



Zoning Board of Appeals

Office of the City Council

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Warren, MI 48092

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

**A Regular Meeting of the Zoning Board of Appeals
Wednesday, April 27, 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 Meeting of April 13, 2022.**

6. PUBLIC HEARING: **APPLICANT: Rolar Property Services, Inc. -USE-**
(Rescheduled from 3/9/2022)
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.

7.	PUBLIC HEARING: REPRESENTATIVE: COMMON DESCRIPTION: LEGAL DESCRIPTION: ZONE:	APPLICANT: Premiere Roofing and Construction Bradley James Rocca 29154 Lloyd 13-07-479-013 R-1-P
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VARIANCES REQUESTED: Permission to

- 1) Allow a 16' x 21' = 336 square ft. sunroom in addition to an existing 120 square ft. shed and 389 square ft. attached garage for a total of 725 square ft. of accessory structures.
- 2) Erect a sunroom 29' from the rear property line.

ORDINANCES and REQUIREMENTS:

Section 7.01 – Uses Permitted. (I): Accessory buildings. All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

Section 7.08 – Rear Yards: Each lot in R-1-C Districts shall have a rear yard depth of not less than thirty-five (35) feet.

8. PUBLIC HEARING: **APPLICANT: The Home Depot / Store #2702 / Chris Gabridge**

REPRESENTATIVE: Kerm Billette
COMMON DESCRIPTION: 25879 Hoover
LEGAL DESCRIPTION: 13-22-432-016
ZONE: MZ, C-2, C-1, P

VARIANCES REQUESTED: Permission to

Operate seasonal outdoor sales from March 1 to December 31, 2022 in the following areas:
Area #2 Labeled "tent, patio, furniture, top soil, trees" in fenced corral: 40' x 130' = 5,200 square ft. Area #3 Labeled "plants" 20' x 125' = 2,500 square ft.
Total of 7,700 square ft. of seasonal outdoor sales as per the plan.

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.

Section 4.53 Regulations for All Outdoor Retail Sales (F): The period of operation of the proposed use shall be limited to dates specified on the approved plan or in the permit. The duration of all temporary uses shall not exceed thirty (30) consecutive days in any calendar year.

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

VARIANCES REQUESTED: Permission to

Conduct the Warren City Fair as follows:

Wednesday	June 15	3pm to 11pm
Thursday	June 16	3pm to 11pm
Friday	June 17	3pm to 11pm
Saturday	June 18	12pm to 11pm
Sunday	June 19	12pm to 11pm

ORDINANCES and REQUIREMENTS:

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

10. PUBLIC HEARING: **APPLICANT: Jenna Nola & Michael P Kanakry**
REPRESENTATIVE: Caren M Burdi
COMMON DESCRIPTION: 5821 Thirteen Mile
LEGAL DESCRIPTION: 13-05-476-006
ZONE: MZ, C-2, P

VARIANCES REQUESTED: Permission to

- 1) Conduct seasonal outdoor sales in an area 40' x 60' = 2,400 square ft. from 4/1/2022 through 12/31/2022 (flower sales from 4/1/2022 through 11/30/2022 and Christmas trees sales from 11/15/2022 through 12/31/2022.
- 2) Conduct a second seasonal outdoor sales operation in an area of 40' x 60' (2,400 square ft.) from June 15, 2022 through July 5, 2022 from 10am to 10pm.

ORDINANCES and REQUIREMENTS:

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.

11. PUBLIC HEARING: **APPLICANT: Global Signs & Awnings**
 REPRESENTATIVE: Ayad Sitto
 COMMON DESCRIPTION: 27460 Van Dyke
 LEGAL DESCRIPTION: 13-15-304-034
 ZONE: MZ, C-1, R-1-P

VARIANCES REQUESTED: Permission to

Allow two menu boards as follows:

- 1) First menu board: 59.37" x 54.57" = 22.5 square ft. – 71.56 inches tall with a 17" under clearance.
- 2) Second menu board: 88.72" x 71.62" = 44.1 square ft. – 71.62 inches tall with a 17" under clearance.

Total ground signs: 2 totaling 66.6 square ft. In addition to an existing pole sign.

ORDINANCES and REQUIREMENTS:

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

Section 4A.11 – Specific Sign Definitions: 22. Monument Signs. A sign mounted directly to the ground with a maximum height no to exceed five (5) feet.

12. PUBLIC HEARING: **APPLICANT: Gregory Jackson (Prestige Cadillac)**
 REPRESENTATIVE: Gregory Jackson / Jordon Jackson / Anika Jackson
 COMMON DESCRIPTION: 29900 Van Dyke
 LEGAL DESCRIPTION: 13-10-301-016
 ZONE: C-2

VARIANCES REQUESTED: Permission to

Install two monument signs as follows:

- 1) One (1) monument sign (certified pre-owned) 20' overall height from grade; 20' x 8'2 9/16" = 164.27 square ft. located 17 feet from property line as per plan. (North elevation)
- 2) One (1) monument sign (Cadillac brand) 35' overall height from grade; 35' x 11'6" = 402.5 square ft., located approximately 20 feet from property line as per the plan. (South entrance)

If approved, this variance will replace the variance granted on 4/27/2016 for items 1 & 2 relative to ground signs.

ORDINANCES and REQUIREMENTS:

Section 4A.11 – Specific Sign Definitions: 22. Monument Sign. A sign mounted directly to the ground with a maximum height no to exceed five (5) feet.

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

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

- 13. PUBLIC HEARING: **APPLICANT: Aver Sign Company-USE-**
- REPRESENTATIVE: Jennifer Glover
- COMMON DESCRIPTION: 1950 Twelve Mile
- LEGAL DESCRIPTION: 13-18-101-001
- ZONE: MZ, C-1, P

VARIANCES REQUESTED: Permission to-USE-

Allow the following signage on two gas canopies as follows:

- 1) Canopy #1: 26’ x 55’ x 36” = 486 square ft.
West elevation: “Sunoco” word mark and “sun” arrow 39.27 square ft. remainder decorative design. Total signage on canopy #1 39.27 square ft. of the remaining 446.37 square ft. will be decorative design.
- 2) Canopy #2: 26’ x 26’ x 36” = 312 square ft. with additional 3.15 square ft. of arrow design, total canopy square ft. = 315.15. West elevation: “Sunoco” logo 9.15 square ft., remainder 306 square ft. of decorative design.

Total signage on both canopies is 48.42 square ft. the remainder of decorative design is 752.73 square ft.

- 3) Allow 39.27 square ft. of signage and 446.37 square ft. of decorative design on canopy #1 in a “P” zone. **USE**

This variance would replace the variances granted on 8/8/1990 in regards to canopy signage.

ORDINANCES and REQUIREMENTS:

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

Section 16.02 – Limitation of the Use: E) No sign shall be erected upon such parking areas, except not more than one (1) sign at each entrance to indicate the operator, the purpose for which it is operated and/or the parking rates. All signs shall not exceed fifteen (15) square feet in area, shall not extend more than ten (10) feet in height above the nearest curb elevation and shall be located entirely upon the premises, with no part of such sign extending beyond the property line.

- 14. PUBLIC HEARING: **APPLICANT: Badalamenti Investments LLC**
 REPRESENTATIVE: Cecil St. Pierre, Jr.
 COMMON DESCRIPTION: 25140 Easy
 LEGAL DESCRIPTION: 13-24-452-003
 ZONE: M-2

VARIANCES REQUESTED: Permission to

Allow a medical marihuana facility to be located 424 feet from the public park.

ORDINANCES and REQUIREMENTS:

Section 4G.05 – Growing, Processing, Secure Transporter, and Co-location Facilities:

Marihuana 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 the all of the following: (c) a public park.

- 15. PUBLIC HEARING: **APPLICANT: New Cingular Wireless PCS LLC**
dba AT&T Mobility c/o Stephen Carr PBM Wireless-USE-
 REPRESENTATIVE: Same as above.
 COMMON DESCRIPTION: 27300 Hoover
 LEGAL DESCRIPTION: 13-14-351-039
 ZONE: R-1-C

VARIANCES REQUESTED: Permission to -USE-

Allow wireless communication antennas to be attached to an existing church steeple no higher than 75 feet high in an R-1-C district.

ORDINANCES and REQUIREMENTS:

Section 4.01 – Compliance With All Laws; Uses Not Expressly Permitted Are Prohibited;

Illegal Operation of a Business is a Misdemeanor: (B) Uses not expressly permitted within a specified zoning district are prohibited in that district.

Section 4.59 – Permitted Zoning Districts: Antennas and antenna towers are permitted in C-1, C-2, C-3 or SS districts upon approval as a special land use pursuant to Section 14.02. Antenna and/or antenna towers are permitted use in M-1, M-2, M-3 and M-4 zoning districts as regulated herein.

- 16. ADMINISTRATIVE HEARING: **APPLICANT: Ragheed Akrawi,**
East Ten Mile Associate, LLC
(Rescheduled from 3/9/2022 and 4/13/2022)
 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.

17. NEW BUSINESS

18. 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.