension or structural regulations. The concurring vote of five (5) members of the Board shall be required to approve a non-use variance. **No variation from the provisions or requirements of this article shall be authorized by the Board unless the Board finds that the applicant has demonstrated all of the following to establish there is a practical difficulty in complying with the article requirement.**

The reason you are seeking the variance must be something that is beyond your control. You cannot justify approval of a variance on the simple contention that it is inconvenient to follow the rules. What extraordinary situation affects only your property and no others in the vicinity or zone?

Use the space provided below to demonstrate how your request will meet the following criteria for a non-use variance.

VARIANCE 1. Waive 22,495 sft of required parking.

Unreasonable impact/burden. Strict compliance with area, setback, frontage, height, bulk or density requirements would unreasonably prevent the applicant from using the property for a permitted purpose, or would be unnecessarily burdensome.

The ordinance requiring parking are to be equivalent to the building area grossly overestimates the required parking needs for an industrial building. By nature, industrial buildings have a larger floor area to staff ratio and would require less traffic than other buildings. Strict compliance with the parking ordinance would significantly reduce available space needed for circulation of vehicles around the facility.

Not self-imposed . The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.

The condition is created by the zoning ordinance for outdoor parking, specifically for industrial buildings.

Property unique. The property has unique physical features or characteristics; or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.

The size of the property does not allow for full compliance with the parking ordinance, and serve it's use.

Not a detriment. Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; and will not cause public safety concerns.

Granting of this variance has no affect on the public or adjacent facilities, economically or otherwise.

Not personal or economic. The variance request is not primarily related to personal or economic hardship, rather, it is related to the unique features of the property.

The condition is created by the zoning ordinance for outdoor parking, specifically for industrial buildings.

Necessary. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that enjoyed by other properties in the same zoning district and in the vicinity.

The variance is required to effectively and efficiently utilize the land for the intended industrial use, similar to other industrial properties.

Non-use variances relate to the modification of applicable area, dimension or structural regulations. The concurring vote of five (5) members of the Board shall be required to approve a non-use variance. **No variation from the provisions or requirements of this article shall be authorized by the Board unless the Board finds that the applicant has demonstrated all of the following to establish there is a practical difficulty in complying with the article requirement.**

The reason you are seeking the variance must be something that is beyond your control. You cannot justify approval of a variance on the simple contention that it is inconvenient to follow the rules. What extraordinary situation affects only your property and no others in the vicinity or zone?

Use the space provided below to demonstrate how your request will meet the following criteria for a non-use variance. **VARIANCE 2. Gravel surface in lieu of pavement for training grounds use.**

Unreasonable impact/burden. Strict compliance with area, setback, frontage, height, bulk or density requirements would unreasonably prevent the applicant from using the property for a permitted purpose, or would be unnecessarily burdensome.

It is our understanding that the intent of the ordinance requiring a paved surface is to provide a driveable surface for the public or costumers accessing the site. The specific area requested as gravel is only for the employees during training activities. A paved surface would be an unnecessary burden both in the short term and in long term maintenance.

Not self-imposed . The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.

The condition is created by the unique service provided by Doetsch Environmental and training required for the safety of the staff and public.

Property unique. The property has unique physical features or characteristics; or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.

The hardship is due to the need for a facility that is easy to maintain, with adequate space, to facilitate for training of staff to perform dangerous but necessary confined space entries, with equipment, in a safe manner. Providing a paved surface would be a unnecessary burden.

Not a detriment. Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; and will not cause public safety concerns.

Granting the variance does not pose an detriment to nearby facilities. The gravel training area will be screed with landscaping and is not visible to the public. Furthermore, not granting the variance, will have a negative environmental impact by adding additional stormwater discharge to an already undercapacity and aging public storm system and county drains, contributing to higher risk of flooding.

Not personal or economic. The variance request is not primarily related to personal or economic hardship, rather, it is related to the unique features of the property.

The variance request is in the best interest of the environment through better management of storm water that would need to be discharged to the public drains.

Necessary. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that enjoyed by other properties in the same zoning district and in the vicinity.

The variance is necessary to reduce stormwater management burden to public infrastructure.

Non-use variances relate to the modification of applicable area, dimension or structural regulations. The concurring vote of five (5) members of the Board shall be required to approve a non-use variance. **No variation from the provisions or requirements of this article shall be authorized by the Board unless the Board finds that the applicant has demonstrated all of the following to establish there is a practical difficulty in complying with the article requirement.**

The reason you are seeking the variance must be something that is beyond your control. You cannot justify approval of a variance on the simple contention that it is inconvenient to follow the rules. What extraordinary situation affects only your property and no others in the vicinity or zone?

Use the space provided below to demonstrate how your request will meet the following criteria for a non-use variance. **VARIANCE 3. Encroach front 50 foot front setback by 25 ft, along Schoenherr Rd.**

Unreasonable impact/burden. Strict compliance with area, setback, frontage, height, bulk or density requirements would unreasonably prevent the applicant from using the property for a permitted purpose, or would be unnecessarily burdensome.

Strict compliance with the yard setbacks would result in 1.4 acres of the total 6.74 acre parcel to be un-usable for the purposes of an industrial site. This is primarily because the site is a corner parcel on two major roads. The setbacks from 8 Mile and Schoenherr are 1.2 acres. Additionally given the limited width of the parcel in the east-west direction, complying with the full 50 ft setback along Schoenherr frontage would prohibit proper traffic circulation for the facility.

Not self-imposed . The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.

The condition is solely based on the shape and location of the parcel, specifically a corner parcel along two major thoroughfares.

Property unique. The property has unique physical features or characteristics; or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.

The condition is solely based on the shape and location of the parcel, specifically a corner parcel along two major thoroughfares.

Not a detriment. Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; and will not cause public safety concerns.

Granting the variance will not result in a detriment to nearby properties. Schoenherr Rd. is a four lane road with a 120' right-of-way. There is currently already a 37' green belt from the back of curb of Schoenherr Rd to the property line.

Not personal or economic. The variance request is not primarily related to personal or economic hardship, rather, it is related to the unique features of the property.

The condition is solely based on the shape and location of the parcel, specifically a corner parcel along two major thoroughfares.

Necessary. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that enjoyed by other properties in the same zoning district and in the vicinity.

The existing properties adjacent to the development, specifically immediately north of the proposed site already do not provide a full 50 ft front setback. The proposed 25' front yard will be bermed and landscaped to provide additional screening

Non-use variances relate to the modification of applicable area, dimension or structural regulations. The concurring vote of five (5) members of the Board shall be required to approve a non-use variance. **No variation from the provisions or requirements of this article shall be authorized by the Board unless the Board finds that the applicant has demonstrated all of the following to establish there is a practical difficulty in complying with the article requirement.**

The reason you are seeking the variance must be something that is beyond your control. You cannot justify approval of a variance on the simple contention that it is inconvenient to follow the rules. What extraordinary situation affects only your property and no others in the vicinity or zone?

Use the space provided below to demonstrate how your request will meet the following criteria for a non-use variance. **VARIANCE 4. Replace existing fence within front setback**

Unreasonable impact/burden. Strict compliance with area, setback, frontage, height, bulk or density requirements would unreasonably prevent the applicant from using the property for a permitted purpose, or would be unnecessarily burdensome.

We believe that strict compliance with the fence setback may pose a safety concern in addition to undo burden in maintenance of infrastructure such as pavement, curbs, storm sewer and fire hydrant. Additionally the fence would need to be jogged back around the proposed hydrants to allow fire department access if we are to comply with the ordinance.

Not self-imposed . The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.

The hardship is due to the available space of the site given additional restrictions and setbacks, and the proposed industrial use, as is allowed by zoning.

Property unique. The property has unique physical features or characteristics; or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.

The hardship is due to the available space of the site given additional restrictions and setbacks, and the proposed industrial use, as is allowed by zoning.

Not a detriment. Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; and will not cause public safety concerns.

Granting the variance will not result in a detriment, to the contrary it will improve the safety of the facility, including prohibiting access to large underground infrastructure (training storm sewer and shaft) to the public.

Not personal or economic. The variance request is not primarily related to personal or economic hardship, rather, it is related to the unique features of the property.

The variance request is related to the unique requirements of the business, specifically access to large underground infrastructure for training. Further more locating the fence at the setback, behind screening berms and landscaping would allow for less public visibility to a breach of the fence, and thus a less secure environment.

Necessary. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that enjoyed by other properties in the same zoning district and in the vicinity.

Adjacent properties encroach on the setbacks and enjoy the full use of their properties. Not allowing the variance would prohibit secure access to approximately 15% of the overall property.

13711 E. Eight Mile Road

Townsend Neon, Inc.
21840 Eureka Road
Taylor, Michigan
Rep: A.P. Edwards

Request denied at meeting of Feb. 15, 1967

1. Permission to erect a sign in front of the main showroom containing 150 SF 42' high w/ outer edge 1 ft from the street sidewalk
2. Permission to erect a sign in front of the used car lot containing 70 SF 22' high & the outer edge of the sign to be 1 ft

13711 E. Eight Mile Road

Al Long Ford
13711 E. 8 Mile Road
Warren, Michigan
Rep: Townsend Neon, Inc.

Request denied at meeting of May 10, 1967

1. Permission to erect a 41'6" high sign containing 151 SF & located 1 ft. from the Schuenherr St & the 8 mile Rd corner
2. Permission to erect a 23' high sign containing 78 SF, ~~containing~~ 1 ft from 8 mile Rd in front of used car office

13711 E. Eight Mile Rd.

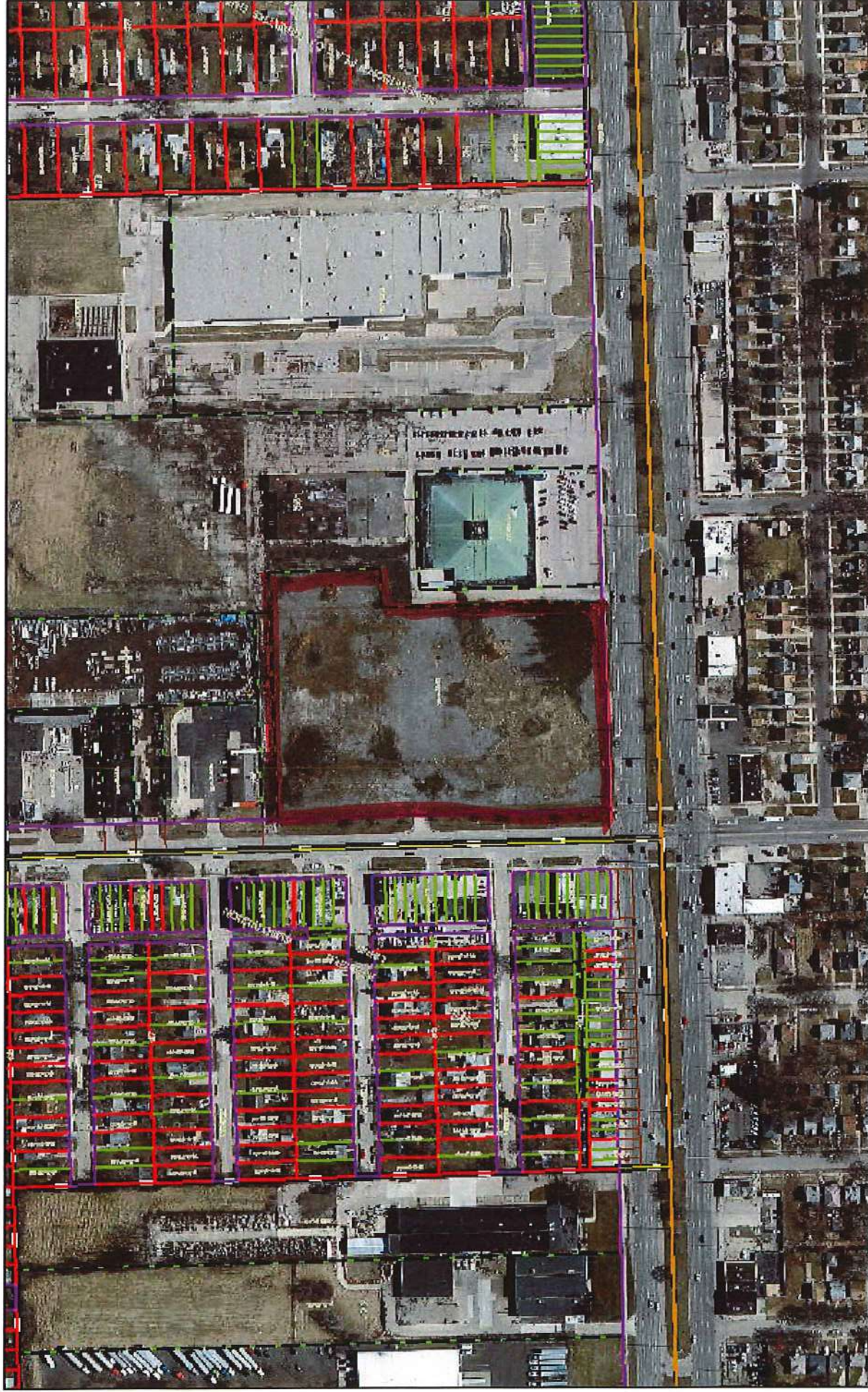
Al Long Ford 13-36-351-008

Granted permission at the meeting of 7/12/89 to erect a 6 ft. 10 in. x 23 ft. 3 in. (162 sq. ft.) ground sign, 41 ft. 6 in. high, to no less than one ft. of the property line along Eight Mile Rd.

13711 East Eight Mile Road

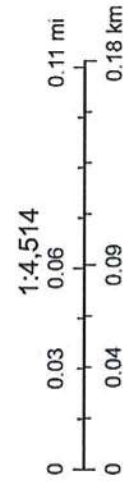
Al Long Ford/John Freund- also known as 13-36-351-008- Granted permission to erect one (1), 44-square-foot, wall sign and one (1) 22-square-foot, wall sign. in addition to 194 square feet of existing signage, for a total of 266 square feet, with the condition the illumination on the new wall signs is turned off at 10:00 p.m.

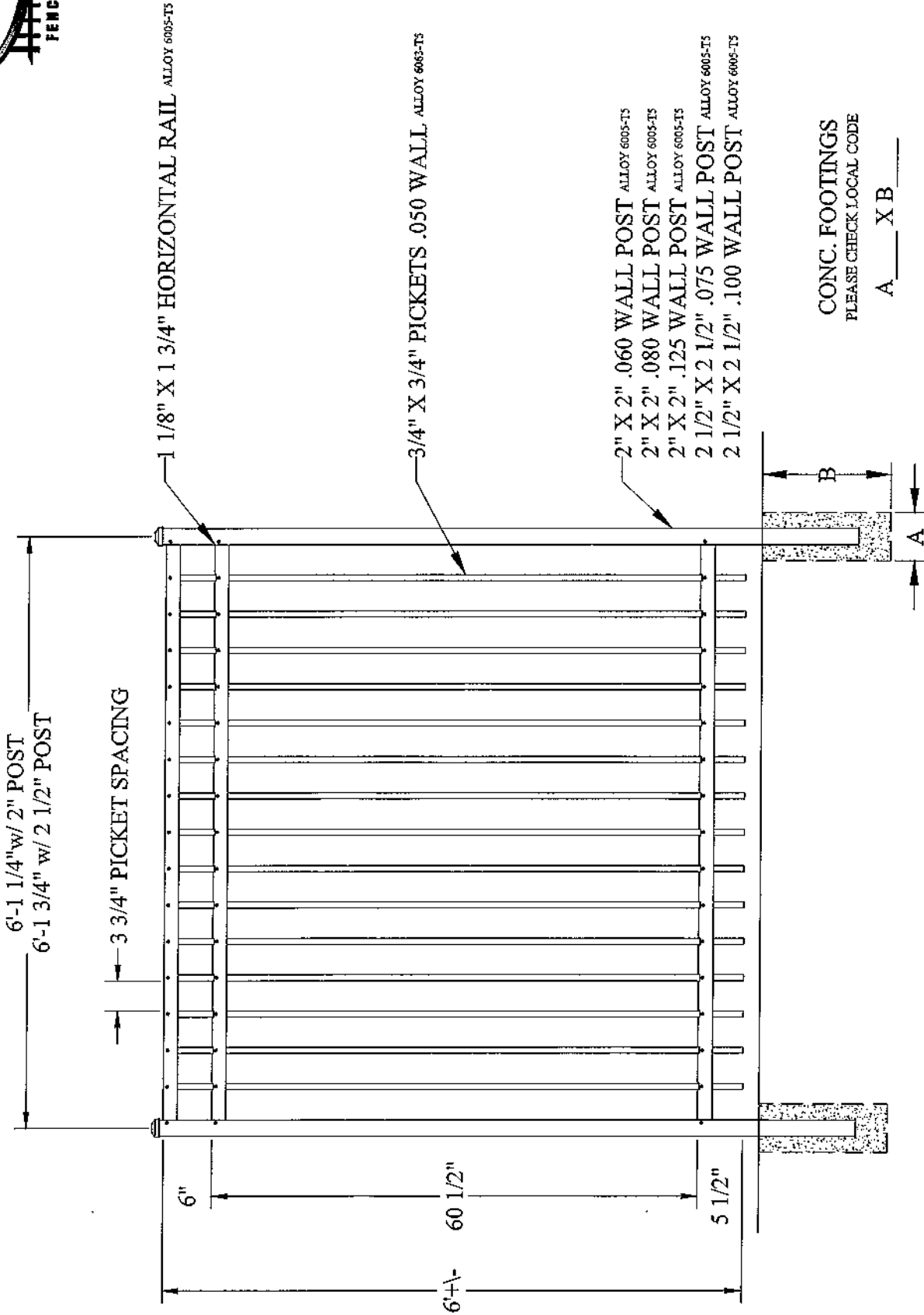
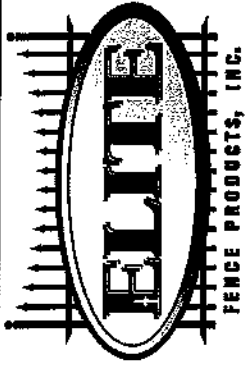
ArcGIS Web Map



3/21/2022, 10:34:55 AM

-  Platted Area Boundaries
-  Property Area Boundaries
-  Property Lines - Retired
-  Property Lines - Core
-  100 - Parcel
-  101 - ParcelROW
-  106 - ParcelWaterCombine
-  107 - ParcelWater
-  108 - ParcelCombine
-  109 - ParcelSplit
-  201 - SubClosure
-  202 - ParcelRoad
-  205 - TwpClosure





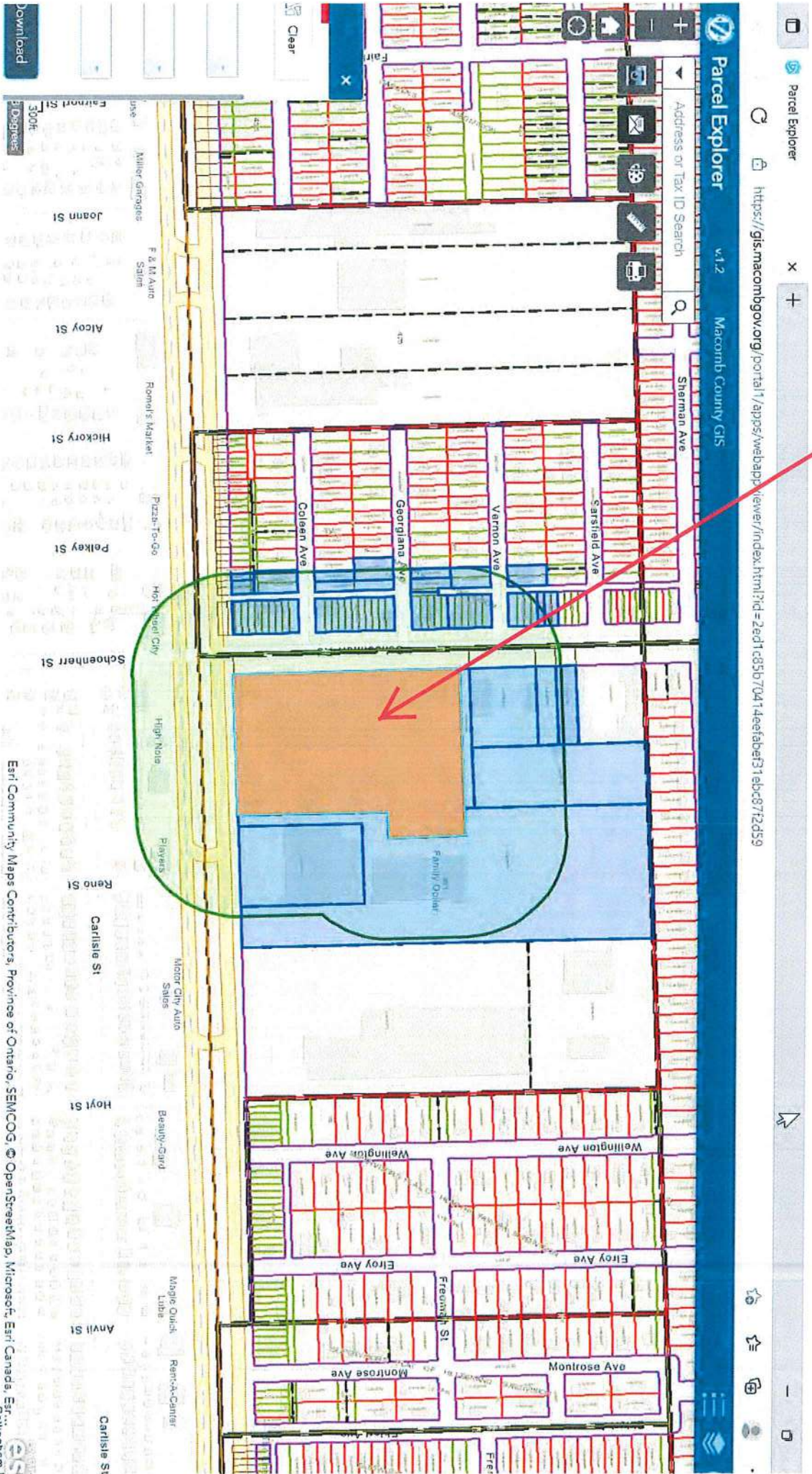
This drawing is the property of Elite Fence Products, Inc. It is not to be reproduced, copied, or traced in whole or part without written permission. See product specifications for installation requirements.

NOTE: DRAWING NOT TO SCALE. ALL SECTIONS COME FULLY ASSEMBLED.

EFF-20 COMMERCIAL	6' HIGH 3-RAIL ALUMINUM FENCE PANEL 1-1-16 V.1.0 K.S. STD. DRAWING	CONTRACTOR PROJECT	COLOR DATE	50925 RICHARD W BLVD CHESTERFIELD TOWNSHIP, MI 48051 WWW.ELITEFENCE.COM 1-800-783-1331

13711 Eight Mile
13-36-351-016

16



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



Zoning Board of Appeals
Office of the City Council
5460 ARDEN, SUITE 505
WARREN, MI 48092
P: (586) 258-2060
F: (586) 268-0606

NOTICE OF PUBLIC HEARING

The Warren Board of Appeals will hold a Public Hearing in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan on:

WEDNESDAY: APRIL 13, 2022 at 7:30 P.M.

Applicant: DOETSCH ENVIRONMENTAL SERVICES (SEAN SCHOTTHOEFER)
Common Description: 13711 EIGHT MILE

VARIANCE(S) REQUESTED: Permission to:

- 1) Allow a 6 ft. decorative aluminum fence to the property line along Eight Mile and along Schoenherr.
- 2) Allow 32,170 square ft. of non-hard surface (gravel) for training purposes.
- 3) Hard surface no more than 25 ft. from the west setback along Schoenherr.

PLEASE NOTE: WARREN'S ZONING ORDINANCE PROVIDES THAT THIS NOTICE BE SENT TO THOSE PERSONS OWNING PROPERTY WITHIN 300 FEET OF THE PROPERTY INVOLVED.

IF THE ADDRESS THIS NOTICE IS MAILED TO CONTAINS MORE THAN FOUR (4) DWELLING UNITS LEASED BY DIFFERENT PERSONS, THIS NOTICE SHALL BE POSTED AT THE PRIMARY ENTRANCE.

Any person with a disability who needs accommodation for participation in this meeting should contact the Warren City Council Office at (586) 258-2052 – at least 48 hours in advance of the meeting to request assistance.

You may e-mail: njones@cityofwarren.org or contact us by U.S. Mail at the address listed above, to express any views you may have pertaining to this matter.

Sincerely,
Board of Appeals

OFFICE OF THE CITY COUNCIL

Patrick Green, (Mayor Pro Tem) President, At Large
Gary Watts, Vice-President, Dist. 4
Mindy Moore, Secretary, Dist. 3

Jonathan Lafferty, Asst. Sec'y, Dist. 2
Angela Rogensues, At Large

Ronald Papandrea, Dist. 1
Eddie Kabacinski, Dist. 5

CITY OF WARREN

ZONING BOARD OF APPEALS

SUMMARY OF VARIANCE REQUEST

APPLICANT: 28805 MOUND ROAD LLC

REPRESENTATIVE: REID COOKSEY

COMMON DESCRIPTION: 28805 MOUND

PARCEL NUMBER: 12-13-17-226-032

ZONED DISTRICT: C-2

REASON: Petitioner seeks variances related to renovation.

ORDINANCES and REQUIREMENTS:

SECTION 4.32 - OFF-STREET PARKING REQUIREMENTS. (l) All spaces that abut a continuous curb required in accordance with section 16.07 of this ordinance or a common property line shall be laid out in the following dimensions, including off-street maneuvering lanes: type: 90 degree, length: 22 ft. all spaces that do not abut a continuous curb required in accordance with section 16.07 or a common property line shall be laid out in the following dimensions: type: 90 degree, length, 20ft.

SECTION 14.06 - Front yard for commercial buildings. A front yard set-back of fifteen (15) feet shall be provided for commercial buildings, measuring from the right-of-way line proposed by the Master Thoroughfare plan of the City of Warren.

SECTION 14.08 - SIDE YARDS ON THE STREET SIDE OF CORNER LOTS. The width of a side yard abutting upon a street shall be not less than fifteen (15) feet when rear yards abut rear yards. However, in the case of a rear yard abutting a side yard of an adjacent residential lot, the side Yard abutting upon a street shall be not less than twenty-five (25) feet.

SECTION 14.09 - REAR YARDS. In C-2 districts, a rear yard of not less than twenty (20) feet shall be required.

SECTION 14.04 - GREENBELT .All non-residential uses, when adjacent to an existing residence or residential district or adjacent to an alley which abuts an existing residence or residential district, shall provide and maintain a twenty (20) foot greenbelt, or decorative wall, in compliance with section 2.26 of this ordinance.

VARIANCES REQUESTED: Permission to:

1. Allow parking spaces with an 18 ft. length.
2. Retain hard-surfacing for parking to no less than 9.5 ft. in the front set back.
3. Retain a building no less than 4 ft. from the side (south) property line
4. Retain a building no less than 20.8 ft. from the rear (west) property line.
5. Retain a building no less than 9.5 ft. from the front (east) property line.
6. Allow a 6 ft. high decorative privacy fence and curbing along the rear (west) property line.

Previous Variance Requested: See attached sheet

dwenson, Zoning Inspector 01/28/2022 03/14/2022 (M) (P) (C)

CITY OF WARREN
Division of Buildings & Safety Engineering

NOTICE OF REJECTION

NAME OF APPLICANT: 28805 MOUND ROAD LLC

Your request for **BUILDING PERMIT** has been **REJECTED**, as it does not meet the requirements of the City of Warren Zoning Ordinance #30 as follows:

SECTION 14.06 FRONT YARD.
SECTION 14.08 SIDE YARDS.
SECTION 14.09 REAR YARDS.
SECTION 14.04 GREENBLET.

It is necessary for you to make application to the Zoning Board of Appeals to obtain a variance for the above noted sections.

dwenson, Zoning Inspector

11/28/22
D. J. W.
B-410
(rev 11/31)

16 PLANS BEING SUBMITTED MUST BE PRE-FOLDED
A COPY OF ALL DOCUMENTS MUST BE SUBMITTED ELECTRONICALLY FOR
COMMERCIAL SUBMISSIONS

CITY OF WARREN ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

PLEASE PRINT OR TYPE

Name of Applicant: 28805 Mound Road, LLC

Address: _____ Telephone: _____

Applicant's Email Address: _____ ☒ prefer email communication

Name and Address of Property Owner (if different) _____

Name of Representative: _____ Telephone: _____

Representative's Address: _____

Representative's Email Address: _____ ☒ prefer email communication

Address of Property: 28805 Mound Road, Warren MI

Parcel I.D. No. (as shown on tax bill): 13-17-226-030, 031, 032

Purpose of Request: _____

1. Variance needed for a reduction in required parking
2. Reduction in parking stall length
3. 6 ft high screening fence in lieu of a 6 ft brickwall or 25 ft green belt

Please explain the nature of your hardship:

Due to limited site area and existing building location, there is a limited area for parking. To maximize parking a reduction in parking
stall length to meet existing dimensions is required. Screening is also required and due to limited existing dimensions is required.
Screening is also required and due to limited site spacing, a recommendation from the Planner is to replace the wall requirement
with a 6 ft wooden screening fence.

Signature: B. J. W. Date: 1/31/2022

The approval of any land use or dimensional variance from the regulations of the Warren Zoning Ordinance does **NOT** affect or rescind any requirement of the ordinance to obtain site plan approval, Building Division permit or to otherwise comply fully with the Code of Ordinances, or other applicable State or Federal regulations

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE William Gershenson
Name(s) of Person(s)
OF _____
Address, City, State _____ Zip _____ Telephone _____
THE Manager OF 28805 Mound Road LLC
Title of Officer Name of Company
BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT 28805 Mound Road LLC
_____/RECORDED LAND CONTRACT PURCHASER(S) X/RECORDED DEEDHOLDER(S)

OF LAND FOR WHICH SUBMITTAL HAS BEEN/WILL BE MADE TO THE CITY OF WARREN,
MACOMB COUNTY, MICHIGAN IN A:

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT J. Reid Cooksey *
Name(s) of Person(s)
THE Design Engineer OF Stonefield Engineering & Design *
Title of Officer Name of Company
OF 607 Shirley Street, Suite 200, Detroit, MI 70240
Address, City, State Zip Telephone

IS/ARE/MY/OUR DESIGNATED REPRESENTATIVE(S) IN THE PROCESSING OF SAID PETITION.

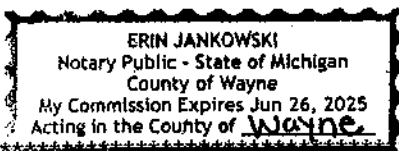
FURTHER, DEPONENT SAYS NOT.

SIGNED B. An L.S.
SIGNED MB L.S.*

*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF Wayne

ON THIS 31 DAY OF January, 2022, BEFORE ME PERSONALLY CAME
Erin Jankowski, TO ME KNOWN TO BE THE INDIVIDUAL (S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT, FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT they DID SO OF their OWN FREE WILL AND DEED.



U. J.
NOTARY PUBLIC, Wayne COUNTY, MICHIGAN
MY COMMISSION EXPIRES: 2025

NOTICE TO OWNER

If a representative appears on your behalf, they must be informed on all pertinent data relative to your request. Failure to answer any question from the Board could result in your request being delayed or denied. IT IS THEREFORE RECOMMENDED THAT YOU appear in person.

Non-use variances relate to the modification of applicable area, dimension or structural regulations. The concurring vote of five (5) members of the Board shall be required to approve a non-use variance. **No variation from the provisions or requirements of this article shall be authorized by the Board unless the Board finds that the applicant has demonstrated all of the following to establish there is a practical difficulty in complying with the article requirement.**

The reason you are seeking the variance must be something that is beyond your control. You cannot justify approval of a variance on the simple contention that it is inconvenient to follow the rules. What extraordinary situation affects only your property and no others in the vicinity or zone?

Use the space provided below to demonstrate how your request will meet the following criteria for a non-use variance.

Unreasonable impact/burden. Strict compliance with area, setback, frontage, height, bulk or density requirements would unreasonably prevent the applicant from using the property for a permitted purpose, or would be unnecessarily burdensome.

1. The existing building and site features are being reutilized and with the limited site area there is not enough space to meet the required parking
2. With the limited site area in order to maximum parking a reduction in parking stall length is required
3. Screening is required along the western boundary, at the recommendation of the Planning Department and Planning Commission the screening should be a 6 ft high privacy fence in lieu of a 6 ft brick wall or 25 ft greenbelt due to limited space on site

Not self-imposed . The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.

1. The lot size is limited with the parking area and building are to remain and not something that is self created
2. The lot size is limited with the parking area and building are to remain and not something that is self created
3. Limited parcel area with existing site features to remain does not provide space for the construction of the brick wall or greenbelt. Planning Staff and Planning Commission have both supported a 6 ft privacy fence in lieu of these requirements

Property unique. The property has unique physical features or characteristics; or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.

1. The parcel size with existing building and site features being reutilized are unique to this property
2. The parcel size with existing building and site features being reutilized are unique to this property
3. The parcel size with existing building and site features being reutilized are unique to this property

Not a detriment. Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; and will not cause public safety concerns.

1. The variance of a reduction in parking will still meet all needs of the proposed tenants and not impact any nearby properties
2. The variance in reduction in parking stall length is needed to provide as much parking as possible, this reduction will not impact any nearby properties
3. The variance for a change to a 6 ft privacy fence is still in harmony with the ordinance requirements and will not impact any nearby properties

Not personal or economic. The variance request is not primarily related to personal or economic hardship, rather, it is related to the unique features of the property.

1. The lot size is limited with the parking area and building are to remain and not something that is due to economic or personal hardship
2. The lot size is limited with the parking area and building are to remain and not something that is due to economic or personal hardship
3. Limited parcel area with existing site features to remain does not provide space for the construction of the brick wall or greenbelt. Planning Staff and Planning Commission have both supported a 6 ft privacy fence in lieu of these requirements and is not due to economic or personal hardship

Necessary. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that enjoyed by other properties in the same zoning district and in the vicinity.

1. A reduction in parking is required to reutilize the parcel with the same use due to the existing limited parcel area and location of the existing building
2. A reduction in parking stall width will allow the parcel to maximize parking and is necessary to use this parcel
3. Screening is required and to adequately provide this a change to a privacy fence is required due to limited site space

28805 Mound Road

Walter E. Williams
34420 Jefferson
Mt. Clemens, Michigan

Request denied at meeting of October 11, 1967

Request granted at meeting of 1-31-68.
~~10/11/1967 PERMISSION to construct a 70 x 29.5~~
~~building to the S PL & to within 5 ft of~~
~~the front PL. DENIED~~

11/31/1968 GRANTED permission to construct a
68 x 29.5 ft building to within 10 ft of the ft
property line & 5 ft. of the S PL, with the
condition that parking stall # 11 be eliminated.

28805 Mound Rd.

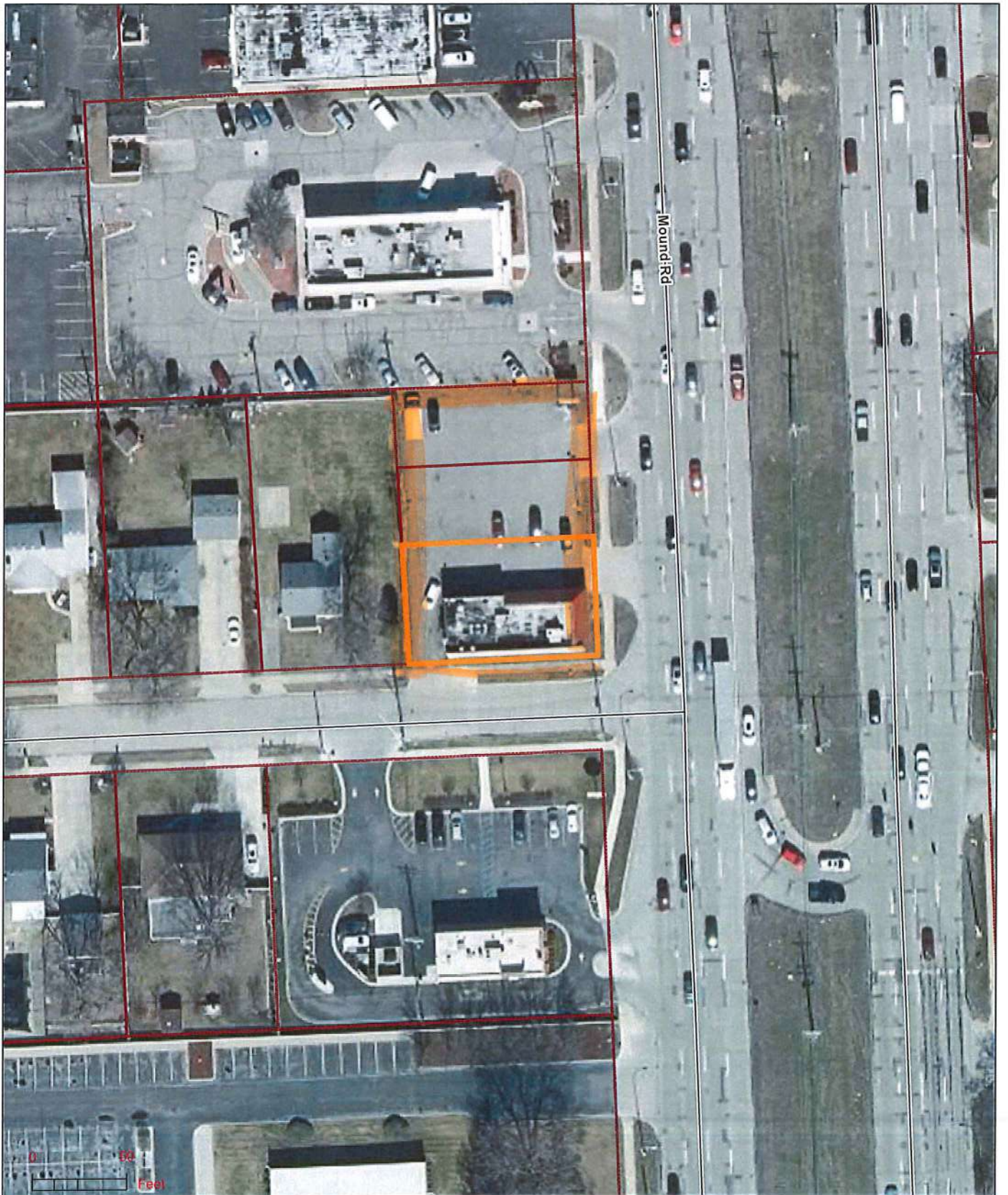
Mr. Bill Williams
8065 E. Nine Mile Rd.

Rep: Donald McColley
29277 Little Mack
Roseville

Request granted at Meeting of Oct. 30, 1968.

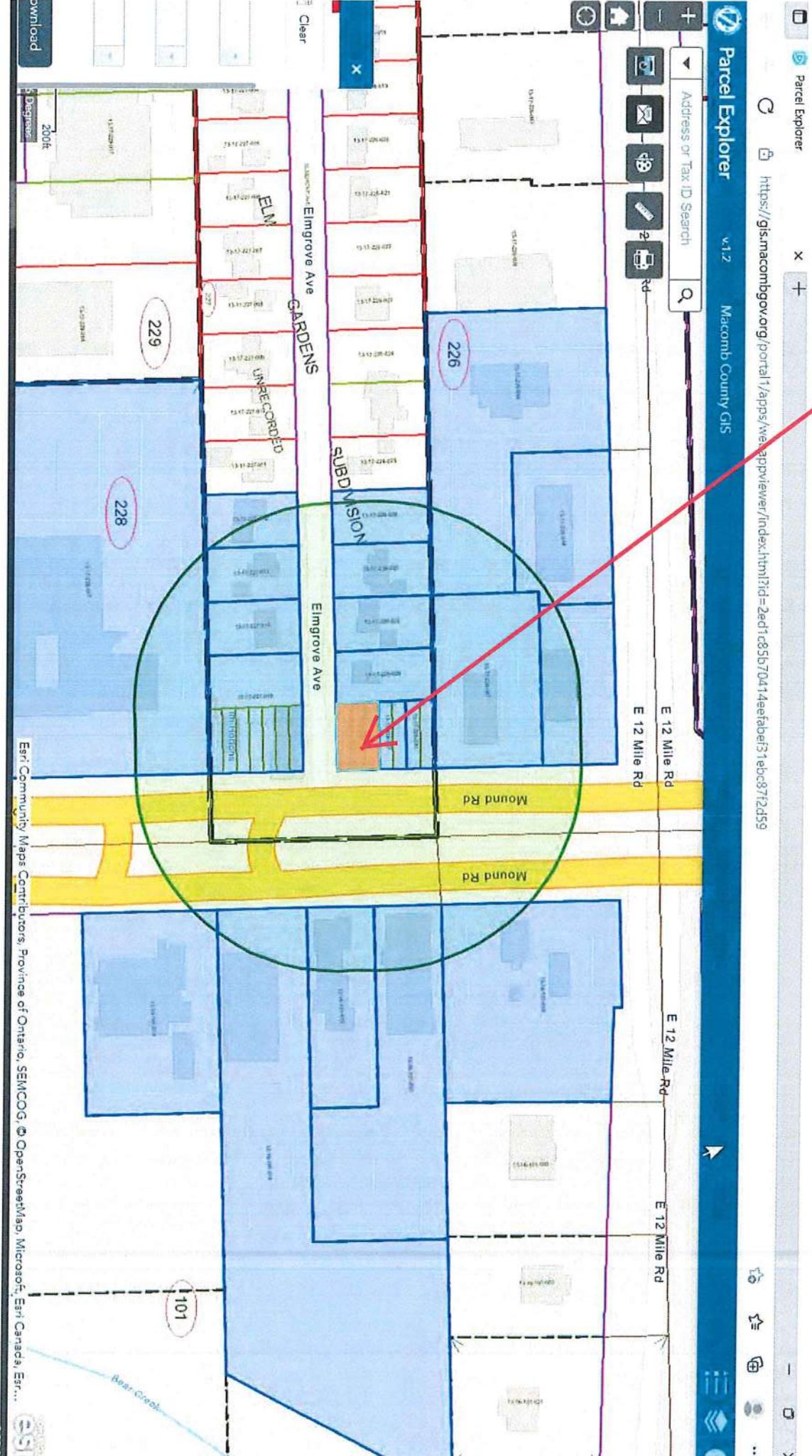
GRANTED Permission to erect a
14 ft. 9 in x 7 ft 9 in sign, 21 ft high
with the leading edge of the sign
5 ft from the front PL.

2021 WARREN



28805 Mound
13-17-226-032

19



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



Zoning Board of Appeals
Office of the City Council
5460 ARDEN, SUITE 505
WARREN, MI 48092
P: (586) 258-2060
F: (586) 268-0606

NOTICE OF PUBLIC HEARING

The Warren Board of Appeals will hold a Public Hearing in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan on:

WEDNESDAY: APRIL 13, 2022 at 7:30 P.M.

Applicant: 28805 MOUND ROAD LLC
Common Description: 28805 MOUND

VARIANCE(S) REQUESTED: Permission to:

- 1) Allow parking spaces with an 18 ft. length.
- 2) Retain hard-surfacing for parking to no less than 9.5 ft. in the front setback.
- 3) Retain a building no less than 4 ft. from the side (south) property line.
- 4) Retain a building no less than 20.8 ft. from the rear (west) property line.
- 5) Retain a building no less than 9.5 ft. from the front (east) property line.
- 6) Allow a 6 ft. high decorative privacy fence and curbing along the rear (west) property line.

PLEASE NOTE: WARREN'S ZONING ORDINANCE PROVIDES THAT THIS NOTICE BE SENT TO THOSE PERSONS OWNING PROPERTY WITHIN 300 FEET OF THE PROPERTY INVOLVED.

IF THE ADDRESS THIS NOTICE IS MAILED TO CONTAINS MORE THAN FOUR (4) DWELLING UNITS LEASED BY DIFFERENT PERSONS, THIS NOTICE SHALL BE POSTED AT THE PRIMARY ENTRANCE.

Any person with a disability who needs accommodation for participation in this meeting should contact the Warren City Council Office at (586) 258-2052 – at least 48 hours in advance of the meeting to request assistance.

You may e-mail: njones@cityofwarren.org or contact us by U.S. Mail at the address listed above, to express any views you may have pertaining to this matter.

Sincerely,
Board of Appeals

OFFICE OF THE CITY COUNCIL

Patrick Green, (Mayor Pro Tem) President, At Large
Gary Watts, Vice-President, Dist. 4
Mindy Moore, Secretary, Dist. 3

Jonathan Lafferty, Asst. Sec'y, Dist. 2
Angela Rogensues, At Large

Ronald Papandrea, Dist. 1
Eddie Kabacinski, Dist. 5

ZONING BOARD OF APPEALS - USE

SUMMARY OF VARIANCE REQUEST

APPLICANT: EWM-MILLER WASH, LLC

REPRESENTATIVE: JON PELLEGRENE

COMMON DESCRIPTION: 28740 MOUND

PARCEL NUMBER: 12-13-16-101-018

ZONED DISTRICT: MZ, M-2, C-2

REASON: Petitioner seeks variances regarding new carwash.

ORDINANCES and REQUIREMENTS:

SECTION 14.01 - USES PERMITTED. (P) Auto wash uses as regulated in this section. 3.

Automatic conveyor. An automatic conveyor is defined as an auto wash where the auto is attached to a conveyor to move the auto through the line as it is washed by machines and employees. An automatic conveyor auto wash shall be allowed only in C-3, M-1 and M-2 zones.

A. SITE DESIGN REQUIREMENTS: 1 .LOT AREA: C An automatic conveyor auto wash shall have a minimum lot area of twenty thousand (20,000) square feet with a minimum of one hundred fifty (150) feet of frontage along the major road.

VARIANCES REQUESTED: Permission to:

- 1, Allow an automatic conveyor carwash in a C-2 zone. **USE**
2. Allow an automatic conveyor carwash to operate on a property that has 134.39 ft. of frontage when 150 ft. is required.

Previous Variance Requested: See attached sheet

dwenson, Zoning Inspector 03/03/2022 03/22/2022 (M) (P) (C)

CITY OF WARREN
Division of Buildings & Safety Engineering

NOTICE OF REJECTION

NAME OF APPLICANT: EWM-MILLER WASH, LLC

Your request for **BUILDING PERMIT** has been **REJECTED**, as it does not meet the requirements of the City of Warren Zoning Ordinance #30 as follows:

SECTION 14.01 USES PERMITTED

It is necessary for you to make application to the Zoning Board of Appeals to obtain a variance for the above noted sections.

dwenson, Zoning Inspector

16 PLANS BEING SUBMITTED MUST BE PRE-FOLDED
A COPY OF ALL DOCUMENTS MUST BE SUBMITTED ELECTRONICALLY FOR
COMMERCIAL SUBMISSIONS

P A 109
MAR 18 2022

CITY OF WARREN ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

CITY OF WARREN
BUILDING DIVISION

PLEASE PRINT OR TYPE

Name of Applicant: EWM-Miller Wash, LLC

Address: _____

Applicant's Email Address: _____ ☒ prefer email communication

Name and Address of Property Owner (if different) ASH Ventures, LLC

Name of Representative: _____

Representative's Address: _____

Representative's Email Address: _____ ☒ prefer email communication

Address of Property: 28740 Mound Road, Warren, Michigan 48072

Parcel I.D. No. (as shown on tax bill): 12-13-16-101-018

Purpose of Request: Applicant requests the following: (1) Use Variance to permit an Automatic Conveyor Carwash to be operated on the property, which is permitted in the M-2 zoned rear portion of the property, but is not permitted in the C-2 front portion of the property; and (2) Non-Use Variance to Section 14.01(p)(3)(A)(1)(c) of the Zoning Ordinance to allow a 15.61' variance to the 150' of frontage required for the Automatic Conveyor Carwash, as the property has only 134.39' of frontage.

Please explain the nature of your hardship:

The property width is too narrow to allow for the feasible redevelopment of the property for most uses in the C-2 zoning district, as discussed in the attached Worksheets.

Signature: *J. Miller*

Date: 3/2/22

The approval of any land use or dimensional variance from the regulations of the Warren Zoning Ordinance does **NOT** affect or rescind any requirement of the ordinance to obtain site plan approval, Building Division permit or to otherwise comply fully with the Code of Ordinances, or other applicable State or Federal regulations

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE R. Andrew Martin Jr.
Name(s) of Person(s)
OF Warren MI 48090
Address, City, State Zip Telephone
THE Manager OF ASH VENTURES, LLC
Title of Officer Name of Company
BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT 1.17
I/We/It
 /RECORDED LAND CONTRACT PURCHASER(S) X/RECORDED DEEDHOLDER(S)

OF LAND FOR WHICH SUBMITTAL HAS BEEN/WILL BE MADE TO THE CITY OF WARREN,
MACOMB COUNTY, MICHIGAN IN A:

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT JON PELLEGRINE *
Name(s) of Person(s)

THE OWNER REPRESENTATIVE OF DEVELOPMENT MANAGEMENT ASSOCIATES, LLC *
Title of Officer Name of Company

OF
Address, City, State Zip Telephone

IS/ARE/MY/OUR DESIGNATED REPRESENTATIVE(S) IN THE PROCESSING OF SAID PETITION.

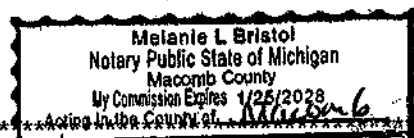
FURTHER, DEPONENT SAYS NOT.

SIGNED [Signature] L.S.
SIGNED [Signature] L.S.*

*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF Macomb

ON THIS 2nd DAY OF March, 2022, BEFORE ME PERSONALLY CAME
R. Andrew Martin Jr., TO ME KNOWN TO BE THE INDIVIDUAL (S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT, FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT He DID SO OF his OWN FREE WILL AND DEED.



Melanie L. Bristol
NOTARY PUBLIC, Macomb COUNTY, MICHIGAN
MY COMMISSION EXPIRES: 1/25/2028

NOTICE TO OWNER

If a representative appears on your behalf, they must be informed on all pertinent data relative to your request. Failure to answer any question from the Board could result in your request being delayed or denied. IT IS THEREFORE RECOMMENDED THAT YOU appear in person.

A land use variance allows property to be used for a specific use that otherwise is prohibited in the applicable zoning district. The concurring vote of six (6) members of the Board shall be required to approve a land use variance. **A land use variance shall not be authorized by the Board unless the Board finds that the applicant has demonstrated all of the criteria to establish an unnecessary hardship.**

The reason you are seeking the variance must be something that is beyond your control. You cannot justify approval of a variance on the simple contention that it is inconvenient to follow the rules. What extraordinary situation affects only your property and no others in the vicinity or zone?

Use the space provided below to demonstrate how your request will meet the following criteria for a land-use variance.

Property cannot be used as zoned. The characteristics of the property are such that it cannot be used for any use permitted in the zoning district; or the property can only be used for a permitted use at a prohibitive expense and therefore, will not yield a reasonable rate of return; or the characteristics of the property render it valueless or to have only distress value for any of the uses permitted by the zoning district; or this article as it applies to the property is unreasonable and arbitrary; or confiscatory.

- The narrow width of the front of the property prevents it from allowing a viable use and redevelopment of the property for those uses permitted under the C-2 General Business District zoning of the property. The property has a width of 134.39' at its Mound Road frontage, which width extends for a depth of 693.91' of the property (*see attached plan*). The property is too narrow for almost all permitted uses, which primarily include retail and restaurant uses. The long narrow parcel prevents a viable redevelopment of the property, and renders the property valuable to only those uses which can operate effectively on a long narrow parcel, such as the proposed auto carwash (please note that the rear +/- 60% of the property is zoned M-2, where the proposed carwash is a permitted use). This site limitation restricts the potential uses for the property and affects its value.
- The highest and best use for a long, narrow site is most likely a fast-food restaurant use, but the modern fast-food restaurant will require a wider site, to accommodate its building footprint, parking and a drive-through window. In reviewing the existing fast-food restaurants in Warren, the average width of such sites is 177', or 42' wider than the subject property (*see attached spreadsheet*). Other permitted uses in the C-2 zoning district include stores, banks, business offices, office-showrooms, clubs, Class-C establishments, schools and pawnshops. Any such use would either not be able to fit its desired footprint on the property, or would be so limited by the property width to require it to develop a less than ideal site layout, which would preclude such potential user from being able to receive a reasonable return on its investment considering the purchase price of the property, the development cost for a site, and the compromised building/site layout due to the limited property width.

Not self-imposed. The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.

- The property width is an existing condition of the property which was not created by the applicant or the previous property owner.

Property unique. The property has unique physical features or characteristics or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.

- The narrow width of the property is a unique physical characteristic of the property that is not due to general neighborhood conditions.

Not a detriment. Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; will not alter the essential character of the area; and will not cause public safety concerns.

- Granting the requested variance would not be detrimental to nearby properties, because the commercial use of the auto carwash is consistent with the other commercial uses in the Mound Road corridor south of Twelve Mile Road, which include an auto care facility, fast-food and sit-down restaurants, offices and retail uses. The auto carwash will not impair light or air to adjacent properties, as the footprint of the carwash building on the site occupies only a small portion of the property. The auto carwash will also not impair surrounding property values or alter the essential character of the area, as such use is consistent with the other commercial uses within the corridor. As can be seen by the attached plan, the proposed redevelopment of the property will retain the environmentally sensitive area east of the carwash footprint, which will preserve the woodlands and other natural features adjacent to Bear Creek. Finally, the auto carwash will not cause any public safety concerns, as the redevelopment proposes to utilize the existing driveway and curb-cut onto Mound Road, and is able to exceed the stacking space requirements of the zoning ordinance.

Necessary. The land use variance is necessary for the preservation and enjoyment of the property.

- There is no market to reuse the building on the site, so the site will be subject to redevelopment. As discussed above, any proposed commercial use for the property will likely require a site with a width greater than 134.39'. The proposed auto carwash use would allow the property to be redeveloped for a viable commercial use that is compatible with the surrounding area, and would allow the property owner to receive a reasonable rate of return for the property. Without the variance, it is unlikely that the property could be sold and operated for a viable use, thereby depriving the property owner of the ability to use its property for a viable purpose.

Non-use variances relate to the modification of applicable area, dimension or structural regulations. The concurring vote of five (5) members of the Board shall be required to approve a non-use variance. **No variation from the provisions or requirements of this article shall be authorized by the Board unless the Board finds that the applicant has demonstrated all of the following to establish there is a practical difficulty in complying with the article requirement.**

The reason you are seeking the variance must be something that is beyond your control. You cannot justify approval of a variance on the simple contention that it is inconvenient to follow the rules. What extraordinary situation affects only your property and no others in the vicinity or zone?

Use the space provided below to demonstrate how your request will meet the following criteria for a non-use variance.

Unreasonable impact/burden. Strict compliance with area, setback, frontage, height, bulk or density requirements would unreasonably prevent the applicant from using the property for a permitted purpose, or would be unnecessarily burdensome.

- If the land use variance for the auto carwash is granted, then strict compliance with the frontage requirement of 150' would be unnecessarily burdensome, because as shown on the attached plan, the proposed carwash can be developed and operate effectively on the existing 134.39' frontage. In general, strict compliance would also severely restrict the possible uses for the property. The property is too narrow for almost all permitted uses, which primarily include retail and restaurant uses. The long narrow parcel prevents a viable redevelopment of the property, and renders the property valuable to only those uses which can operate effectively on a long narrow parcel, such as the proposed auto carwash. This site limitation restricts the potential uses for the property and affects its value. The highest and best use for a long, narrow site is most likely a fast-food restaurant use, but the modern fast-food restaurant will require a wider site, to accommodate its building footprint, parking and a drive-through window. In reviewing the existing fast-food restaurants in Warren, the average width of such sites is 177', or 42' wider than the subject property (*see attached spreadsheet*). Other permitted uses in the C-2 zoning district include stores, banks, business offices, office-showrooms, clubs, Class-C establishments, schools and pawnshops. Any such use would either not be able to fit its desired footprint on the property, or would be so limited by the property width to require it to develop a less than ideal site layout, which would unreasonably prevent the property owner from using the property for many permitted purposes and would be unnecessarily burdensome

Not self-imposed. The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.

- The property width is an existing condition of the property which was not created by the applicant or the previous property owner.

Property unique. The property has unique physical features or characteristics; or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.

- The narrow width of the property is a unique physical characteristic of the property that is not due to general neighborhood conditions.

Not a detriment. Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; and will not cause public safety concerns.

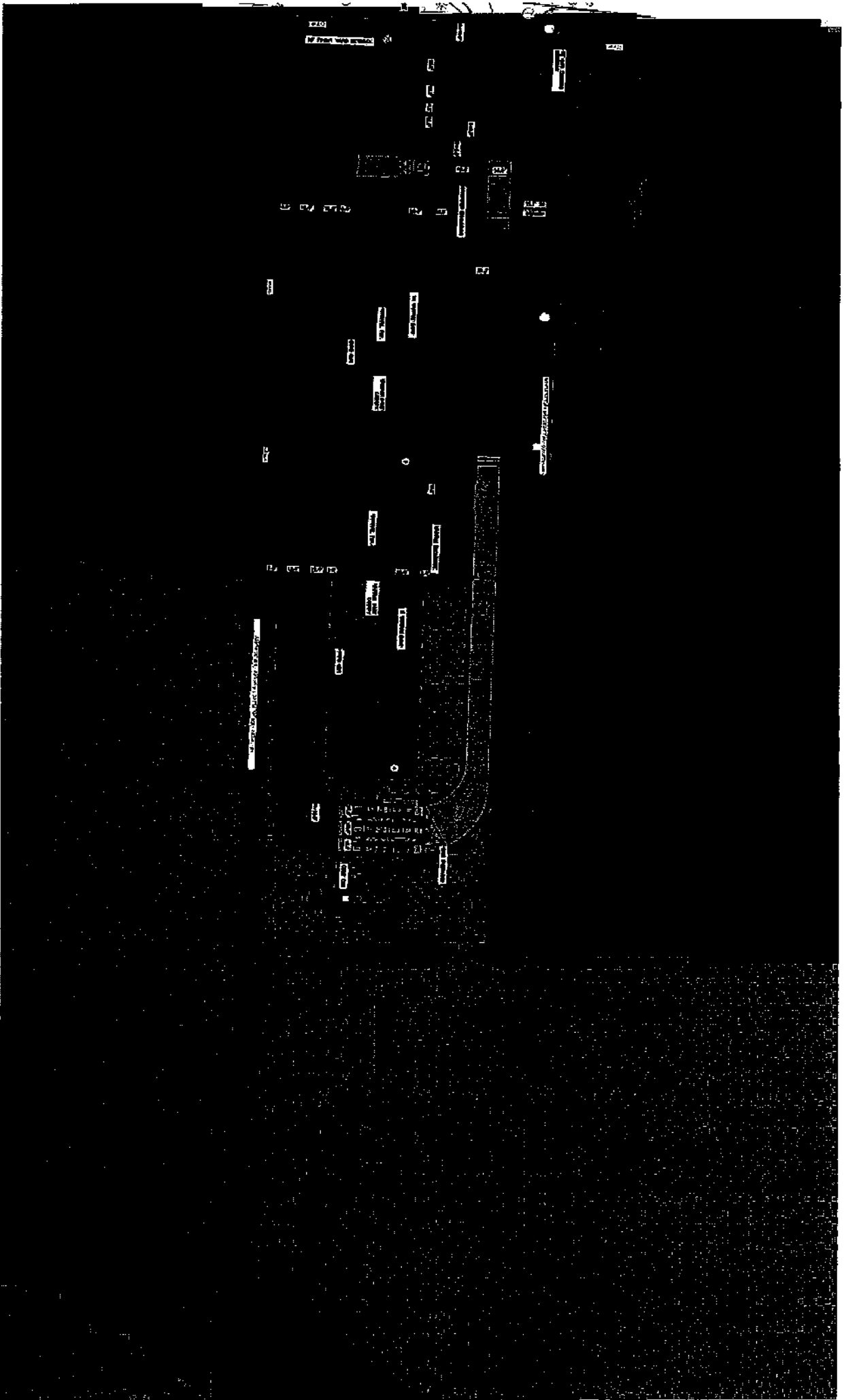
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Not personal or economic. The variance request is not primarily related to personal or economic hardship, rather, it is related to the unique features of the property.

- The lot-width variance is due to the unique narrow width of the property, which is a physical characteristic of the property that limits its potential uses. It is not related to personal or economic hardship of the property owner.

Necessary. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that enjoyed by other properties in the same zoning district and in the vicinity.

- There is no market to reuse the building on the site, so it will be subject to redevelopment. As discussed above, any proposed commercial use for the property will likely require a site with a width greater than 134.39'. The proposed auto carwash use would allow the property to be redeveloped for a viable commercial use that is compatible with the surrounding area, and would allow the property to be developed for a viable commercial use, which is a substantial property right of the owner enjoyed by the other properties zoned C-2 in the area. Without the variance, it is unlikely that the property could be sold and operated for a viable use, thereby depriving the property owner of its substantial property right to redevelop the property to allow it to be used for a viable commercial use.



Warren Fast-Food Restaurants

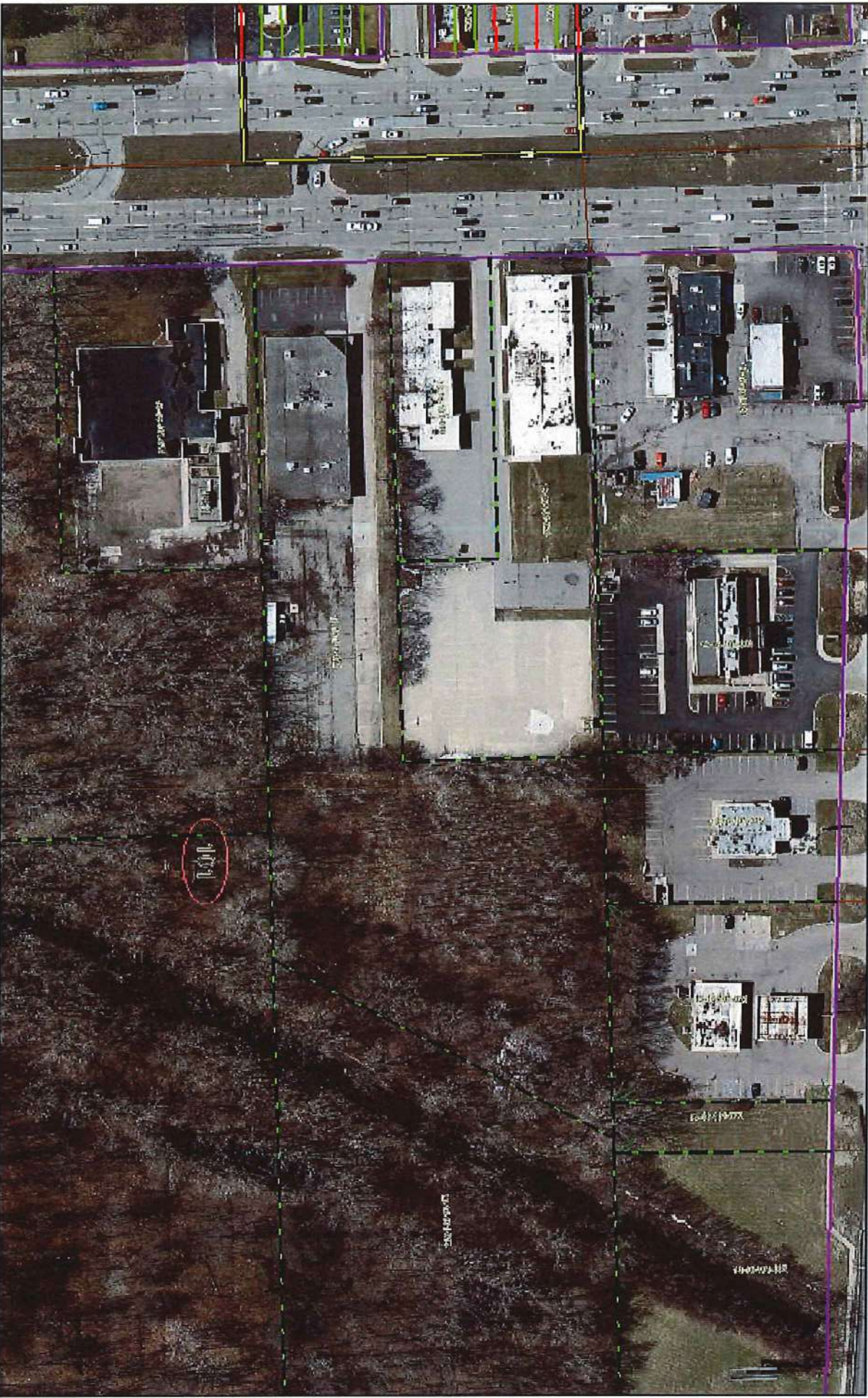
Address	Store	Frontage (ft)
28697 Mound Rd, Warren, MI 48092	Tim Hortons	140
28959 Mound Rd, Warren, MI 48092	McDonald's	160
27480 Van Dyke Ave, Warren, MI 48093	McDonald's	151
27400 Van Dyke Ave, Warren, MI 48093	Arby's	115
27033 Van Dyke Ave, Warren, MI 48093	Dunkin'	100
4240 E 14 Mile Rd, Warren, MI 48092	McDonald's	150
32155 Van Dyke Ave, Warren, MI 48093	McDonald's	232
30837 Schoenherr Rd, Warren, MI 48093	McDonald's	180
11566 E 10 Mile Rd, Warren, MI 48089	Arby's	128
11631 E 10 Mile Rd, Warren, MI 48089	McDonald's	150
2250 E 10 Mile Rd, Warren, MI 48091	McDonald's	131
23000 Van Dyke Ave, Warren, MI 48089	McDonald's	200
25100 Ryan Rd, Warren, MI 48091	Tim Hortons	228
24840 Ryan Rd, Warren, MI 48091	Burger King	138
24845 Ryan Rd, Warren, MI 48091	Wendy's	225
26900 Groesbeck Hwy, Warren, MI 48089	Tim Hortons	200
28877 Schoenherr Rd, Warren, MI 48088	Tim Hortons	368
26807 Hoover Rd, Warren, MI 48089	Tim Hortons	178
6004 Twelve Mile Rd, Warren, MI 48092	Kerby's Koney Island	200
23027 Van Dyke Ave, Warren, MI 48089	Burger King	198
27010 Hoover Rd, Warren, MI 48093	Burger King	149
5833 E 8 Mile Rd, Warren, MI 48091	Wendy's	123
20700 Mound Rd, Warren, MI 48091	Tim Hortons	189
11779 E 8 Mile Rd, Warren, MI 48089	Wendy's	241
31301 Van Dyke Ave, Warren, MI 48093	Wendy's	135
25345 Hoover Rd, Warren, MI 48089	Wendy's	152
15101 Twelve Mile Rd, Warren, MI 48088	Wendy's	150
15155 Twelve Mile Rd, Warren, MI 48088	Little Caesars Pizza	150
4105 E 8 Mile Rd, Warren, MI 48091	Taco Bell	214
26130 Hoover Rd, Warren, MI 48089	Taco Bell	202
11799 E Thirteen Mile Rd, Warren, MI 48093	Taco Bell	150
13343 E 10 Mile Rd, Warren, MI 48089	Taco Bell	202
27003 Hoover Rd, Warren, MI 48093	KFC	162
3445 Elm Rd NE, Warren, OH 44483	KFC	147
23450 Van Dyke Ave, Warren, MI 48089	KFC	232
28039 Mound Rd, Warren, MI 48092	Dairy Queen	204
	Average	177
	Subject Property	134.39

28740 Mound Road

Harold Chapman, Chapman Sign, Inc.

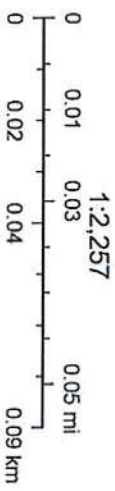
Granted permission at the meeting of 7-30-86 to erect
a 3'6" x 8'6" (29.75 sq. ft.) sign, 7'6" high to no
less than 5'9" of the front property line along
Mound Road.

ArcGIS Web Map



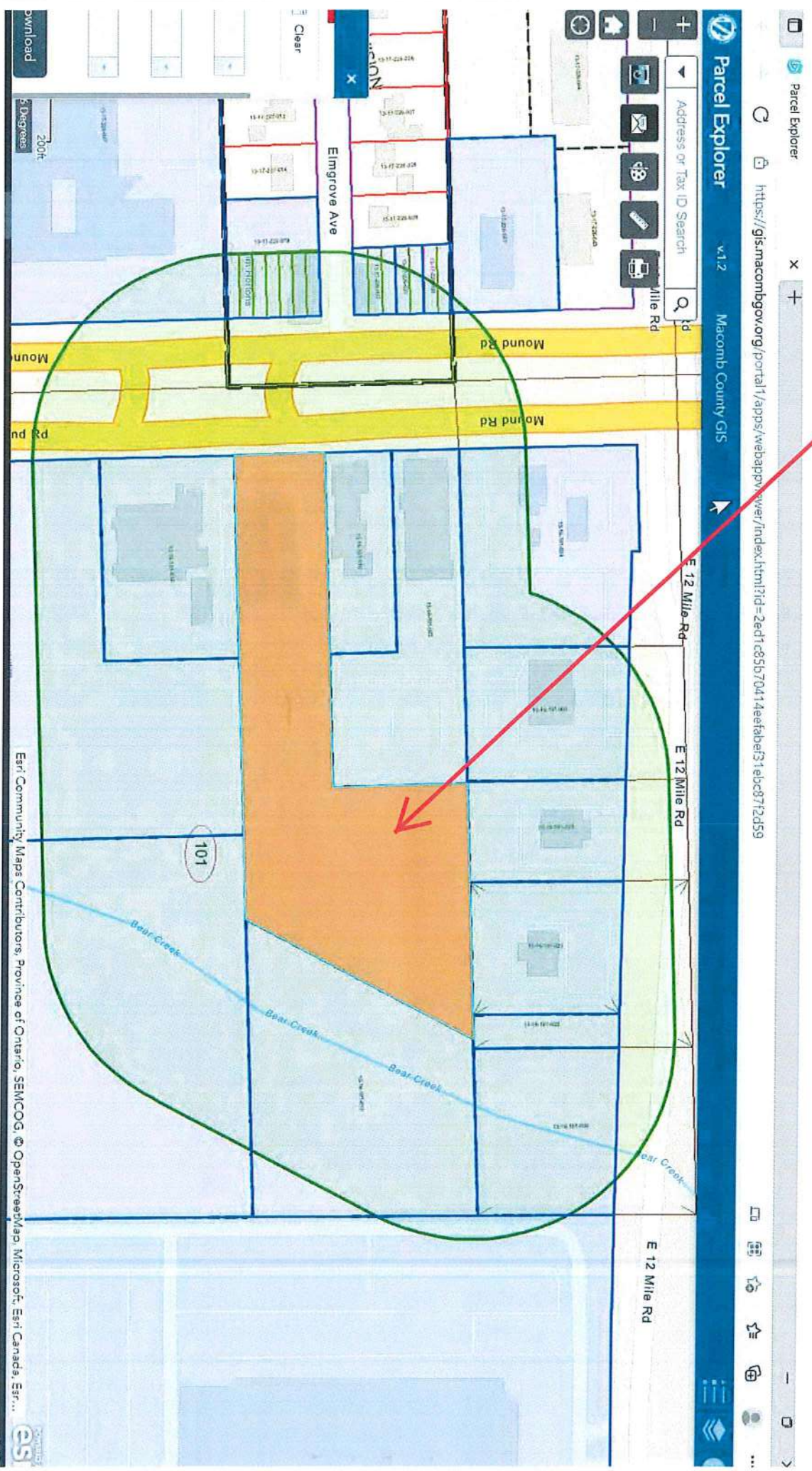
3/22/2022, 1:39:32 PM

- Platted Area Boundaries
- Property Area Boundaries
- Property Lines - Retired
- Property Lines - Drafting Detail
- 300 - TickMark
- 301 - MiscOrUnknown
- 303 - TextOvals
- 304 - LandHooks
- 306 - TraversalLines
- 307 - LeaderLines
- 308 - ExtentTickMark
- 314 - PrivateClaim
- Property Lines - Core
- 100 - Parcel



12/40 MOUND
13-16-101-018

15



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



Zoning Board of Appeals
Office of the City Council
5460 ARDEN, SUITE 505
WARREN, MI 48092
P: (586) 258-2060
F: (586) 268-0606

NOTICE OF PUBLIC HEARING

The Warren Board of Appeals will hold a Public Hearing in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan on:

WEDNESDAY: APRIL 13, 2022 at 7:30 P.M.

Applicant: EWM-MILLER WASH, LLC-~~USE~~-
Common Description: 28740 MOUND

VARIANCE(S) REQUESTED: Permission to: -~~USE~~-

- 1) Allow an automatic conveyor carwash in a C-2 zone. ~~Use~~
- 2) Allow an automatic conveyor carwash to operate on a property that has 134.39 ft. of frontage when 150 ft. is required.

PLEASE NOTE: WARREN'S ZONING ORDINANCE PROVIDES THAT THIS NOTICE BE SENT TO THOSE PERSONS OWNING PROPERTY WITHIN 300 FEET OF THE PROPERTY INVOLVED.

IF THE ADDRESS THIS NOTICE IS MAILED TO CONTAINS MORE THAN FOUR (4) DWELLING UNITS LEASED BY DIFFERENT PERSONS, THIS NOTICE SHALL BE POSTED AT THE PRIMARY ENTRANCE.

Any person with a disability who needs accommodation for participation in this meeting should contact the Warren City Council Office at (586) 258-2052 – at least 48 hours in advance of the meeting to request assistance.

You may e-mail: njones@cityofwarren.org or contact us by U.S. Mail at the address listed above, to express any views you may have pertaining to this matter.

Sincerely,
Board of Appeals

OFFICE OF THE CITY COUNCIL

Patrick Green, (Mayor Pro Tem) President, At Large
Gary Watts, Vice-President, Dist. 4
Mindy Moore, Secretary, Dist. 3

Jonathan Lafferty, Asst. Sec'y, Dist. 2
Angela Rogensues, At Large

Ronald Papandrea, Dist. 1
Eddie Kabacinski, Dist. 5

CITY OF WARREN

ZONING BOARD OF APPEALS--APPEAL

TRANSMITTAL OF RECORDS PURSUANT TO SECTION 20.09

APPLICANT: RAGHEED AKRAWI, EAST TEN MILE ASSOCIATE, LLC

REPRESENTATIVE: CHRISTINE JABER

COMMON DESCRIPTION: 3839 TEN MILE

PARCEL NUMBER: 12-13-19-479-010

ZONED DISTRICT: M-2

REASON: Petitioner seeks to appeal the Chief Zoning Inspector's determination regarding their property.

ORDINANCES and REQUIREMENTS:

SECTION 20.05 JURISDICTION: The Board of Appeals, in conformity with the provisions of this article and the Michigan Zoning Enabling Act, MCL 125.3601 et seq., is hereby authorized 1) to hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a zoning ordinance adopted under this article; and 2) to hear and decide questions related to the interpretation of the zoning ordinance; and 3) to hear and decide questions related to interpretation of the zoning maps; and 4) shall have the authority to grant land use and non-use variances according to the provisions of this article; and 5) to hear and decide matters which the zoning board of appeals is required to pass under this article.

SECTION 20.06 APPEALS FROM AN ADMINISTRATIVE ORDER, REQUIREMENT, DECISION OR DETERMINATION: An appeal may be taken to the zoning board of appeals from an administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a zoning ordinance. the appeal may be filed by a person with a legal interest in the property that is the subject of the order, requirement, decision or determination; or by an officer, department, board or bureau of the state or local unit of government; or by a person aggrieved by an order, requirement, decision or determination made by a person aggrieved by an order, requirement, decision or determination made by an administrative official or body charged with enforcement of a zoning ordinance.

VARIANCES REQUESTED: Permission to:

Appeal of the Chief Zoning inspector's determination that the above noted property does not qualify for a medical marijuana facility.

Previous Variance Requested: See attached sheet

Re: 3839 East 10 Mile, Warren

Mon 2/28/2022 12:09 PM

To: Nicole Jones <njones@cityofwarren.org>

 1 attachments (149 KB)

3.9.2022 Agenda.pdf;

Hello,

As per our conversation today, please adjourn our hearing until the April 13, 2022 date scheduled due to my unavailability on March 9th, 2022.

I thank you for your time and assistance in this matter. Feel free to contact me with any questions or concerns. (313) 7027070

Respectfully,

Christine Jaber

Sent from my iPhone

On Feb 25, 2022, at 3:40 PM, Christine

wrote:

Hello Ms. Jones,

I may need to request an adjournment of this date for the April calendar regarding 3839 East 10 Mile.

Please call me at your earliest convenience.

Respectfully,

Christine Jaber

Sent from my iPhone

On Feb 24, 2022, at 5:04 PM, Nicole Jones <njones@cityofwarren.org> wrote:

Hello,

WMS
1/19/2022
\$250.00

CITY OF WARREN ZONING BOARD OF APPEALS

APPLICATION FOR APPEAL

PLEASE PRINT OR TYPE

Name of Applicant: Ragheed Akrawi, East Ten Mile Associates, LLC

Address: _____ Telephone: _____

Applicant's Email Address: _____ ☐ prefer email communication

Name and Address of Property Owner (if different) East Ten Mile Associates, LLC
(same address)

Name of Representative: Christine Taber Telephone: _____

Representative's Address: _____

Representative's Email Address: _____ ☒ prefer email communication

Address of Property: 3839 East Ten Mile Road, Warren, Michigan 48091

Parcel I.D. No. (as shown on tax bill): 13-19-479-010

Purpose of Request: _____

Approve March, 2021 Application

Medical Marijuana Facility (Caregiver)

Demonstrate why you are an aggrieved party:

see attached

Signature: Ragheed Akrawi Date: 1/19/22

The approval of any land use or dimensional variance from the regulations of the Warren Zoning Ordinance does **NOT** affect or rescind any requirement of the ordinance to obtain site plan approval, Building Division permit or to otherwise comply fully with the Code of Ordinances, or other applicable State or Federal regulations

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE RAGHEED AKRAWI of EAST 10 MILE & ASSOCIATES, LLC
Name(s) of Person(s)

OF _____
Address, City, State _____ Zip _____ Telephone _____
THE OWNER OF EAST 10 MILE & ASSOCIATES
Title of Officer Name of Company
BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT I

_____/RECORDED LAND CONTRACT PURCHASER(S) I/We/It ☒/RECORDED DEEDHOLDER(S)

OF LAND FOR WHICH SUBMITTAL HAS BEEN/WILL BE MADE TO THE CITY OF WARREN,
MACOMB COUNTY, MICHIGAN IN A:

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT Christine Taber *
Name(s) of Person(s)

THE AGENT OF EAST 10 MILE & ASSOCIATES, LLC *
Title of Officer Name of Company

OF _____
Address, City, State _____ MICHIGAN Zip _____ Telephone _____

IS/ARE/MY/OUR DESIGNATED REPRESENTATIVE(S) IN THE PROCESSING OF SAID PETITION.

FURTHER, DEPONENT SAYS NOT.

SIGNED Ragheed Akrawi L.S.

SIGNED Ragheed Akrawi L.S.*

*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF Wayne

ON THIS 11th DAY OF February, 2022, BEFORE ME PERSONALLY CAME
RAGHEED AKRAWI, TO ME KNOWN TO BE THE INDIVIDUAL (S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT, FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT HE DID SO OF HIS OWN FREE WILL AND DEED.

JENNIFER KASSAB
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Nov 12, 2024
ACTING IN COUNTY OF Wayne

NOTARY PUBLIC, Oakland COUNTY, MICHIGAN
MY COMMISSION EXPIRES: Nov. 12, 2024

NOTICE TO OWNER

If a representative appears on your behalf, they must be informed on all pertinent data relative to your request. Failure to answer any question from the Board could result in your request being delayed or denied. IT IS THEREFORE RECOMMENDED THAT YOU appear in person.

3839 Ten Mile

LEGAL DESCRIPTION: 13-19-479-010

2/28/2018

VARIANCES REQUESTED: Permission to

Allow a medical marihuana facility to be located 464 feet from a R-1-C zone.

This matter was RESCHEDULED to MARCH 14, 2018.

3839 Ten Mile

LEGAL DESCRIPTION: 13-19-479-010

3/14/2018

VARIANCES REQUESTED: Permission to

Allow a medical marihuana facility to be located 464 feet from a R-1-C zone.

The petitioner's request was RESCHEDULED to March 28, 2018 per the petitioner's request.

PUBLIC HEARING: 7/14/2021

APPLICANT: Ragheed Akrawi

(Rescheduled from 6/23/2021)

REPRESENTATIVE: Same as above.

COMMON DESCRIPTION: 3839 Ten Mile

LEGAL DESCRIPTION: 13-19-479-010

ZONE: M-2

VARIANCES REQUESTED: Permission to

Allow a medical marijuana facility to be located 464.3 feet from an R-1-C zone.

ORDINANCES and REQUIREMENTS:

Section 4G.05 – Growing, Processing, Secure Transporter, and Co-location Facilities: Medical marijuana growing, processing, secure transporter, and co-location facilities are permitted in M-1, M-2, M-3 and M-4 zones, if the facility is located, at the time of local license application submittal: (1) at least 500 feet from the nearest lot line of all of the following: (a) An R-1-A, R-1-B, R-1-C, R-2, R-3, R-3-A, R-4 and R-5 zones.

The petitioner's request was **REMOVED**, per the petitioner.

PUBLIC HEARING: 3/28/2018

APPLICANT: GINO ORAHA

(RESCHEDULED FROM 02/28/18 AND 3/14/18)

REPRESENTATIVE: SAME AS ABOVE.

COMMON DESCRIPTION: 3839 TEN MILE

LEGAL DESCRIPTION: 13-19-479-010

ZONE: M-2

VARIANCES REQUESTED: PERMISSION TO

ALLOW A MEDICAL MARIHUANA FACILITY TO BE LOCATED 464 FEET FROM A R-1-C ZONE.

ORDINANCES AND REQUIREMENTS:

SECTION 17.02 – INDUSTRIAL STANDARDS: ALL USES NOT HEREIN EXPRESSLY PROHIBITED SHALL COMPLY WITH THE FOLLOWING TABLE OF STANDARDS. (AA) MEDICAL MARIHUANA FACILITY AS DEFINED BY SECTION 2.93 OF THIS ZONING ORDINANCE.

SECTION 17.02 – INDUSTRIAL STANDARDS: A MEDICAL MARIHUANA FACILITY IS EXCLUSIVELY PERMITTED IN M-1, M-2 AND M-3 ZONES, IF THE FACILITY, THE OWNER, AND ANY OCCUPANTS MEET ALL OF THE FOLLOWING REQUIREMENTS: 11. THE FACILITY IS LOCATED AT LEAST FIVE HUNDRED (500) FEET FROM THE NEAREST LOT LINE OF ANY OF THE FOLLOWING: (A) RESIDENTIAL ZONING DISTRICTS, R-1-A, R-1-B, R-1-C, R-2, R-3, R-3-A, R-4, R-5 AND ANY MIXED RESIDENTIAL ZONES INCLUDING BUT NOT LIMITED TO A PLANNED UNIT DEVELOPMENT AND THE DOWNTOWN CENTER.

THE PETITIONER'S REQUEST WAS WITHDRAWN BY THE PETITIONER.

2021 WARREN

