

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
APRIL 13, 2022

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, April 13, 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

Secretary Jerzy explained he would like to make an amendment to the agenda, Mr. Chair. To have item 15 removed from the agenda and put on the next meeting, which will be April 27th.

Motion:

Secretary Jerzy made a motion to table item 15 to April 27, 2022; Supported by Board Member Anglin.

Voice Vote:

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

Chairman Nestorowicz stated therefore, if anybody is here for item 15, which is the site at 3839

Ten Mile, this is the only notification for the new date; just wanted to make sure everyone is aware of that.

5. **APPROVAL OF THE MINUTES of the Regular Meetings of February 9, 2022 and March 9, 2022.**

Motion:

Secretary Jerzy made a motion to approve the minutes of February 9, 2022 minutes; Supported by Board Member Anglin.

Voice Vote:

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

Motion:

Secretary Jerzy made a motion to approve the minutes of March 9, 2022; Supported by Board Member Anglin.

Voice Vote:

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

6. PUBLIC HEARING: **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 (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**

Chairman Nestorowicz asked if everyone can start with their name and address for the record, and then take the board through their petition.

Michelle Noto appeared before the board stating 42269 Aspen Court. To conduct the operation of an L shaped open are sales area, approximately 3,006 square feet in a P zone, nine feet from the front property line from May 1, 2022 to December 31, 2022.

Chairman Nestorowicz thanked her. This is a public hearing, are there any members of the audience that want 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 Anglin explained this is primarily the same outdoor sales that they've had for as long as he has been on the board, so if there isn't any objections or any comment from the board, he would like to make a motion.

Board Member Sylvester asked Thirteen Mile, is that Thirteen and Mound?

Michelle Noto replied Thirteen and Schoenherr.

Board Member Sylvester thanked her.

Board Member Anglin said seeing no other board members, he would like to make a motion.

Motion:

Board Member Anglin made a motion to approve to 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.

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, support by Mr. Sieracki to approve the request as per 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 Clift	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

Board Member Sylvester asked if the board has to look at the use variance. Section 16.02 (a) limitation of uses in P, parking zone, parking with or without...

Chairman Nestorowicz said that's not part of the request.

Secretary Jerzy said it's not part of the variance request, it's just part of the actual ordinance.

Board Member Sylvester said well, under variances requested it asks permission to use in red letters.

Secretary Jerzy asked if Steve wanted to clarify.

Steve Watripont explained the front of that property along Thirteen Mile is a P zone, and that's where they want to put that in the P zone, which makes it a use variance at this point, which it was approved more than six (6).

Board Member Clift asked Steve, for his own education, why do they have to come back every year for this? Isn't there some way they can do this where... it would be...?

Steve Watripont explained because it's temporary sales.

Board Member Clift said because they open and close it.

Steve Watripont explained the only way they can have it is if it goes through site plan approval for permanent sales.

Board Member Clift thanked him.

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.

Patrick Sulaka appeared before the board, 5223 Busch, stating he is here to get a variance to conduct an outside sales from June 20, 2022 through July 7, 2022.

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

No response.

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

Secretary Jerzy said to the applicant, good evening, sir, how are you? How do you secure this tent?

Patrick Sulaka explained spikes, four (4) foot spikes into the ground.

Secretary Jerzy asked if this is a fireworks tent, correct.

Patrick Sulaka replied yes.

Secretary Jerzy explained last meeting he brought up an issue to the board, they had a couple fireworks permits come before them. He had pictures up last meeting with the tent being spiked into the asphalt. It's his opinion, that's not a safe way to anchor the tent. What he recommended to the applicant last meeting was to try secure it a little bit better. With the winds storms, straight line winds, wind damage, he thinks water barrels or some kind of heavier weight system in place would ensure the tent from not being toppled over with some kind of weather event. He asked if the petitioner would be open to that possibility.

Patrick Sulaka said he would be open to it, but with all do respect, those spikes go four (4) foot into the ground, and they're very, very strong. He has never, he's been doing this for about ten (10), twelve (12) years, he never had a spike come lose. But if that's what the board wants, he's ok.

Secretary Jerzy stated he would like to try to keep it consistent across the city. It just seems that what would be fair for everybody involved would be to try and keep it uniform and try to keep it safe. He doesn't think putting a spike into the ground, that's just him and the applicant disagreeing is a way to go about it. Putting a hole in a temporary lot is kind of ruining the lot, too. Creating a little bit of a...

Patrick Sulaka said if that's what the board would want, he's not against it.

Secretary Jerzy said that's what he would prefer to see, you know, going forward, sir. That's his concern; he'll yield the floor.

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

Motion:

Board Member Anglin made a motion to give 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.

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

Secretary Jerzy stated he would like to make an amendment to the motion to include water barrels for anchoring.

Board Member Anglin stated he accepts the amendment for extra weight considering water barrels to support the tent.

Patrick Sulaka asked weights or water.

Secretary Jerzy explained cement, water barrels, some kind of heavier device.

Board Member Anglin said they make the cement blocks too, which is far superior, but yes that would work.

Secretary Jerzy supported the motion.

Chairman Nestorowicz stated they have a motion by Mr. Anglin, support by Mr. Jerzy with the amendment. 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.
Secretary Jerzy	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 Perry	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.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

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.

Nicole Agbay appeared before the board, 24001 Telegraph Roach, stating that she is here for their store at Twelve Mile and Schoenherr to conduct a seasonal outdoor sales in that P district. They come every year with the date of March 31st. They don't have any outdoor sales out there yet, because she wasn't able to come here by then. But they're asking for March 31st through January 31st of next year to get it all cleaned up. 788 square feet, no less than sixteen (16) feet from the

Schoenherr property line and fifty (50) feet from the north property line like the site plan and the same that they come with every year.

Chairman Nestorowicz thanked her. This is a public hearing, is there any members from the audience that want to speak on this item?

No response.

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

Board Member Sylvester said to Mr. Watripont, he can just not. Is this use variance like the same as it was in the first agenda item?

Steve Watripont explained when he is addressed, he has to be on the record, so he can't just nod.

Board Member Sylvester said that's fine, thank you.

Steve Watripont explained it is a P zone and it's similar. It's along the front of the property, he believes this one is on the Schoenherr side, the P zone is in the front. If you look at the zoning atlas, they can see it's a small green or aqua color, or maybe red, he doesn't remember right now. P zones are a different color than most of it. If they look through the zoning atlas, they can see the differences in there, and this would be in that zone and that's why it's needed. The only thing you can do in a P zone is park a car.

Board Member Sylvester asked if this is a new item that they haven't had it the past.

Steve Watripont replied no, it's the same they've had.

Board Member Anglin said it seems like he has the floor a lot today. If no other board members have any questions, he would like to make a motion.

Motion:

Board Member Anglin made a motion to allow conducting 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.

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

Secretary Jerzy supported the motion.

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

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

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

VARIANCES REQUESTED: Permission to

Conduct a seasonal outdoor sales operation 20 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.

Chairman Nestorowicz asked her to restate her name and address, so it makes it into the minutes.

Nicole Agbay replied yes, sir. She restated her name and address. Yes, they are here on behalf of their Warren two (2) locations on Ryan Road to conduct a seasonal outdoor sales operation from a 20 ft. x 30 ft. (600 square ft.) from March 31, 2022, again they don't have product out yet, because she couldn't get to the board that early. Through the end of January next year to get it cleaned up, no less than forty-five (45) feet from the Ryan property line and forty-five (45) feet from the Thirteen Mile property line. Again, it is the same as last year.

Chairman Nestorowicz stated this is a public hearing, any members of the audience wishing to speak on this item?

No response.

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

Board Member Clift said he thinks this is a rinse and repeat of the last one, so if nobody has anything he would like to make a motion on this.

Motion:

Board Member Clift made a motion 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.

Reasons being: Not a detriment to the area.

Board Member Anglin supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Clift and a 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).

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 Sieracki	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.
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: 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.

Eddie Babbie appeared before the board, 1183 Congress Drive, stating that he is here to get another variance for this season for the outdoor sales for their fireworks tent. It's also going to be, they're actually using a twenty (20) by twenty (20) tent this season, they weren't able to get a twenty (20) by thirty (30), so they're going to be using a twenty (20) by twenty (20) tent going forward. That's basically the same time, June 21st to July 5th only.

Chairman Nestorowicz stated this is a public hearing, are there members of the audience that wish to speak on this item.

No response.

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

Secretary Jerzy said he heard his concerns about the last applicant, as far as the securing of the tent goes. He asked how he secures his tent. Does he use water weights?

Eddie Babbie replied yes, sir.

Secretary Jerzy said that's all he has.

Eddie Babbie explained they already did the speed bumps; they also have security that they keep just to keep the flow of traffic and everything. They didn't have any issues.

Secretary Jerzy thanked him. He yields the floor.

Board Member Sylvester asked how long he has been there so far.

Eddie Babbie asked in regard to.

Board Member Sylvester said at the site, how long has he been there?

Eddie Babbie explained last year was their first season.

Board Member Sylvester asked if they had any problems.

Eddie Babbie replied no problems.

Chairman Nestorowicz stated last year when they approved this, they had no problems. The issue he has looking at the placement of that. This year there are now those condos, or those residential units, that are built behind that strip mall, that are very close to where that tent is. It's something that is a concern of his, because he feels it's too close to residential. That is just his comment on that.

Board Member Sylvester stated they're not going to be setting them off they're just selling them. They have other places, other parking lots, that's what they're doing. As long as they're practicing all safety precautions, he doesn't see a problem.

Chairman Nestorowicz said he knows, it's just cause its outdoor sales that it's happening outside. When they're in other parking lots there is a ton of space around the parking, there's a lot of room, it's not like there's a... He doesn't know if all those units are occupied yet or how far along, they are. That was just his opinion on it.

Board Member Sylvester asked if there is any regulation with the distance from a residential area or business that those tents can be erected.

Secretary Jerzy said he doesn't think so, there's no ordinance on the tents.

Chairman Nestorowicz said not that he knows of.

Board Member Anglin said they would have to get the permit from the city to do it anyway, and they would automatically say it's too close to the residential area and then they would have to come in front of the board to get a variance, and it's not here. He said he spoke out of turn. Out of all the time that he has lived in Warren, which has been all his life pretty much, he has never heard of having any real problems with these fireworks and that. He understands his concern about being close enough, and this is going to be a little smart remark and he doesn't mean it to be that way, but if they're in those condos and those fireworks go off, they're going to have ring side seats for fireworks. So, he has no problems and if no other board member has a comment, he would like to make a motion.

Motion:

Board Member Anglin made a motion 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.

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

Secretary Jerzy supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Anglin, support by Mr. Jerzy to approve the request as 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.
Secretary Jerzy	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 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.
Chairman Nestorowicz	No, detriment in that area.

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

Jennifer Pierce stated she wanted to make a brief comment. Mr. Anglin, she knows it was probably just an oversight, but he said 2002 and it's supposed to be 2022.

Board Member Anglin stated he would like to make a correction on that, the date was through March 31, 2022...

Chairman Nestorowicz said June 21st. Reading the wrong one.

Board Member Anglin said he is reading the wrong one, ok. From June 21, 2022 through July 5, 2022 from 10am to 9pm.

Chairman Nestorowicz thanked him for the clarification.

Board Member Sylvester said he has a question for his own personal knowledge. When these tents are set up and everything, are there any inspections before they go into operation sales and then who does that and who gives the approval.

Chairman Nestorowicz explained it is either the city or the state. It can vary.

Secretary Jerzy said it's either or.

Chairman Nestorowicz repeated it's either or.

Board Member Sylvester asked if there's a permit or notification.

Chairman Nestorowicz explained at the tent they should have that somewhere.

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.

Caren Burdi appeared before the board, 31851 Mound, stating that she is here representing the applicant and she believes she has some good news, she can even reduce her request. In her packet that she sent to the board, she has a survey that shows the lot numbers, and, on that survey, it shows that currently these are the lots listed that has the ability to have major auto repair. The lots over here, excluding the center two (2) lots, are the lots that they're asking to have major auto repair.

However, right now, in the lots that are already approved for major auto repair, they are not doing major auto repair. They are in fact replacing windshields on cars. So, what happens is the people that need their windshield replace drive inside the building through the overhead door, their car is fully within the building, the windshield is repaired, and they leave. So, they don't have to have that major auto repair variance that they currently have. However, down at this end of the building they're proposing doing auto repair, but no body work, no collision, no painting. She is proposing to the board, instead of expanding the use to both sides of this building, that if they can have this side of the building approved, they would relinquish it on this side of the building. The reason she doesn't just swap out tenants, for this tenant to go down here and this tenant to come over here, is very simple. This lot back here encircled by the brick fence would be the place where the vehicles would be parked. They have approval from the Planning Department, along right here, to have cars waiting to be repaired, and cars that are waiting to be picked up after repair. So, the idea is, they are much better off having this over here, the major auto repair and relinquishing it at this section. The other reason is this piece of property is zoned M-1. These properties back here are residential. Having the major auto repair auto use here, now only impacts in the parking lot one (1) neighbor. Whereas, where they have it right now, it's 1, 2, 3 neighbors. Although, she will tell the board they get along beautifully with their neighbors, they have no problems with their neighbors, they receive no complaints from their neighbors, and there is no complaints at the Building Department with regard to the business that they run there. She wants to point out to the board that there are absolutely no overhead doors on the back of the building, zero. All overhead doors face Eight Mile, and one (1) door faces to the east on the side street. So, she believes that also enhances any type of reduction or friction in use on the property. Unfortunately, her client has not been able to lease out this property since 2018. Has not been able to find a tenant. She doesn't know, part of the problem maybe Covid, the change in the market, how that all works. But she believes one of the biggest problems is that this is zoned M-1 and pretty much a lot of M-1 uses would not be a nice fit here; she doesn't think. She believes that this would be a good fit, because it's one hundred (100) percent inside the building, all over head doors are away from the neighbors, and the parking lot, quite frankly, is what would abut the residences. So, she would ask the board to consider that compromises. She thinks it's better, she thinks switching out the tenants would be more disruptive to the flow of the use of this property in the neighborhood. With regard to the thirteen (13) required off-street parking to be waived, she would like to point out that this business here, that is the windshield replacement, that part of the building is pretty large. The two (2) gentleman that run that windshield business, they pull their cars in the morning, and they park inside the building. Then they have the cars come in, they replace the windshields, and the cars leave. They use zero parking. One of these suites is empty, the other one is used by a car detailer, a gentleman that cleans cars. He schedules the cars, it's not like cars are left there for days waiting to be cleaning, etc. He pulls his car into his building through the overhead door, and then he obviously does a car at a time. The car comes, it gets detailed, and it leaves. So, he's using zero parking spaces. She has twenty-nine (29) spaces in this parking lot. If she takes away the fourteen (14) that they say they're reserving, if you will, for cars waiting to be repaired and cars waiting to be picked up after being repaired. They picked a large number to make sure that they comply with the site plan moving forward. They have fifteen (15) spots left, and there's two (2) mechanics. So, they have plenty of parking for them to park in that back parking lot and to conduct business. So, with regard to the hardship, she thinks the hardship is the property is an M-1 property in quite a unique area, right next to residences. She thinks it's the size and shape of the lot, and she believes what she presents does not cause a detriment to the neighborhood.

Chairman Nestorowicz thanked her. This is a public hearing, are there any members of the audience

wishing to speak on this item?

No response.

Chairman Nestorowicz closed the public portion and turned the matter over to the board. He just wanted to clarify because he understood everything he said. So, basically, they will be... The original request that granted in 2003 the auto repair from lots 355, 356, 357, 358, and 359 that would be relinquished because she wants that to be on lots 13, 14, 15, and 16.

Caren Burdi replied yes, please.

Chairman Nestorowicz asked if there are any questions.

Board Member Anglin said he does. So, basically what they're going to do is read this off as relinquishing the previous zoning for lots 355, 356, 357, 358, 359, but will include lots 14, 15, and 16.

Caren Burdi corrected 13, 14, 15, and 16.

Board Member Anglin repeated 13, 14, 15, and 16.

Caren Burdi stated yes, sir.

Board Member Anglin said that it will drop off where it says body work or painting on lot 13 and 16 which are directly adjacent to the zoning. So, delete that off or is that redundant.

Caren Burdi explained they will not do body work, like collision work is the best way to say it...

Board Member Anglin said excluding collision work.

Caren Burdi said excluding collision work, body work, or painting.

Board Member Anglin said on lots 13 and 16.

Caren Burdi said lots 13, 14, 15, and 16.

Board Member Anglin said ok, so it will actually be the whole line.

Caren Burdi replied yes.

Board Member Anglin said ok, that makes sense now. He has no problems with this because of the way she is pushing that around. He did originally, but when she explained it the way that there's no doors on the backside, operations are going to be limited to the normal business hours...

Caren Burdi said yes.

Board Member Anglin said he doesn't see a problem with it, especially it being an M-1. He'd hate

to see a stamping plant go in that one side of the building, you know, so this is less detrimental to the area than what an M-1 would allow it to be.

Secretary Jerzy said he just has a question. The side they're going to do the auto repairs on, that wall that goes down the side, that would be the north side of the building. Is just that segment of area is the area she's talking about being designated for auto repair.

Caren Burdi replied no, sir. Currently, this is already auto repair and they're relinquishing that. These houses, even though it shows that alley, the houses took it over. The houses go all the way to their wall and they're ok with that. One of these is the detail guy, ones vacant. These now, would be, if the board accepts the proposal, the auto repair and then this is the walled parking.

Secretary Jerzy said so it would encompass it basically, behind the new the auto repair if it was approved. That was his question.

Caren Burdi showed where the overhead door is.

Secretary Jerzy said yeah, it faces on the east side. He went by there. Ok, thank you.

Board Member Anglin said it looks like it would be a better fit than the way it is actually set up at this point. If no other board members have an objection, he will see about reading this correctly the way that things are spelled out. He asked Mrs. Burdi to correct him if he doesn't say it correctly. Then he will go back over it to make sure he says it correctly.

Motion:

Board Member Anglin made a motion to give approval to:

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

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

Board Member Sieracki supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Anglin, support by Mr. Sieracki to approve the request as 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 Furgal	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.
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: 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 (gravel) 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.

Chairman Nestorowicz asked the applicant to state their name and address and then take the board through their request.

Sean Schotthoefer appeared before the board, 13711 East Eight Mile, stated they're requesting a six (6) foot decorative aluminum fence to the property line along Eight Mile and Schoenherr. Allow, 32,170 square foot of non-hard surface of gravel for training purposes, and hard surface is no more than twenty-five (25) feet from the west setback along Schoenherr.

Neiman Webber appeared before the board stating he is with Anderson, Eckstein, Westrick, they are the AE firm for Doetsch Environmental Services. Their address is 51301 Schoenherr Road.

Chairman Nestorowicz asked if he had anything else he wanted to add in. That's it?

Sean Schotthoefer said that was it.

Chairman Nestorowicz said this is a public hearing, are there any other members of the audience wanted to speak on this item?

No response.

Chairman Nestorowicz turned it over to the board for discussion.

Secretary Jerzy said he is guessing this has already gone through Planning, right?

Sean Schotthoefer replied yes.

Secretary Jerzy asked if these recommendations are from Planning or the variances that Planning requested that.

Neiman Webber explained they have conditional approval from Planning, they worked out the layout with them very closely. The final approval comes after they get ZBA approval of these items.

Secretary Jerzy asked what kind of training purposes; he's just curious.

Sean Schotthoefer explained they do underground infrastructure, primarily sewer cleaning and investigations, things like that. There's a manhole on site that they use for training purposes. Confined space entry, setting equipment and things like that.

Secretary Jerzy thanked him for the clarification. He appreciates it and yields the floor.

Board Member Sylvester asked if their facility is going to be a training facility as well or is it a school. He's known them for a long time, he's a pipe fitter, so they have been to many places. So, what are they actually going to do there?

Sean Schotthoefer explained it's going to be their new headquarters. Currently, they are on Mullin, which is just west of Hoover, they have been in Warren now for almost thirty (30) years, and they have completely outgrown the area that they're in. So, what they're actually building is roughly a 55,000 square foot facility. There will be about 12,000 feet of office space and the rest will be warehousing for their trucks. Any types of modifications things like that that they actually have to make to the vehicles will be done in that building.

Board Member Sylvester asked if they train there as well, right.

Sean Schotthoefer replied yes. The training that they're talking about is they're required to just because they are in confined spaces and things like that, MIOSHA rules and stuff that they would actually be able to go into these manholes and train, right now they have to do it on job sites, but they have enough room there. The actual training doesn't go on within a building, it will be an

actual manhole in the ground on the north side of the property.

Board Member Sylvester asked when he trays these guys, they stay with him, they're employees of his.

Sean Schotthoefer replied yes, they are their employees. They're local and also national. So, yeah, they would have all their employees and stuff like that. Normally, it's a yearly training program that they have to do with them. They would have to come in during various times and that's when they would have to do the training.

Board Member Sylvester asked if that's going to be their central location. The other place they're going to move everything to Eight Mile and Schoenherr.

Sean Schotthoefer replied correct.

Board Member Anglin said he is curious why they need a six (6) foot fence across the front towards Schoenherr. Is there security reasons for that?

Sean Schotthoefer asked for the fence. Yeah, they have a lot of equipment and things along those lines. They don't want people moving in and out of their property.

Board Member Anglin asked if there is a reason why that fence isn't backed up to the building line or whatever or backed up to the blue area that's on this plan. He's not necessarily a big fan of having a fence that close to the roads. It starts looking like they got compounds when they do that.

Sean Schotthoefer explained if they moved it, they would have to block the parking lots in order to do that. Part of the other reason is too; they're going to berm the entire area. It's more of a safety issue. They required them to put in a sprinkler system along those lines and they just don't want the stuff running in the completely wide open. The berm issue they sort of have there too, there is a school nearby. He quite frankly during the winter and stuff doesn't want kids running and deciding that they're going to go sledding on it. It's sort of to protect their property and block anything from going on from there.

Board Member Anglin said he doesn't like the idea of fencing right up on the main roads coming through like that. Fencing along the back to the other side of it, he would have no objection to, but he does have objection to that. So, with that fencing in that position he would be voting no on it.

Sean Schotthoefer explained the fencing up front is where it is and that's where it has been.

Board Member Anglin said but now he needs permission to put the fencing around on it and he's not for fencing right by the property line.

Neimen Webber explained they have other reasons for the fencing location. They have also training, storm sewers. One of them is sixty (60) diameters in the berm areas that an employee needs to go into and access them easily. If they're behind the fence, it would hinder the operations.

Board Member Furgal said she has been doing this a long time, and she doesn't agree with Mr. Anglin at all regarding that. She thinks that is a good idea, she really does.

Board Member Clift said he thinks the fencing is a good idea, himself. However, he does have a question. Are they going to be articulating or utilizing vehicles on that gravel area moving about or those kinds of things as part of the training or part of the storage or...? He's concerned about dust issues impacting the adjoining neighborhood. If they were going to do that or if they have a mediation plan set to keep their dust down that kind of thing.

Neiman Webber said he will let Sean follow up, but they have a significant amount of pavement on this site for parking and for trucks maneuverability, for loading and unloading. So, the gravel area is not intended to replace hard surface area that they need for anything. It's strictly for training, for occasional use, there's not going to be any trucks parked on it overnight. All the trucks go inside the building, but they go in and out and they do their thing and it's very occasional.

Board Member Clift said that's fair enough. He thanked him and yielded the floor.

Board Member Sylvester said he knows most of the panel members haven't worked in construction, but like he said, these guys were on many projects that he was on and just so the panel knows, these guys are very professional. They know what to do, they know how to do it, they don't create more havoc. They there and then gone; you don't even know they were there. So, they'll be getting his support and thank you.

Neiman Webber said he just wanted to follow up that Doetsch has been in the City of Warren for almost thirty (30) years and it's a generational business for over 120 years. They have elected to stay in the City of Warren with this site, they just need a little bit of tweaking to make it work for their operations.

Secretary Jerzy said he thinks this is actually a great plan for this site. This site has been vacant for a very long time, hasn't been much interest until this project. He thinks this is a very good project, it's a very beneficial one for the city, it's a good spot in town for it. He understands Mr. Anglin's opinion about the fence, but the way he explained it acting as almost as a safety net for anything else and helping him conduct his training, he doesn't see a problem with it. He thinks when it comes together, they will ok with this. He thinks this is going to be a good project. He thinks this is going to be something that will enhance the area, and hopefully grow his business and hopefully keep him here in the City of Warren. If no other board members have anything to say, he would like to make a motion.

Motion:

Secretary Jerzy made a motion 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.

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

Board Member Perry supported the motion.

Chairman Nestorowicz stated they have a motion by Mr. Jerzy, support by Mr. Perry to approve the request as stated in the motion.

Roll Call:

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

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 Anglin	No.
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.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

13. PUBLIC HEARING: **APPLICANT: 28805 Mound Road LLC**
REPRESENTATIVE: Reid Cooksey
COMMON DESCRIPTION: 28805 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: (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, 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.

Erin McMachen appeared before the board stating she is filling in for Reid Cooksey tonight, she is with Stonefield Engineering and Design, they are located 607 Shelby Suite 200. The proposed project is the old donut shop down Mound Road. It has been vacant since last summer and the applicant is proposing to reuse that existing and bring in two (2) new restaurant tenants to this site. They're repaving the site and reutilizing two (2) of the three (3) existing driveways. They're closing one (1) of the driveways on Mound Road, just to improve vehicular circulation there. With this development, due to the existing conditions and recommendations by the Planning Commission, they received their approval on January 10th, there are actually five (5) variances they're requesting. She knows there are six (6) listed here, maybe Steve can confirm, but she thinks variance number 4 is an error.

Chairman Nestorowicz said one quick question. He knows her name was not on the application, do you have a business card? He asked if Steve had something to say.

Steve Watripont explained he has been talking to Erin for quite some time from there so he can verify that she is a representative from the Stonefield.

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

No response.

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

Board Member Furgal asked why they are required to have a twenty (20) foot rear yard setback on this particular property.

Erin McMachen stated that was a variance that she thought was an error. There is a twenty (20) foot required setback and they're providing more than that, they're providing 20.8 feet. So, she believes that's an error.

Board Member Furgal doesn't know why she's even providing 20.8 feet. That's what her question is. What are they doing with that property?

Inaudible.

Board Member Furgal asked what.

Erin McMachen stated she thinks Steve is going to get up and answer.

Board Member Furgal said ok. She just thinks it would be poor use of the property. It's poor use of the property. What happens when they have a piece of property that's got the setback thing and then there's no development there. It just collects things.

Chairman Nestorowicz said it's an existing building.

Erin McMachen said there's actually an existing ingress drive where the rear setback is, so that rear setback is utilized with an ingress drive off of Elmgrove Street.

Inaudible.

Board Member Furgal said it's going to be paved. Her question is if it's going to be paved.

Erin McMachen replied yes, it's paved now, but it's in disrepair so they're going to repave that lot.

Board Member Furgal said she knows it's in disrepair. She just wanted to know about that, if it's going to be paved or not, because she doesn't see having a setback that's not paved. It doesn't make sense.

Steve Watriont said as far as number 4, to retain a building to no less than 20.8 feet. The setback requirement is for a side yard on a side street of corner lots that abuts residential shall be twenty-five (25) feet.

Erin McMachen thanked him.

Board Member Furgal asked if that's the building setback they're talking about.

Inaudible.

Steve Watriont said existing building.

Inaudible.

Erin McMachen said yeah.

Chairman Nestorowicz said he just has one question. He see's the signs on the building. Is it going to be two (2) separate businesses or is it just one (1) business that operates both the brands?

Erin McMachen explained two (2) separate tenants.

Board Member Cliff asked her to run him through the hardship when it comes to the fencing. He's just not a fan of wood fencing between a commercial area and a residential area. He's not understanding.

Erin McMachen explained typically, a wall would be required and they're requesting in lieu of a wall a decorative fence, at the recommendation of Planning Commission, because of the hardships of the location of the existing building that they're reutilizing, as well as that ingress drive that comes in off of Elmgrove, maintaining that for circulation around the building, leaves them with just about three (3) feet from the edge of that driveway to the property. There's not adequate space for a masonry wall and the decorative wall was recommended by the Planning Commission in lieu of

that wall.

Board Member Clift asked if they're talking a wood decorative fence.

Erin McMachen said yeah, board on board fence. There is a detail at the end of the pages.

Board Member Clift explained he is not comfortable with a wood, especially as they got traffic moving along either side of it. There is a reason why they require concrete walls, because when they hit it with a car it doesn't have a tendency to move.

Erin McMachen explained they also are doing a six (6) inch curb along that drive as well.

Board Member Clift thanked her for answering his question; he yields the floor.

Chairman Nestorowicz said he has one more question. It's so strange, because he went to that donut shop so many times, but what did the donut shop have in the back there. Did they have a fence?

Erin McMachen explained their asphalt went right to the property line. No landscaping, no fencing, no nothing.

Chairman Nestorowicz said that's what he thought. When that donut shop was there, it was all open. It would be nicer by having it curbed off and having a fence, that way the residences are shielded. He understands, because a wood fence needs to be maintained versus the plastic or aluminum or those other kinds, but...

Board Member Anglin said that property has been there as a donut shop as far back as he could remember, so it's probably before there was an ordinance having these setbacks.

Erin McMachen stated if there is an alternative fencing material that the board prefers, they'd be open to suggestion as well.

Board Member Anglin said this is a discussion for the board members, is there a way of putting up the cyclone fencing that's a little more stable than putting up a wood fence. He's not a big fan of wood fencing either for commercial.

Board Member Furgal stated it says decorative fence, they can say decorative not wood.

Board Member Anglin said she said it was going to be wood.

Board Member Furgal said the board can say decorative not wood.

Board Member Anglin said right, that's what they want to say, a decorative fence that is not wood. He just wants to make sure...

Board Member Clift said he would word that as a decorative fence out of composite materials or metal. That's how he would verbiage that, he's still not a fan of it not being a concrete wall. Zoning says it should be a concrete wall, this is a new thing. He knows Planning was kind of going along

with it, but until you have lived next to a business are that doesn't have one, you will not understand where he is coming from on that, but he would be ok if they worded that to be of composite or metal construction.

Chairman Nestorowicz asked if the applicant would have any issue if the board said not wood fence, but to do another kind of composite or metal.

Erin McMachen said yeah, whatever the board recommends. They're looking to revitalize this site, and whatever material.

Chairman Nestorowicz said it would be good to see that building reused and occupied again. Any other questions or discussion from the board? Or any motions?

Board Member Anglin said he would like to make a motion.

Motion:

Board Member Anglin made a motion 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. Fence be constructed of a composite or metal fencing.

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

Board Member Furgal supported the motion.

Chairman Nestorowicz stated they have a motion by Mr. Anglin, support by Mrs. Furgal to approve the request as 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 Furgal	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.
Board Member Sylvester	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 condition.

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.

Jon Pellegrine appeared before the board stating he is the representative, 410 North Michigan Avenue.

Jon Gabor appeared before the board stating he is the attorney for the applicant, 380 Woodward. They submitted some slides, which he thinks they should have in the back. He would like to use some visual aids and Mr. Pellegrine will start by telling what the business is about, what they're proposing for the use on this site, since it is a use variance being requested. Then he'll address the variance criteria.

Jon Pellegrine explained they are looking to build a state of the art express tunnel automatic carwash, which is not currently available in the immediate market. The brand is looking to building six (6) locations in the Detroit Metro area, three (3) of them starting construction in the next two (2) months and then this would be one of their full sites for later this year. They plan to staff this site with a professional customer service representative, at all times there will be at least one (1) full time employee on site. Most peak times will have two (2) to three (3) to help assist customers with point of sale, any issues in the tunnel, and with the free vacuums. They're proposing a 135-foot tunnel with an equipment room and office, three (3) automated pay stations, eighteen (18) to twenty (20) free vacuums, which are open for anyone to use. They are also preserving the rear portion of the parcel, the wooded in the rear.

Jon Gabor explained as mentioned above, they're requesting the use variance for the automatic conveyor carwash as its termed in the zoning ordinance. Then also a dimensional variance for the frontage. The frontage in the ordinance for an automatic conveyor carwash is 150 feet minimum, this site has approximately 135 feet of frontage, so that's the dimensional variance being requested. Next slide, please. If the board can take a look at this, their site is somewhat interesting because it's a very long narrow site. Essentially, the first three hundred (300) feet from Mound is kind of outlined in red as part of their site plan, that is zoned C-2. C-2 does not allow their use, which is why they are asking for the use variance. If they look at the two hundred (200) feet behind that, that's still in that long part before it widens out, that's also part of their site plan. That is zoned

currently M-2. M-2 allows their use. Their use is a use that is allowed in either C-3, M-1, or M-2. So, the rear of the property is all zoned M-2 and that would allow their use. As Jon mentioned, they're proposing to preserve the rear of the property. Now, the hardship, the reason they feel there is a hardship here and that the property cannot be used as zoned is because of the long narrowness and the very limited width of 135 feet along Mound Road. If the board looks at the C-2 uses, essentially, they're looking at fast food restaurants, sit down restaurant, retail uses, some office uses and such. A long narrow parcel makes it redevelop the property for any of these uses that would fit. They believe the highest and best use may be a fast-food restaurant, and there are others in the area, but the modern fast-food restaurant requires generally a wider site. They surveyed the sites in Warren for fast food, basically, they average 177 feet in width and this site is only 135. So, the existing restaurants in Warren are 42 feet wider on average than what their site is. The problem with retail uses is the configuration of this site as well, it's very narrow. Retailers would not be able to put their prototype use on this property because of that and what it would require is a sideways configuration, which is not ideal from a retail standpoint. So, that layout would jeopardize the retail type of establishment and make it not feasible if anybody would be willing to use it for that particular purpose. They think that is highly unlikely and so does the property owner, for that reason if they look at the uses that are permitted in C-2, those are the most likely uses which are really not feasible due to the narrow width of the property. Finally, he should mention office use as it's currently an office facility, a contractor's office now. The owner is consolidating, as the board knows office use has no market these days, so there would not be any market for redevelopment for office use. So, for these reasons they believe that the property cannot be used as zoned in the C-2 district. The other criteria are that the conditions are not self-imposed. They meet that, because the condition is the configuration of the property and the narrow width. The next criteria is that there is a unique physical characteristic of the property, and they believe the narrow width is the unique physical characteristic of this particular parcel. The next criteria is that granting the variance will not be a detriment to nearby properties. They meet this because if the board looks at the proposed car wash, it's a commercial use in a commercial area. Basically, you have fast food restaurants, sit down restaurants, auto repair at the corner, miscellaneous retail and a couple of office uses in this area. So, it is kind of a commercial corridor in that area and their use would be consist with that and their use certainly won't impair the value of adjacent properties for that reason. They don't see any traffic impacts from their use because essentially, they're using the existing curb cut on Mound Road, which facilitates the traffic and they have stacking for over forty (40) cars on site. So, they don't think there would be any negative impacts there. He wouldn't say a detriment, he would say actually the opposite, a benefit that they're providing. If the board was to grant the use variance, essentially, they would be preserving the rear of the site. The rear of the site is kind of irregular but it's about 300 feet by 350 feet, give or take. Essentially, that area is wooded and it has natural features because the Bear Creek runs through there. So, essentially, what they would be doing is preserving that portion of the site, which would obviously for the benefit of the neighbors and the benefit of the community in general. So, that's not only is it not a detriment, but they believe a benefit to their proposed plan. The last criteria for a use variance is that it is necessary for the preservation or enjoyment of property rights. Now, they believe, as he mentioned, there's no market for office use, any other particular use in C-2 would require a wider site, and the proposed auto car wash would actually allow the site to be developed for a viable commercial use that's compatible with the surrounding area. Without this variance it's unlikely the property could be sold and redeveloped for any viable use, therefore, depriving the owner the ability to use his property for a permitted purpose. Those are the criteria for the use variance and the reasons why they believe they meet the use variance criteria. He would like to turn briefly to the non-use variance. He asked

to put up, he believes it's a couple slides later, it would be the site plan, please. Thank you very much. He would like to use this as a guide. The main criteria for their non-use or dimensional variance is the unreasonable impact or burden it has. Meaning, the strict compliance with the zoning ordinance prevents the use for a permitted purpose. If the board sees to approve the use tonight, if that's approved, then they believe the strict compliance with the 150-foot frontage requirement is unreasonably burdensome on the property, because the proposed car wash can be developed on the existing 134.39 frontage. If the board looks at the site plan, they can see it lays out very well with the configuration with the current property, it meets the setbacks on the side. On the north side of the site is the actual car wash building, the circulation starts at the south and they see the stacking that goes around for the traffic to head to the north. Then in the middle of the site, are the areas, the parking stalls are primarily for the vacuums that the customers can use. So, this site lays out very well for the potential use that they're proposing tonight. As a result, they believe that requiring 150 feet would be unduly burdensome, because this use, if the use variance is granted, can be done very efficiently in the 135-foot frontage area. The other criteria of the non-use variances, or basically the same as for the use variance, so he's not going to repeat them right now, but he would like to ask the boards indulgence and reiterate their request that the use variance be granted. They think as Mr. Pellegrine mentioned, it's as exciting as car washes can be. It's an exciting proposal for this area of the city, the city doesn't have a car wash within a mile from here, if the board looks at the radius, the dimensions. There aren't any other car washes like this in the city, it's kind of a state of the art, new model car wash that they're proposing. So, for those reasons they would respectfully request that the board approves their two (2) variance requests and they're here to answer any questions. Thank you.

Chairman Nestorowicz thanked him. This is a public hearing, are there any members of the audience wishing to speak on this item.

No response.

Chairman Nestorowicz closed the public hearing portion and turned it over to the board. He actually does have a question, because he's familiar with this property. He does agree, it won't be a detriment to the neighbors, because AT&T building to the south of them is a switching office, really only has some technicians that go there. He likes the fact that they're preserving the back by Bear Creek, because having that stay the wooded natural sense is good. His question is the following, because he's seen this happen at an existing older car wash farther north of them. When it's traffic time on Mound, it almost seems like more cars are coming out of the car wash than can turn onto the road, because of the amount of space. When it's not traffic time, it's not a problem, but he's seen that happen when it's rush hour or there's traffic, cars can't turn onto Mound and that's the only concern when looking at their plan. They have this wonderful double stacking, and they show all these cars waiting to go in, but when they go through the car wash, there's this short amount and they're going out onto Mound. He knows there is a light there, but that light is going to be green for the north bound traffic for a while and rush hour it will be hard to turn out onto there. He just worries will there be a stacking problem on the exit from the car wash.

Jon Pellegrine explained they have made a few provisions to address that. They shifted the tunnel back from the Mound Road frontage to accommodate a few cars to stack there. Typically, with this type of car wash most of the users end up going through the free vacuums, so they'll actually be exiting the tunnel and making a left hand turn into the vacuum bays. Then they also have the ability

to control the speed of the conveyor. So, if they are during a peak time and there are too many vehicles looking to exit, the on-site operator can address that by throttling down the speed of the cars traveling through.

Board Member Sylvester said as congested as it is, and he has the same concerns. How does he want to put this? He said to come back to him, it flew right out of his head.

Board Member Clift stated he loves this idea. Everything about it just screams, great, great, great. However, like the Chairman and his colleague, he too, have great concern over the stacking at the exit. If there was a way to maybe push that back even where they can put an additional four (4) to five (5) cars to stack for the exit, he thinks they would have pretty much the perfect plan. He utilizes one a little more than a mile north from where this one is, and he's going to tell them there is times he feels like he's going to get pushed right out into the road. He doesn't even go there anymore after his last little episode.

Chairman Nestorowicz said he thinks he was thinking of the same one he was thinking of.

Board Member Clift stated even their partner store across town, they allow for a couple more. But as times it's contentious there right after church is letting out on Sunday. So, he would implore these guys to seriously consider a couple of voices of experience having operated here in town when it comes to that. For the record, they're stacked up like crazy going in, running through the tunnel and then coming out. These places have fifteen (15) to twenty (20) vacuums, they're lucky to see two (2) cars at them. Just the nature of the beast in the area. He's just trying to be helpful. But if they can make that provision to set this thing back a little further, he thinks it's a fantastic development for that area. He likes that they're maintaining some natural area in the back, and they're not pressured to have the space to be able to meet their recommendations about pushing back a little bit and extending that exit some.

Chairman Nestorowicz asked maybe they can ask the following clarification, because it's hard to tell on the site plan. Along the driveway from the road to where the building exit is, how many cars can actually be stacked up there on the exit part? How many cars can fit there?

Jon Pellegrine replied about four (4) he believes.

Inaudible.

Jon Pellegrine explained they do have some flexibility to shift back due to the length of the site. The only thing they were trying to preserve was some visibility from the street, because that's kind of the main way to advertise, but they're happy to look at that and certainly shift.

Chairman Nestorowicz stated in his mind, he keeps on thinking how long does that light stay green and red, and in that period when its green for the north bound traffic, how many cars are going to exit out of their facility during that period that would be waiting for the light to change so they would have room to turn onto Mound. During traffic it's very hard to turn out there when the north bound traffic has the green light.

Secretary Jerzy said just to reiterate the traffic point. That road is very, very heavily truck traffic.

The traffic concerns that this boards eluting to, he would have to say, because he travels Mound all the time, at least a third of the traffic at any given point of the day is all trucks. Even just trying to wait for trucks, weighted down truck just to get through a light, it's a congested road as far as truck traffic. It's a heavy truck traffic road, so. He doesn't know if there is something the city can do to try and help them out with the timing of the light, or the county, he doesn't know. It's a county road, maybe the county can change the light, go to the county and try to get the light changed a little bit different variation. He really doesn't know. He does like the idea of maybe setting it back a little bit more. As tall as their building is, he thinks they'll still have plenty of advertisement even if they do set it back. He thinks they'll still see that logo coming north, because they don't really have any buildings in front of it blocking it. They don't really have any tall buildings, and the AT&T building sits back. So, that's just his concern.

Board Member Anglin said he's looking at this. Is there a reason why, with some designing, that this exit could fan out into two (2) double lanes which would allow them to stack twice as many, they'll have two (2) exit arrows, because they'll have a double lane exit, and then move that single ingress over the footage needed to do that?

Inaudible.

Board Member Anglin said that would allow them to double their car capacity sitting there and at some point, if it does decide to become a problem, at least those cars have somewhere to shift to, and they won't be shutting their machine down or slowing it down. He understands business, they want as many through there as they possibly can get. If they have bad traffic out there and it's holding somebody up for ten (10) minutes, then they've just shut down their whole line for ten (10) minutes, when they could have a double lane, which means they're exiting two (2) cars at a time. Just like they do in the roundabout anywhere up and down Mound. It's a two (2) lane roundabout.

Secretary Jerzy said and possibly to attract in customers, too. If somebody comes in and they can't get out of there, it's just...

Board Member Anglin said if they do the double lane like they do the roundabouts, one (1) car has to stay on the right and the other has to go to the left lane and they doubled their space.

Chairman Nestorowicz said to Mr. Anglin, part of the reason the way they laid out their driveway is because if somebody is going south bound on Mound, they're doing the turn around at the light and can go straight across the street and enter their driveway. He would be worried that if they move it too far...

Board Member Anglin said he understands that, but if they moved it down ten (10) feet, twelve (12) feet. If they added another lane in there, they're adding ten (10) foot, they're dropping it down ten (10) foot, it would still be pretty much straight across to get to the roundabout. Is there a light there at that roundabout?

Board Member Sylvester said yes there is.

Board Member Anglin said he thought there is. If they have a light, there that turns green then its an easy shot to get straight across.

Inaudible.

Chairman Nestorowicz said in the past he has gotten straight across from the AT&T parking lot from there, so it's doable.

Board Member Anglin said again, he's not trying to engineer this, he's giving a suggestion that would alleviate that and if they're willing to redraw that to fit this situation, he doesn't see why they have any problem with this.

Board Member Sylvester said he thinks he has all his thoughts altogether. Did they do any traffic study for over there? They all live around here, and between three (3) and seven (7) that is very, very congested. He has seen other car washes around here that even they think they got enough space and everything, there's cars out in the street, there's cars in the center turn lane, which that wouldn't be a problem, but they're trying to find a way. Like one of the members already said, they could drive by there, take a look at it and say forget it, it's not worth it. So, did he just pick the property or did they do any pre-work like a traffic study to see what actually goes on over there.

Jon Pellegrine explained they do have existing traffic counts that the site selection was based off of from the help of their brokers. They have not done any site-specific traffic study for how their traffic is going to impact the area.

Board Member Sylvester said and it will.

Jon Pellegrine said right.

Board Member Sylvester said he has a bit concern about that. He goes up and down Mound all the time, and at that time people coming off 696 and whatever, they're heading down Mound to go north. Right now, for how long, Mound is all screwed up, so there is just a lot of vehicles down through there. Then to put their facility, to him, it's adding to the problem. He likes their car wash, but he wishes it was in more of an area that wasn't as congested, didn't have the traffic flow coming off 696. There's a place he goes, he's not going to mention any names, but a place he goes. Do they have any drying of the cars inside of the building, or is it all outside?

Jon Pellegrine explained they do have blowers that dry the car inside the tunnel.

Board Member Sylvester asked how many cars would be in the driveway and how many cars would be in the building after they're washed and they're cleaning them up.

Jon Pellegrine explained the drying area is roughly twenty-five (25) feet in length, so it's basically the exit from the tunnel and then the first twenty-five (25) feet or so in, that's where the blowers....

Board Member Sylvester asked if that's just one length of cars.

Jon Pellegrine replied about one and a half.

Board Member Sylvester asked once they get done out of the wash, they're looking at maybe six (6) cars that cleaning up and getting ready to ship out.

Jon Pellegrine stated there would not be attended actually drying the vehicles, that would all be automated within the car wash. So, the tunnel equipment itself would fully dry the vehicle before it leaves the tunnel.

Board Member Sylvester asked that they don't have anybody with towels drying up the car. He just wished it was in another spot. Thank you.

Board Member Anglin said regarding to the traffic in that area. His theory is, he's pulling the cars from that area, taking them off, and putting them back in that area. So, he doesn't think they're upping the traffic on that street just diverting certain amounts of it off the street and then back on the street. His biggest concern is, like he said, the egress coming off of the project and having enough space to where everything is just not sitting there backing up and then people saying see the car behind them and they're trying to rush out. So, and they heard the way he thought he would probably address that issue. He made his decision; he doesn't know if any other board members have something else to say.

Jon Gabor said he thinks those are great points, particularly, during rush hour its going to be pass by traffic that goes in and out. He doesn't think people are going to make this a destination during rush hour. He could be wrong, they obviously know the area better than he does.

Board Member Anglin said not wrong, he wouldn't go down there if they gave him a free car wash.

Laughter.

Board Member Sylvester was inaudible due to microphone not on.

Secretary Jerzy said mic on.

Multiple board members saying turn your mic on.

Board Member Sylvester stated people go through there like a bad out of hell. That's going to be right in front of their car wash. The people that go through the red lights, and then they have a lot of truck traffic, they're on the right side. Now, you're looking at fifty (50) feet that cars aren't going to go under a truck to get onto Mound Road or whatever. Like he said, they probably have a great car wash, he just doesn't like where it's at. Sorry.

Chairman Nestorowicz said he has one more question before he goes, Mr. Anglin. So, when earlier they made a comment about when he was talking about the backing up of the cars and said they could slow the conveyor belt if that was happening. Where do you have employees in this situation, because there's nobody at the end to see if there's a back up because there is no body there towel drying and stuff like that. In the front it's all kiosk type of paying, where do you have an employee that's going to notice?

Jon Pellegrine explained there's a designated office at the, so northeast corner of the building, where typically if there's only one (1) employee on site they sit in that room and have optics into the tunnel through video monitors and can also lookout and see the rest of the site, the stacking,

having visibility of the overall operation. During peak times, there's typically three (3) employees that are there. There's someone at the pay stations that is assisting customers, letting them select which wash they choose. Again, there's at least one (1) employee in the tunnel entrance, and they're responsible for maintaining the traffic flow through the site.

Inaudible.

Multiple board members saying turn your microphone on.

Board Member Sylvester said possible for the traffic flow.

Jon Pellegrine said they have. They have an operator that manages and operates about fifty (50) car washes in the Dallas area. So, he will be coming on as their COO to operate and train employees in this area.

Jon Gabor said they can agree at this point in time two (2) things. Number 1, to move the building back probably twenty-five (25) feet from where it is currently, which could add stacking. Then they could look at the suggestion about reconfiguring the ingress and egress at the road. Obviously, that's a curb cut that has to be approved by the road authority, having jurisdiction and such. They can look at that, he doesn't think at this point in time they can commit to doing that, because they're not sure what the issues are with the distance from the turnaround, traffic light and such, and how that would work. But they can agree to move the tunnel and the building back further than what it currently is.

Chairman Nestorowicz thanked him.

Board Member Anglin said if no other board members have anything to say, and isn't that optically censored that keeps cars from running into each other? That's pre-setup into the computer system on that. Now, his suggestion was strictly a suggestion, they're not going to read it into this whatsoever. Setting the thing back further is not part of this, but he's readying it the way it's spelt out.

Motion:

Board Member Anglin made a motion 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.

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

Secretary Jerzy supported the motion.

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

Roll Call:

A roll call was taken on the motion. The motion carried (6 – 2).

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 Sylvester	No, he doesn't believe it's a detriment, but he believes it's not a good spot for the car wash.
Board Member Clift	No, the setback wasn't read into the motion.
Board Member Sieracki	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.

15. PUBLIC HEARING:

APPLICANT: Ragheed Akrawi, East Ten Mile Associate, LLC

(Rescheduled from 3/9/2022)

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 marijuana 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 27, 2022 during the adoption of the agenda.

16. NEW BUSINESS

Secretary Jerzy stated he has one item under new business. They have to as a board... He put out a letter to the Fire Commissioner for him to appear at their next meeting, and they need to have a vote to approve that request to have him here.

Motion:

Secretary Jerzy made the motion to have Commissioner Skip McAdams here for the April 27th meeting, Supported by Board Member Anglin.

Voice Vote:

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

Inaudible.

Secretary Jerzy stated they have an issue with 5860 Frazho that he is going to come speak on.

17. 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 9:05 p.m.

Paul Jerzy
Secretary of the Board