

WARREN ZONING BOARD OF APPEALS  
REGULAR MEETING  
APRIL 27, 2022

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, April 27, 2022 at 7:30 p.m. at the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

**Members of the Board present:**

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:**

Roman Nestorowicz, Chairman

**Also present:**

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

**1. CALL TO ORDER**

Vice-Chairwoman Furgal called the meeting to order at 7:35 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

A roll call was taken and Chairman Nestorowicz was absent.

**Motion:**

Secretary Jerzy made a motion to excuse Chairman Nestorowicz; Supported by Board Member Clift.

**Voice Vote:**

A voice vote was taken. The motion carried (7 – 0).

**4. ADOPTION OF THE AGENDA**

Vice-Chairwoman Furgal stated they have a couple of changes to the agenda. Number 14, that's Badalamenti Investments and number 16, Ragheed Akrawi East Ten Mile Associates.

**Motion:**

Secretary Jerzy made a motion to move item 14 to May 11, 2022 and item 16 to

May 25, 2022; Supported by Board Member Anglin.

**Voice Vote:**

A voice vote was taken. The motion carried (7 – 0).

Vice-Chairwoman Furgal stated there are a few use variances on the agenda today. There is not a full board, it's required six (6) votes to be approved. So, if they are interested in having the item postponed when you come up to the podium tell the board. Thank you.

**5. APPROVAL OF THE MINUTES of the Regular Meetings of April 13, 2022.**

**Motion:**

Secretary Jerzy made a motion to table the minutes of April 13, 2022 minutes; Supported by Board Member Anglin.

**Voice Vote:**

A voice vote was taken. The motion carried (7 – 0).

**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 than 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.

Vice-Chairwoman Furgal asked the applicant to please state their name and address for the record.

David Lawrason, 709 South Blair Avenue, appeared before the board.

Vice-Chairwoman Furgal told him to tell the board for the reason for his petition.

David Lawrason explained he is here again, he doesn't know if they recall. He was here March 9<sup>th</sup> and this petition was tabled. So, he's back again to request these variances. He doesn't think he adequately explained what he's really looking for. When he moved into this building in July of 2020, there was an existing fence with land in it that he was unaware that there was a setback running through it. The request for the majority of these dimensional variances are to allow for parking and storage of his trucks and equipment in the envelope that's surrounded by the existing fence. The variance request number 6, allow open storage on a non-hard (gravel) surface, he would actually like to retract that one, because upon closing on this building, which should be happening in the next three (3) weeks, that area would be paved. So, it would be hard surfaced, which is in the plans that were submitted. For item number 7, constructing the sold dome no less than fourteen (14) feet from the south property line. There are existing variances among this property to allow for that. The construction of that structure for it to be in that position because it lines up with the rear of the existing building. That's what he is here for, hoping the board grants him these variances so he can continue the operation in this facility. He had the fuel tanks that were inspected by the fire marshal, and he approved their location. The above ground fuel tanks, in his opinion, would be better than having anything below ground. They can monitor leaks better, less chance for any contamination into the soil or ground water. That's what they're here for.

Vice-Chairwoman Furgal said thank you.

David Lawrason said he would also like to add, he apologized, in the mean time. He knows there's some concern about what the neighbors thought about this plan and he held a meeting with University Manor residents in September, after the Planning meeting. He answered all their

questions and concerns, and then the board should have also received a letter from the owner, the development from across the street. He went over the plans and what he was doing with that as well, and he did not see an issue how what he's doing there on his property would affect him or his development in a negative way.

Vice-Chairwoman Furgal thanked him. This is a public hearing, is there anyone in the audience who would like to comment on this item?

No response.

Vice-Chairwoman turned the matter over to the board. She would like to point out that they have a very extensive report from the Planning Director regarding this item. So, she would suggest that they postpone it until the next meeting, because they haven't had time to read this.

Board Member Clift stated he is going to echo her sentiment. He got the email with this information today. He got off work at about 3:30, life happens, there are twenty-two (22) pages of information here and he's not willing to support any movement on this, except for a no vote until he has time to read and digest this information.

Board Member Sylvester stated he just received the same document about ten (10) minutes ago. So, he's only looked at the first page and says it's regarding item number 6, so he would feel the same way as his colleague does. He has to go over this.

Board Member Anglin said seeing that so many have expressed about postponing this he would like to make a motion.

**Motion:**

Board Member Anglin made a motion to postpone this to May 11, 2022 so they can finish this up for the gentleman; Supported by Board Member Clift.

Board Member Sylvester said it sounds like they're going to discontinue this until the next item, correct?

Secretary Jerzy said the next meeting.

Board Member Sylvester stated he has somebody here that he believes the board should hear now, because he's a busy individual. For what they're going to be looking at and reviewing, his comments might come into play how the board is going to decide this. The gentleman is in the audience tonight and he would like him to speak to the board.

Vice-Chairwoman Furgal stated since they have a motion and second to postpone, they should vote on that.

Jennifer Pierce stated she agrees.

Secretary Jerzy said a motion to table.

Vice-Chairwoman Furgal said motion to table. It's actually to postpone.

Secretary Jerzy said postpone to May 11<sup>th</sup>.

Board Member Sylvester said if they're postponing to May 11<sup>th</sup> and the gentleman is here, he doesn't understand why he cannot speak.

Vice-Chairwoman stated because they already have a motion and second to vote. They need to vote on it.

Inaudible.

Vice-Chairwoman said yeah, he can come back anytime he wants.

Board Member Sylvester said that might be possible, that might be not possible. He's here tonight.

Vice-Chairwoman Furgal said well, it's still.

Board Member Sylvester said it's important to this issue.

Vice-Chairwoman Furgal said so is this report from the Planning Director.

Board Member Anglin said he wants to call the motion.

Vice-Chairwoman said yeah. Lets vote on the motion.

**Roll Call:**

A roll call was taken on the motion. The motion carried (7 – 0).

Board Member Anglin	Yes.
Board Member Clift	Yes.
Board Member Sieracki	Yes.
Board Member Sylvester	Yes.
Board Member Perry	Yes.
Secretary Jerzy	Yes.
Vice-Chairwoman Furgal	Yes.

The petitioner's request was **POSTPONED** to May 11, 2022.

Vice-Chairwoman Furgal said she hopes they understand this will probably be in their best interest.

David Lawrason said absolutely, he understands.

Multiple board members thanked them.

**7. PUBLIC HEARING:**

**APPLICANT: Premiere Roofing and Construction**

REPRESENTATIVE: Bradley James Rocca  
COMMON DESCRIPTION: 29154 Lloyd  
LEGAL DESCRIPTION: 13-07-479-013  
ZONE: R-1-P

**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.

Vice-Chairwoman Furgal asked them to please state their name and address for the record.

Bradley James Rocca, 29154 Lloyd, appeared before the board.

Vice-Chairwoman asked them to please state their reasons for the petition.

Bradley James Rocca explained they are requesting a variance for additional square footage on a home. The city only allows 700 additional square feet to be built on a home, including a garage. The garage is 400 and they are trying to build a sunroom on the back of the home. There is a pre-existing porch already there with four (4) foot walls. So, their whole idea was to build walls up, attach to the roof, and make it a sunroom, a lot like other homes in the City of Warren. Although, when they're building that, it will be twenty-five (25) square feet above the 700 square feet. Then the variance line is twenty-nine (29) feet from the property, or the border of it. So, they're requesting a variance of that as well for the pre-existing porch so that they can build walls on it.

Vice-Chairwoman Furgal thanked them. This is a public hearing, is there anyone in the audience who would like to comment on this item?

No response.

Vice-Chairwoman Furgal turned the matter over to the board.

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

**Motion:**

Board Member Anglin made a motion 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.

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

Board Member Sieracki supported the motion.

Vice-Chairwoman Furgal stated they have a motion by Mr. Agnlin, support by Mr. Sieracki to grant the petitioner's request.

**Roll Call:**

A roll call was taken on the motion. The motion carried (6 – 1).

Board Member Anglin	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	No, it's excessive.
Board Member Perry	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Vice-Chairwoman Furgal	Yes, for the reasons stated in the motion.

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

Board Member Clift said point of order.

Vice-Chairwoman asked what is it.

Board Member Clift said item number 6 they had to take a vote to request the commissioner, fire commissioner, to be here. He thinks it might be prudent invite him again when that item comes up on the 11<sup>th</sup> of May. And if they're required to do that, he thinks they should do that and get that out of the way.

Vice-Chairwoman said sure, they can do that. Do you want to make the motion?

**Motion:**

Board Member Clift made a motion that Fire Commissioner McAdams be present at the next regularly scheduled meeting to speak commentary on tonight's item number 6 that has been postponed until 11 May of 2022; Supported by Board Member Anglin.

**Voice Vote:**

A voice vote was taken. The motion carried (7 – 0).

**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.

Vice-Chairwoman Furgal asked the applicant to please state their name and address for the record.

Chris Gabridge, store manager, 25879 Hoover, appeared before the board.

Vice-Chairwoman Furgal asked him to state the reasons for his petition.

Chris Gabridge explained this is their yearly request for outdoor storage for their spring sales and summer sales for live goods and mulches.

Vice-Chairwoman Furgal thanked him. This is a public hearing, is there anyone in the audience who would like to comment on this item?

No response.

Vice-Chairwoman Furgal turned the matter over to the board.

Secretary Jerzy asked if this is any different from last years request.

Chris Gabridge said it’s their yearly...

Secretary Jerzy asked exactly the same.

Chris Gabridge said same thing.

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

**Motion:**

Board Member Anglin made a motion to grant a variance 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.

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

Secretary Jerzy supported the motion.

Vice-Chairwoman Furgal stated they have a motion by Mr. Anglin, support by Mr. Jerzy.

**Roll Call:**

A roll call was taken on the motion. The motion carried (7 – 0).

Board Member Anglin	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Vice-Chairwoman Furgal	Yes, for the reasons stated in the motion.

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

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.

Vice-Chairwoman Furgal asked the applicant to please state their name and address for the record.

Al Lindsey appeared before the board stating he is the Chairman of the festival fair, 3642 Wakefield Drive.

Vice-Chairwoman Furgal thanked him. Please state the reasons for the petition.

Al Lindsey explained they would like to conduct their annual Warren Lions City Fair, which has been going on for close to sixty (60) years now, and their hardship is that they need the boards approval to have the fair.

Vice-Chairwoman Furgal said this is a public hearing. Is there anyone in the audience who would

like to comment on this item?

No response.

Vice-Chairwoman Furgal turned the matter over to the board.

Board Member Anglin said has it not been their concerns in the past when they had operations like this running past ten (10) o'clock that they have the music be shut off by 10 pm.

Vice-Chairwoman Furgal said yes.

Board Member Anglin said he would like to add that to this if he gets the opportunity, pleasure to read it. So you know. He has nothing further to say other than that. Unless anybody else something else to say and they want him to read the motion.

Al Lindsey stated that has always been their practice in the past.

Board Member Anglin said he just likes to see it in writing, thank you.

**Motion:**

Board Member Anglin made a motion to allow the variance 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

With the condition that music be shut off by 10pm.

Reasons being: Size and shape of the lot; Needs this boards approval.

Secretary Jerzy supported the motion.

Vice-Chairwoman Furgal said they have a motion by Mr. Anglin and a support by Mr. Jerzy to grant the petitioner's request as stated.

**Roll Call:**

A roll call was taken on the motion. The motion carried (7 – 0).

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

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

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.

Caren Burdi appeared before the board stating she is on behalf of the petitioner Jenna Nola and Michael P. Kanakry. She thinks all of the board are pretty much aware over on Thirteen and Mound that there has been seasonal outdoor sales for flowers and fireworks for an extensive period of time. Currently, now, buildings are going out along Mound on that corner. That area is fenced off and that's the construction where they're putting up, if you will, for lack of a better term, commercial strip center. On this occasion they then had to take a look at the site. They're asking that it basically be pushed back along Thirteen Mile. So, this would be more towards, on Thirteen Mile, more towards the center of the lot. Again, the seasonal outdoor sales pretty much run from 9am to 9pm, everything is contained within the area, documented on the site plan and it's much of what they've seen in the past. With regard to the fireworks, that would only be up from June 15, 2022 to July 5, 2022 and it would be largely, as they have seen it in the past with the inspections, etc. through the state or locally should that be the decision that the city makes. Her understanding about the fireworks tents and the cement or water tubs is understood and they agree to that, as they did on the other sites. They will see to that. Besides that, there's plenty of parking over there, especially with the new parking ordinance there's quite a bit of parking. If there's any questions, she is happy to answer them.

Vice-Chairwoman Furgal thanked her. This is a public hearing, is there anyone in the audience who would like to comment on this item?

No response.

Vice-Chairwoman Furgal turned it over to the board.

Board Member Sylvester stated he has some questions for the petitioner. Caren, he was through there today just coming here. There are fences up everywhere. Just hold on. There are tractors on site, ok. There is work going on for the new shopping center, parking lot, whatever they're going to be doing over there. He is familiar with the old, and he doesn't believe this has anything to do with the old flower shop and Christmas tree sales that were, it's not the same owners is it?

Caren Burdi replied yes it is.

Board Member Sylvester said it is the same owners.

Caren Burdi said it is.

Board Member Sylvester said ok.

Caren Burdi explained he would be here tonight, but he's...

Board Member Sylvester said neither here nor there. He doesn't see that right now, as much activity is going on that site, and saw where cars were parked when he was on his way there. The cars that would be going into the flower shop and what have you, he doesn't see that for one, a safety issue. There's cars that are parked in that parking lot and they're going to the stores that are open there right now, but to have a flower shop in there and selling soil and whatever and people coming in and out, and really not being aware of what's going on, there's going to be a problem there. That's how he sees it. He knows he is only one (1) vote, but that's how he sees it. Now, there's other places where that could possibly go, but he doesn't believe that is a safe place to open up a temporary business in the middle of a construction site. He did construction for forty (40) years. Ok. You don't just bring in a bunch of people into a construction site. He's sure some of those tractors and trucks, or whatever, are going to be outside those fences at sometime and people are going to have to pay attention to what's going and he just thinks that's just too much activity. So, he's pretty sure she knows where his vote would be going with this.

Caren Burdi said yes, if she may. Right now, they have a fence put up around that site. She understands what he is saying.

Board Member Sylvester said and there is a fence all the way down Thirteen Mile, almost all the way to the egress and ingress.

Caren Burdi said it's her understanding that that's going to be coming down. That is not staying at that egress and ingress. It's her understanding that it's going to be fenced at the corner.

Board Member Sylvester said it's her understanding, but him and her both see it up right now.

Caren Burdi said it is up right now and the landlord has indicated that is not staying like that.

Board Member Sylvester explained if he has something that shows that there is going to be a safe area for those people to come into that flower shop and not be affected one way or the other by the construction that's going on, he probably would change his mind. But right now he doesn't see it as that.

Caren Burdi asked if maybe she needs to table it and get the landlord...

Board Member Sylvester said he thinks that would be a good idea.

Caren Burdi said landlord to... Ok. Are there any other concerns that she needs to address?

Board Member Anglin said now, there has always been the flower shop right at the corner of Thirteen and Hoover, he means at Mound, but it seems when it gets to later in the year they start wrapping it with visqueen around it, at that point he's not calling it a tent any longer. He's calling it a shanty at that point. When they take it and use just rolled visqueen to enclose it and wrap it around it instead of having tent sides, it looks more like a shanty. He wants assurances that is not going to happen there. If it's going to be they need to put up a siding, it has to be canvas size manufactured for that tent. Not just a piece of blue tarp hooked to it and that. It's always looked terrible, and it happens later in the year when it starts to get a little chillier. He knows why they're doing it, but it just looks so bad. They're trying to keep the city from having places like that.

Caren Burdi said ok.

Board Member Anglin said if someone says they won't use and strictly provided by the proper manufactured sidings for their tent, he doesn't have a problem with outdoor sales.

Vice-Chairwoman Furgal asked anyone else.

Secretary Jerzy said just a quick question for Steve. He may or may not know this, but he's just kind of curious if this is going to be an on going construction from this point forward on that new development or are they just laying the ground overlay over the...?

Steve Watripont explained his understand is they are trying to move as quickly as possibly to get that construction completed, because they have an existing tenant. He believes Mr. Shango said that when he came before the board for the variances, he's trying to get them in there. He believes he's trying to break ground by May 1<sup>st</sup>. He knows he's got the temporary fencing up and he knows he wants to try and get that up and running at least for that one (1) tenant. He knows there are two (2) buildings going up, probably one at a time going from there.

Secretary Jerzy asked so it will be on going. The construction will be continually ongoing as of right now.

Steve Watripont explained he doesn't work in the field of construction, he doesn't know the time it's going to take, but he knows that he wants to get it done as soon as possible.

Secretary Jerzy said that is all he has.

Board Member Clift said he wanted to echo the sentiments of his colleague. That operation on that corner from year to year looks worse and worse and worse. It's pretty detracting, he thinks. He thinks it sends a pretty negative impression on their town. He really wishes they could figure out a way to do that in a more aesthetically appealing manner. As opposed to the visqueen that starts to get torn up and ripped then it looks like a haunted house after a little while over there. Besides that, that whole property has been relatively unkept for quite some time. The parking lot is a disaster. He just wanted to echo his colleague's sentiment. He yields the floor.

Caren Burdi asked if she could be tabled to the next meeting so she can work on these items and talk to her client. She apologized he is not here tonight, he is ill, and so she would like an opportunity

to talk to them and see if they can step up the game.

**Motion:**

Secretary Jerzy made a motion to reschedule item 10 for 5821 Thirteen Mile to the May 11, 2022; Supported by Board Member Anglin.

**Voice Vote:**

A voice vote was taken. The motion carried (7 – 0).

The petitioner's request was **RESCHEUDLED** to May 11, 2022 for the reasons previously mentioned.

Caren Burdi stated she appreciates it.

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| <b>11. PUBLIC HEARING:</b> | <b>APPLICANT: Global Signs &amp; Awnings</b> |
| <b>REPRESENTATIVE:</b>     | Ayad Sitto                                   |
| <b>COMMON DESCRIPTION:</b> | 27460 Van Dyke                               |
| <b>LEGAL DESCRIPTION:</b>  | 13-15-304-034                                |
| <b>ZONE:</b>               | 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.

Vice-Chairwoman Furgal asked the petitioner to please state their name and address for the record.

Ayad Sitto appeared before the board stating he is from Global Signs & Awning.

Vice-Chairwoman Furgal thanked him. And his address.

Ayad Sitto stated 22907 Dequindre.

Vice-Chairwoman Furgal asked if the other gentleman would like to give the board his name and address as well.

Greg W. appeared before the board stating he works with Savvy Sliders. Address is 30201 Orchard Lake Road.

Vice-Chairwoman Furgal thanked them. Please state the reasons for their petition.

Greg W. explained the reason for their petition is to continue to use outdoor menu boards as their predecessor did. He found out that they needed a variance for that, and that's their reason for being here.

Vice-Chairwoman Furgal thanked them. This is a public hearing, is there anyone in the audience that would like to comment on this item?

No response.

Vice-Chairwoman Furgal turned the matter over to the board.

Board Member Sylvester asked what is the square footage of their existing pole sign.

Ayad Sitto stated he believes it was seventy-five (75) square feet, right Steve?

Inaudible.

Ayad Sitto said seventy-five (75) square feet.

Board Member Sylvester asked his existing pole sign is already seventy-five (75) square feet.

Ayad Sitto said it was actually existing pole sign over there, they're just refacing it.

Board Member Sylvester asked but they're still keeping the same square footage.

Ayad Sitto replied yes.

Board Member Sylvester asked that they want an additional 66.6.

Ayad Sitto explained these are drive through signs.

Board Member Sylvester said beg your pardon.

Ayad Sitto said these are drive through signs.

Greg W. explained drive through menu boards at the back of the building. Like when you drive through and look at the menu board, that's what they are.

Board Member Sylvester said right, but they're looking for an additional square footage in signs. And they already have a seventy-five (75) square foot sign.

Greg W. stated the old ones are there, but... just say yes.

Ayad Sitto replied yes.

Board Member Sylvester asked that they want all three (3).

Ayad Sitto said yes, but they have the permit for the pole sign for the existing to reface it, they have the permit for that to be granted.

Board Member Sylvester asked if there is anyway he can tell him what he's saying. He's having a hard time understanding him.

Greg W. explained that he was saying they already got approved for the existing pole sign. That's what he's saying. But the menu boards in the rear of the building, that's what they're trying to get a variance on.

Board Member Sylvester said correct. He asked if there is any reason why they need the additional signage. They have an ordinance, and there's other places that have, that follow the ordinance and everything...

Vice-Chairwoman Furgal said Mr. Sylvester, this is not appropriate questioning.

Board Member Sylvester asked what would be an appropriate question.

Vice-Chairwoman Furgal explained every fast food place in this city has menu board signs, despite the fact that...

Board Member Sylvester stated they also have ordinances.

Vice-Chairwoman continued despite the fact of the pole sign. He's not asking for anything that other people don't have.

Board Member Sylvester asked then why is he here.

Vice-Chairwoman Furgal explained because they require them to ask for it.

Board Member Sylvester said and he gets it regardless. Ok. That's fine.

Board Member Anglin said just to clarify. The sign that was put up, approval was given for that seventy-seven (77) square foot sign in 1967, it's probably why he had to reface it. He imagines it looked pretty bad. This is really not what they're supposed to be asking, but there is a McDonald's right next door to them, and this is going to be...?

Greg W. said a Savvy Sliders is the name.

Board Member Anglin said ok, another hamburger.

Vice-Chairwoman Furgal said it used to be a Dunkin Donuts.

Greg W. explained they had the same signs previously. They upgraded to digital.

Board Member Anglin said they got away with it, they put it up without permission, shame on them. But he doesn't think they should actually fall upon their hands.

Greg W. explained they are trying to do it right.

Board Member Anglin commends them for coming before this board and getting it. He's sure it got brought up to them though. He has no objections for menu board signs to be put up on this property.

Board Member Clift asked if these are industry standard, right? They're basically the same at all the different locations. He's been to a couple. Same thing.

Greg W. said nothing different.

Board Member Clift thanked them and yielded.

Secretary Jerzy said if nobody has anything, he would like to make a motion.

**Motion:**

Secretary Jerzy made a motion to allow:

- 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.

Reasons being: Not a detriment to the area; Necessary for the business.

Board Member Anglin supported the motion.

Vice-Chairwoman Furgal said they have a motion by Mr. Jerzy, support by Mr. Anglin to grant the petitioner's request as stated.

**Roll Call:**

A roll call was taken on the motion. The motion carried (7 – 0).

Board Member Jerzy	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 Clift	Yes, for the reasons stated in the motion.
Board Member Sylvester	He's going to surprised them. This should be changed in in their ordinances and requirements so gentleman like these don't have to come in front of the board and ask for something that is a standard in this city. If this is what

we're going to do with all the businesses and it's already existing, then there is no reason for them to be here. Now he's going to surprise them, yes. Good luck.  
Yes, for the reasons stated in the motion.

Vice-Chairwoman Furgal

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

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.

Vice-Chairwoman Furgal asked the petitioner to please state their name and address for the record.

Gregory Jackson, 29900 Van Dyke, appeared before the board.

Vice-Chairwoman Furgal asked for the reason for their petition.

Gregory Jackson explained they have two (2) currently existing signs for new cars and used vehicles. When they originally built the dealership they're on Van Dyke the brand image was different for Cadillac, they didn't have the new model signs available. Now, they have an updated branding image. So, for compliance with Cadillac brands standards, as well as just keeping with the fresh look, requesting for this variance.

Vice-Chairwoman Furgal thanked him. This is a public hearing, is there anyone in the audience who would like to comment on this item>

No response.

Vice-Chairwoman Furgal turned the matter over to the board.

Board Member Sylvester said he had one (1) question, honestly he has a lot more, but he has one (1). Were the ordinances and requirements even considered before he made this petition to the board.

Gregory Jackson asked him to restate the question.

Board Member Sylvester said knowing what the ordinances are and everything and what they can do with their signs and everything, were those considered before they decided to look for a variance?

Gregory Jackson said he hopes he is answering this correct, he's not sure he fully understands.

Board Member Sylvester stated in their guidelines, they can have a sign a certain size, so far off the ground, so far setback, this that and everything. Did you look at all that before deciding what kind of signage they wanted.

Gregory Jackson said not at all. They contacted...

Board Member Sylvester asked why not.

Gregory Jackson replied process. They contacted Cadillac to see what was going on with new signage. They informed them of what the new signage was, then they put a team... He guesses the answer would actually be yes. When they embarked on to try and figure out what they have to do to get their new signs.

Board Member Sylvester said but, they just talked to Cadillac, didn't talk to the city.

Gregory Jackson continued that they talked to Cadillac about the signage itself, and then afterwards his co-worker here, Ms. Logan, she contacted the city and that's how they ended up here today. He's not sure who she spoke with.

Ms. Logan explained she contacted the city and spoke with them.

Board Member Sylvester said he's figuring after he already had a sign developed, drawn up, submitted to Cadillac or the dealership, whoever they did that to, then they found out about the requirements for the City of Warren. He asked if they went back to them and say they might have to adjust this. We'll try to get a variance but they might have to adjust this.

Gregory Jackson replied yes, but not exactly like that. They've had the signs for the last six (6) years, since 2016.

Board Member Sylvester asked where at.

Gregory Jackson replied at Twelve and a half and Van Dyke, at Prestige Cadillac, right across from the Tech Center. The signs sit right in the same exact location.

Board Member Sylvester asked if there is any other place in the City of Warren.

Gregory Jackson replied no. Just the signage that is sitting right there and they're replacing it with a newer look. They're pretty much the exact same size, exact same spec, same location, it's just a matter for them to be able to swap the signs out from the old one to the new one. This is just part of the process.

Board Member Sylvester said they are violating the ordinances that they have. And he knows why, Zoning Board of Appeals, he gets that, but... He asked if they ever thought about doing some adjustments to them. To the signs? To get it closer to the ordinances?

Vice-Chairwoman Furgal said Mr. Sylvester...

Board Member Sylvester said what, am I wrong again?

Vice-Chairwoman Furgal said yes.

Board Member Sylvester asked really.

Vice-Chairwoman Furgal said yes. Stop.

Board Member Sylvester asked stop.

Vice-Chairwoman Furgal said don't continue this.

Board Member Sylvester asked why, what are you going to do to me.

Vice-Chairwoman Furgal said nothing, just asking you to stop.

Board Member Sylvester asked why he can't ask questions with regard to them wanting to put signs up on their property.

Vice-Chairwoman Furgal said these are not appropriate questions.

Board Member Sylvester asked what would be an appropriate question.

Vice-Chairwoman Furgal said stop...

Board Member Sylvester said just tell him! When he has something in front of him that's talking about signs and these people have just admitted to him that they didn't even take the ordinances into consideration, why can't he ask those questions? And he's not saying that they can't have a sign, but can they adjust it to fit the ordinance a little bit closer.

Vice-Chairwoman Furgal said he is harassing them.

Board Member Sylvester said he is harassing them! What are you doing?

Vice-Chairwoman Furgal said she is asking him to please stop that line of questioning, it's not appropriate for the Zoning Board.

Board Member Sylvester said he guesses he can't ask anymore questions.

Board Member Anglin said what he is seeing here is the fact that the signs are up already, whosever fault that was previously that didn't get the proper zoning to put those particular signs up, they just found that out when they applied to put in the new signs, and they're coming in front of the Zoning Board to get appropriate approval. Or those already had pre-approval for the zoning?

Gregory Jackson replied yes.

Vice-Chairwoman Furgal said they got pre-approved.

Ms. Logan explained the signs they were up were approved by the city, by the zoning department, everything is in line properly in 2016 when the store was built.

Board Member Anglin said he understands.

Ms. Logan explained they are here because now Cadillac has a new sign, she is sure they have seen it at some of the other Cadillac stores. Where theirs still has the older model.

Board Member Anglin said he doesn't mean to interrupt her, but he wants to get this through. Then it's really all they're doing is putting a new face on the older sign.

Gregory Jackson replied exactly.

Board Member Anglin said he doesn't see why this has to come in front of the board, but with that in mind... Go ahead, Steve.

Steve Watripont explained the reason this has to come before the board is because it's gone from a pole sign to now a monument sign, where it goes all the way to the ground.

Board Member Anglin said so it is going to be larger than it was before.

Steve Watripont explained the square footage of the advertising is the same as what it was before, close to the same, it's just they encompass that all as a monument sign now, which allows it only to be five (5) feet tall as a monument sign. That's why they're rescinding the variances that were granted for the pole sign.

Board Member Anglin said now that makes sense. It was a pole sign, they're making it a monument sign. Same square footage. If no other board members have any questions he would like to make a motion.

**Motion:**

Board Member Anglin made a motion to give 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.

Reasons being: Size and shape of the lot; Needed this boards approval.

Secretary Jerzy supported the motion.

Vice-Chairwoman Furgal stated they have a motion by Mr. Anglin, support by Mr. Jerzy to grant the petitioner's request as stated.

**Roll Call:**

A roll call was taken on the motion. The motion carried (6 – 1).

Board Member Anglin	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Sylvester	No.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Vice-Chairwoman Furgal	Yes, for the reasons stated in the motion.

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

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.

Vice-Chairwoman Furgal asked the applicant to please state their name and address for the record.

Jennifer Glover appeared before the board stating she is here representing Aver Sign Company for the Sonoco gas station at 1950 Twelve Mile Road.

Vice-Chairwoman Furgal thanked her. Please state the reasons for the petition.

Jennifer Glover explained the reason she is that this Sunoco brand has changed their design. They have gotten rid of the horizon on the canopy, which is all that decorative squares and colors. It looks almost like a horizon. They have replaced it with a dark blue with a light blue undertone. The City of Warren considers being that it's in two (2) different colors, it is being signage on the canopy. So, that's why they're here. They're only allowed forty (40) square feet of signage. She believes it was canopy number one and because it is a two (2) tone canopy fascia it's considered decorative signage and they have exceeded their square footage.

Vice-Chairwoman Furgal thanked her. This is a public hearing, is there anyone in the audience who would like to comment on this item?

No response.

Vice-Chairwoman Furgal turned the matter over to the board.

Board Member Sylvester said madam Chair.

Vice-Chairwoman Furgal asked Mr. Sylvester if he is going to be nice.

Board Member Sylvester said he is surprised she needs to ask me that.

Vice-Chairwoman Furgal said she is surprised, too.

Board Member Sylvester asked if this is the first gas station that they're changing the signage in the City of Warren.

Jennifer Glover asked by the company she works for.

Board Member Sylvester replied yes.

Jennifer Glover said no, not at all.

Board Member Sylvester asked so there's stations that already have the new signage on them.

Jennifer Glover said with the Sunoco. She believes... the ground signs. They usually do the ground signs, they don't typically do canopy work so she can't really comment on canopy work. Ground signs she believes they have done one, they have another one pending.

Board Member Sylvester asked if they already got approval for those. Working fine?

Jennifer Glover replied yes.

Board Member Sylvester thanked her.

Board Member Clift said if there are no other board members have anything to add to this one he would like to make a motion.

**Motion:**

Board Member Clift made a motion to approve 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.

Board Member Perry supported the motion.

Vice-Chairwoman Furgal stated they have a motion by Mr. Clift, support by Mr. Perry.

**Roll Call:**

A roll call was taken on the motion. The motion carried (7 – 0).

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

Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Vice-Chairwoman Furgal	Yes, for the reasons stated in the motion.

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

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 marijuana facility to be located 424 feet from the public park.

**ORDINANCES and REQUIREMENTS:**

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

Marijuana growing, processing, secure transporter, and co-location facilities are permitted in M-1, M-2, M-3 and M-4 zones, if the facility is located, at the time of local license application submittal: (1) at least 500 feet from the nearest lot line of the all of the following: (c) a public park.

*This item was rescheduled to May 11, 2022 during the adoption of the agenda, per the petitioner's request.*

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.

Vice-Chairwoman Furgal asked the petitioner to state their name and address for the record.

Brian Monahan appeared before the board stating he represents AT&T mobility. He introduced Stephen Carr, referenced in the introductory remarks there. He is with a company called PBM

Wireless retained by AT&T mobility to assist with this site.

Secretary Jerzy asked him to stop for one second, sir. Do we want to ask him, because they don't have a full board.

Vice-Chairwoman Furgal stated this is a use variance, so they need six (6) positive votes.

Brian Monahan stated they are aware of that and they are willing to forge ahead if that's acceptable.

Secretary Jerzy said he just wanted to make sure.

Vice-Chairwoman Furgal said go ahead.

Brian Monahan stated his address for the record is 337 South Main Suite 201.

Vice-Chairwoman Furgal stated she has one (1) question. Is there anyone from the church here?

Brian Monahan said no, however, he does have a signed affidavit from the Director of Operations for Woodside Bible Church, Mr. Mike Fisk. He can certainly present that to the board if she would like.

Vice-Chairwoman Furgal thanked him.

Brian Monahan stated he will add they do have a signed leased agreement with the church for the proposal. Lastly, again just for the record and because he drove all the way here from Lake Orion, he would like to point out that they have John Romsick who is a Senior Radio Frequency Engineer with AT&T mobility here to address any particular technical questions the board might have. Just very briefly, the proposal is for antenna on top of the, or on the existing church, not above the roof line. It's at about a seventy-five (75) degree, or seventy-five (75) foot level. The reason and their hardship that they're even asking for this is right here. This is a radio frequency map showing the coverage that they have in the existing area of the church. This little dot in this yellow [area] is the church. The yellow [area] is their gap. Everything that they see on here that is green or blue, is acceptable radio cellular radio coverage from existing sites that AT&T has in the Warren and greater Warren area. As they can see, they have done a very good job providing coverage, effective coverage, except for this year [area], which is approximately about a half a mile to three quarters of a mile wide and about a mile and quarter north south. It's centered, right here a little bit below would be the center, but this is Hoover and 696. That's their gap. The antenna's that they're proposing make it look like this. The yellow and red are gone, they now have totally affective coverage in the entire area. Everything that is green and blue is acceptable. He will point out they're a federally licensed corporation. Required under their license to continually strive to provide complete coverage in their entire service area, which is the entire state of Michigan. So, that's their hardship, that's why they are here. He would like to point out that the very first thing that they did when trying to address this coverage with obviously look at the zoning ordinance and the wireless ordinance for the City of Warren. The City of Warren's wireless ordinance specifically, and in several locations, strongly favors this exact project. He would like to point out Section 4.57 of the wireless ordinance literally states they promote the use of as few towers as possible. Section 4.65 co-location is strongly encouraged. Then Section 4.58, essentially, provides for administrative

review of roof top antenna locations. This technically isn't a roof top because they're being attached to the side of the church. They did provide a booklet earlier this evening, which they may have in front of them. He regrets they did not provide it earlier. It's a fairly straight forward issue. But he would like to point out the maps he just saw are tab 4, and then tab 3 are photo simulations of the existing church and then with the simulations of the attached antenna. As they can see, it will not be above the roof line, and quite frankly will be a very minimal visual impact, which of course is what the ordinance is striving for when its saying they would rather find a create way to address their cellular coverage issues that don't involve putting up more towers in the City of Warren. They truly believe, he knows this is an over used phrase, but they truly believes this is a win, win situation. It's a win for AT&T mobility because that gap coverage that large block of yellow goes away. Something they are required to do under their license. It's a win for all of their customers, literally, tens of thousands of AT&T mobility customers who live in Warren or drive along I-696 every day. He thinks it is a win for the city because it solves their problem without the need to put up another tower. The area that they're talking about with their coverage, there are some extremely limited possibilities. He thinks it would be without a number of variances, it would be literally impossible to construct an actual tower. The area is predominately residential. He doesn't think the city would like it. This is truly something that he thinks complies completely with the city's cellular antenna wireless ordinance. He doesn't have anything further to say. He apologizes for going on a bit. If there's any questions, they would certainly like to address those. Otherwise, they request that the board approves their request. Thank you.

Vice-Chairwoman Furgal thanked him. This is a public hearing, is there anyone in the audience that would like to comment on this item. Please come forward and state your name and address.

Ronald Buck appeared before the board, 27468 Schackett Avenue, the street which is just east of Hoover. Essentially, his home is right behind the tower, of the church. So, what he's interested in is what does this look like. It has been mentioned here that it sounded like there was a picture of sorts, a rendering of what this antenna would look like on the church.

Brian Monahan asked the Chair if he could approach.

Vice-Chairwoman Furgal stated she thinks that would be alright.

Brian Monahan showed the resident an image and said that's exactly what it would look like. It's just going to be right on the side.

Ronald Buck said no problem and thanked him.

Brian Monahan said problem solved.

Secretary Jerzy said he has two (2) emails here from residents. One (1) is from a Roy Kapil states that he's the property owner of 27269 Shackett Avenue. He disagrees with the proposal to allow a wireless seventy-five (75) feet communication antenna's. He feels this proposal would negatively impact his property value. He also has another email from Debbie Mertz. She said she sending the email for 11732 Susan Avenue on behalf of an L. Swirczek and 11644 Susan Avenue, M. Bensinger, opposing the wireless communications antennas at 27300 Hoover as well.

Vice-Chairwoman Furgal asked if there is anyone else in the audience that would like to comment on this.

No response.

Vice-Chairwoman Furgal turned the matter over to the board.

Board Member Anglin said this could almost be Where's Waldo. They could get the (inaudible) search to find this thing, because he looked that over twice and until he pointed it out he didn't know it was there. He doesn't know if any other board member has any questions.

Secretary Jerzy said he does. How big of a block of area is that yellow that they're missing coverage?

Brian Monahan replied John Romsick would know specifically. When he just eyeballed it with the graph on the map, it looked to be a half a mile to three quarters of a mile wide and about a mile and quarter north south. But he was eyeballing it.

Secretary Jerzy asked what prohibits the coverage in that area. Is it just sort of a dead zone, per se. He's kind of confused how they only have...

Brian Monahan explained every cellular antenna tower has a finite capacity to receive and send signal. Back in the day, twenty (20 ) years ago, they could get by with one (1) or two (2) in that entire area, because the only use on the tower was people on the cell phone in their car. Now, everybody in the world has a cell phone and not only are they calling on the phone, they're downloading video, sending documents. They're using a huge amount of space that's available. That gigantic increase in demand for cellular signal over the last say ten (10) years, greatly reduces the coverage from all the surrounding areas. One of the things in the more urban areas of Michigan that AT&T mobility is trying to do is address those shrinking sites. That's exactly what this situation is.

Secretary Jerzy thanked him. The first thing popped into his head when this came up was whose to say that this doesn't give a right to any church that want's to do this. Whose is to say a church down the road doesn't want to do this. His other concern is, churches are tax exempt, correct? Aren't they? His knowledge.

Vice-Chairwoman Furgal said they are.

Secretary Jerzy asked if they are receiving compensation from this company? That's another concern. Underline, he knows he can't ask that question, but it's a seed in his head. He's honestly not in favor of this. He just thinks it creates a slippery slope for the city going forward as far as properties and where they want to put these. That's just his opinion. Thank you.

Board Member Cliff said he thinks his questions are going to be more geared toward their radio expert that's here. The reason they are actually before the board is because they have an ordinance that says they can't put these things in an R-1-C zone, and that's what that church is in. He guesses his question, why couldn't they get adequate coverage on one of the commercial zones

that's less than an eighth of a mile away, sixteenth of a mile down the road.

Brian Monahan explained they asked every one of those owners in those commercial zones and they all said no. In fact, there is some city owned property very close near there. He thinks it is the housing development property. The City of Warren said no. He will point out that the ordinance says they would love to have them on city property. They have been trying to put a tower and address this gap for probably four (4) years. This is so consistent with every expression with co-location that is included in the ordinance. Quite frankly, they think they are one hundred (100) percent consistent with all the expressions for co-location in the ordinance.

Board Member Clift yields the floor.

Board Member Anglin said his question, industrial buildings, does this include area around Ten and Hoover. Is that too far? The only reason he is saying that, nobody has come and ask him.

Brian Monahan said too far.

Board Member Anglin said ok, because the amount of money they're paying to put that on the church, he could have his building. But, no. Ok. He was just wondering because nobody ever came and asked. So, if they did the search.

Brian Monahan explained they did ask the city. They have asked a number of commercial property owners in the area. He thinks it was along I-696.

Steve Carr appeared before the board stating he does the land acquisition process for new cell towers that AT&T is trying to put up in this particular area, and he has worked this specific area. When he initially reviewed the ordinance, part of their process is to look at the ordinance, find out what the standards are. One of the things that stood out to him, most, was city property was a favorable location. Which is why, they talked to the city, because they had property south of 96 that they felt they needed to reach out to them because the ordinance asks them to take that step. The answer was they were not interested in having anything there. A lot of the property that is in that commercial district that they're talking about south of 96. In order for him to put up a cell tower, that be 120, 150 tall cell tower on that commercial zone property, he also would have to be 450 feet away from the residential zone properties on both sides of the road. So, in order for him to meet that setback distance, he would have to ask a retail business owner, which is what all those properties are directly south of 96 to put a tower in front of their retail facility. Nobody wants to do that. They want to stick back in the corner of the property, so nobody wanted to put one out in front and so that's one of the reasons why there was objections from those said property owners to lease ground.

Board Member Sylvester asked where is 96.

Brian Monahan said actually it would be 696. Sorry. He said he is from out of town.

Board Member Sylvester said thank you.

Board Member Anglin said his concern with this, basically, the hardship is seeming to be partially

that, but he's got to believe there is somebody for the amounts of money that is paid to them to have the use of their facility to build something on, but he thinks part of it looks like that they've already had a pre-built structure there so their overall cost is going to be cheaper to use this structure than putting up a tower.

Brian Monahan said absolutely not. He will tell the board, they would prefer to be on a 125 foot tower, absolutely positively. However, every cell site that they build, if they put up a tower that whole site, once that is up and operating, has a value in excess of \$1.2 million dollars. But the tower value is \$75,000.00 the balance of that value is what's on the ground in the equipment shelter which is switching equipment and some extremely expensive batteries. The bulk of the cost, they still have, whether on a roof top, putting themselves on an existing tower, or whether, again, they try to comply with the ordinance and co-locate on an existing structure, stealth technology on the side of the church. This was not an issue of it being more economical for AT&T mobility.

Board Member Anglin said makes sense. Thank you. He doesn't have any further questions. If no other board members have any questions, he would like to make a motion.

**Motion:**

Board Member Anglin made a motion to allow the variance:

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

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

Board Member Perry supported the motion.

Vice-Chairwoman Furgal stated they have a motion by Mr. Anglin, support by Mr. Perry to grant the petitioner's request.

**Roll Call:**

A roll call was taken on the motion. The motion failed (3 – 4).

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	No.
Board Member Sylvester	No, he doesn't believe a commercial entity should be attached to a steeple of a church.
Board Member Clift	He sided with the emails of the 3 residents who expressed dire concern about their property values going up. He's going to vote no.
Secretary Jerzy	No, reasons being for what he stated earlier. Just thinks it creates a slippery slopes, it's in an R-1-P, and it's a detriment to the area.
Vice-Chairwoman Furgal	Yes, she does not believe it's a detriment to the area.

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

16. ADMINISTRATIVE HEARING: **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

Secretary Jerzy said he would like to wish his son a happy birthday, today is his birthday. Happy 16<sup>th</sup> birthday. Sorry he can't be there.

18. ADJOURNMENT

**Motion:**

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

**Voice Vote:**

A voice vote was taken. The motion carried (7 – 0).

The meeting adjourned at 8:53 p.m.

Paul Jerzy  
Secretary of the Board

APPROVED