

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
MAY 11, 2022

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, May 11, 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:

Caitlyn Murphy, City Attorney
Debbie Wenson, Zoning Inspector
Nicole Jones, Council Office

1. CALL TO ORDER

Vice-Chairwoman Furgal called the meeting to order at 7:32 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

All board members were present.

4. ADOPTION OF THE AGENDA

Motion:

Secretary Jerzy made a motion to approve the May 11, 2022 agenda; Supported by Board Member Furgal.

Voice Vote:

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

5. APPROVAL OF THE MINUTES of the Regular Meetings of April 13, 2022 and April 27, 2022.

Motion:

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

Voice Vote:

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

Motion:

Secretary Jerzy made a motion to approve the minutes of April 27, 2022 minutes;
Supported by Board Member Furgal.

Voice Vote:

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

Chairman Nestorowicz stated he is abstaining since he was not present on the 27th, but the minutes have been approved.

6. PUBLIC HEARING:

APPLICANT: Rolar Property Services, Inc. -USE-
(Rescheduled from 3/9/2022 and 4/27/2022)

REPRESENTATIVE:

David Lawrason

COMMON DESCRIPTION:

5860 Frazho

LEGAL DESCRIPTION:

13-20-427-034

ZONE:

M-2

VARIANCES REQUESTED: Permission to -USE-

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

ORDINANCES and REQUIREMENTS:

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

(S) Open Storage Other Than Junk: All open storage shall be located in a designated area approved by the Planning Commission as part of site plan approval. The area shall be enclosed on three (3) sides by chain link fencing with metal/plastic slats used for screening as deemed necessary by the Planning Commission. The designated area shall always be hard surfaced. In M-1 and M-2 zones the designated area shall not be located any closer that seventy-five (75) feet to the front property line unless the size of the lot is less than one hundred fifty (150) feet in depth in

which case the Planning Commission may allow the designated area to be located no closer than twenty-five (25) feet from the front property line.

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

Section 4D.39 – Location: All fences and walls constructed or installed between lots shall not exceed a height of six (6) feet above the average grade of the two (2) adjoining lots and shall not extend closer to the front lot line than the established building line or front set back line.

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

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

Chris Westerlin, 420 Baldwin Avenue, appeared before the board.

David Lawrason said good evening. Hopefully, the third time is the charm here. He is just going to go over quickly why he is here. He's here to get some variances for a building he's occupied since July 2020. He's using the property as zoned, which is M-2, light and medium industrial. He worked on this site plan, that the board has in front of them, with his architect and Planning Department. A lot of back and forth trying to figure out the best way to utilize the open space that is within an existing fence that was there when he took occupancy. Planning Department approved the site plan. They're adding additional trees for aesthetics and additional screening for the open storage area, as well as adding fence slats for additional screening of this storage/parking area. The dimensional variances requested is for parking of his fleet vehicles and employee vehicles. There is a setback that runs through a large open area of the property. Which, when he took occupancy, it appeared that it was utilized previously for parking open storage, because there was an existing fence there. He was not aware of this setback when he took occupancy. He would like the board, he's sure they have referenced the drawings, the open space he's looking to that most of these variances pertain to comes out to about 6,000 square feet. The other thing is the fuel tanks, which is three (3) variances for the one (1) item. These fuel tanks are above ground, double walled, protected by highway concrete barriers. He had the fire marshal of the city of Warren, Dave Evans, come out and look at them. He felt that the location was acceptable. That correspondence is on the cover sheet of the plans that were submitted to the board. The tanks are to code, the tanks are well protected, and the property is not large enough accommodate some of the zoning regulations for these opened tanks, or these above ground tanks, he should say. They're also, and he's been discussing this with the fire marshal Evans, they're more preferable than below ground situation for fuel. Lastly, he's asking a variance to construct his salt dome and the location is shown by the plans. The elevations he'd like the board to refer to on the plans so they can get an idea of what it looks like, it's not a dome like they would see at MDOT or the City of Warren, it's more of a half moon shed. It's depicted in the elevations of the plans. It is lower than the roof line of his building, so anyone from the west would not even see it. The back wall of it is the same as from the south property line as the existing building. Which, a

previous variance back in time was issued for when the addition of the building was constructed. Lastly, regarding his neighborhood and other concerns neighbors might have had. He met on site with concerned neighbors after they had a Zoom Planning meeting. He would say he had about thirty (30) people on his property. He showed him the facility, showed them what he was doing, and he believes he answered all their questions to their satisfaction, because there are no complaints right now that he is aware of from his neighbors. He hasn't had noise complaints, and he has not had traffic complaints. Again, that he is aware of. He also received a letter of support for this plan from the development that sits directly across the street from the property, which should have been distributed to the board as well. He thanked the board for their time this evening.

Chairman Nestorowicz thanked him for the walk through for his request. This is a public hearing, are there any members of the audience wishing to speak on this subject?

No response.

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

Board Member Furgal stated that she went through the packet that Ron Wuerth wrote, the Planning Director, very carefully. He supported all of these. As did the developer, the letter is in the packet, the developer of the condos, they supported it. So, she will make a motion.

Motion:

Board Member Furgal made a motion to grant the petitioner's request as previously stated.

Reasons being: They need approval by the board; Not a detriment; Fits the zoning.

Board Member Anglin supported the motion.

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

Roll Call:

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

Board Member Furgal	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	He has something to say before he votes.

Board Member Sylvester stated that the Fire Commissioner is here. There is a situation there. The gentleman explained that the fuel tanks that he has, and before he votes he thinks that the Fire Commissioner should explain what he has noticed on the property.

Chairman Nestorowicz stated they really should have had that discussion before.

Board Member Sylvester said he hasn't completed the vote; they came to him, and he hasn't stated yes or no. So, the Fire Commissioner is back there, and he would like to say a couple words.

Chairman Nestorowicz said unfortunately, he closed the public hearing portion and...

Board Member Sylvester explained that he knows... correct him if he's wrong, that there is somebody here from the city from the Fire Department that wanted to speak on this matter. The last two (2) times the gentleman has been here, he's been totally just [noise made with a passing hand gesture] like he's not even in the building.

Chairman Nestorowicz said they had the public hearing portion, nobody did approach.

Board Member Sylvester I vote no.

Nicole Jones told the board don't forget they asked the Fire Commissioner to come twice, the whole board voted on it.

Chairman Nestorowicz said this is in the middle of a vote, they shouldn't interrupt a vote. Can we complete the vote, Mr. Jerzy?

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

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

7. PUBLIC HEARING: **APPLICANT: Jenna Nola & Michael P Kanakry**
(Rescheduled from 4/27/2022)
- REPRESENTATIVE: Caren 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 of 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, 31851 Mound, appeared before the board stating she is here on behalf of the petitioner. She explained she was here at the last meeting and there were some

concerns that the board shared with her, and they were kind enough to try to address those issues. On the table before the board tonight, she has a letter from the landlord. The landlord has authorized and removed the three hundred (300) feet of fence along Thirteen Mile Road. He has indicated he will keep that fence down while the seasonal outdoor sales take place. The fence on the corner of Thirteen Mile and Mound around the area where the construction is taking place, he would like to remain, so it keeps that area separate from the rest of the parking lot. It's the intent that they have those who want to participate with the outdoor enter off of that very westerly Thirteen Mile driveway, which is quite a bit away from the corner and the construction on that corner. They would then have people park to the west of the tent, that would also keep them away from the corner where the activity is. It's her understanding that the construction is using the entrance and exit on Mound Road. That kind of separates that use. So, the way that they proposed to direct traffic in that fashion, he has already paid for a temporary sign, the permit through the City of Warren. His intent on that property sign to ask for garden traffic, or fireworks traffic, to use the Thirteen Mile driveway. That's how he's going to direct them on Mound. That's the intent on getting the traffic away from the corner. There was also, besides that, some concerns that were brought o her attention during the last couple of weeks. In the middle of the parking lot next to a lamp post is the fence that was taken down. That's going to be picked up by the fencing company. That is not her client's property, he's not putting things out there being presumptuous, thinking he's just going to put items out in the parking lot and do that. That is 100% the fence that is going to be picked up by the fencing company. The only thing you'll see in the parking lot is he has some cones out to try and indicate, if anybody were to drive by from the board, where the tent would actually be. So, it would be the tent on one side would be Thirteen Mile, nobody parking in between there, the tent, and then corner where they're doing the construction, nobody parking in there, then all the traffic to the west of the tent. That's how they're trying to separate, if you will. As she is sure the board is aware, that is a very large parking lot, a very large parking lot. There were other concerns that were brought up that she wanted to address. The other concerns were not using the visqueen, because it doesn't look good. She thinks everybody understood why he used it for the cold snaps, the cold weather. He is committed to using no visqueen at all, because he understands that it doesn't look good. He is committed to, the second concern, if he puts up sides on the tent, if he covers anyways on the sides of the tent, it has to be the canvas tent sides, but that they be tent sides that go with the tent. So, he's committed to doing that. He doesn't know if there are any other questions or concerns, she can address. She does know people have been calling, asking where it is. People do look forward to having this outdoor sales there. It has been there for a very long time. She does understand the issues with the construction and that's why, again, she thanks the board for giving her the opportunity to address those. She does think that addressing them in this fashion is going to keep everyone safe and allow for commerce in the city. She asks the board to please approve the item, and if she has any questions for her, she would be happy to answer them.

Chairman Nestorowicz thanked her for those comments. 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, but he will just note that the board does have that letter from the landlord regarding this item that Mrs. Burdi did discuss.

Secretary Jerzy asked if they need it to be read into the record.

Chairman Nestorowicz replied yes, read it into the record.

Secretary Jerzy read:

“Dear Warren Zoning Board Members,

Please note that I have authorize and have removed 300 feet of the fence along 13 Mile Road. We will keep that fence down while the seasonal outdoor sales take place. The fence on the corner of 13 Mile and Mound will remain to keep the construction site enclosed and clearly marked. It is our vision that the garden tent and fireworks tents will be serviced from the 13 Mile, most westerly driveway and that the patrons shall park to the West of the tent.”

Chairman Nestorowicz thanked Mr. Jerzy. He opened it up to the board for questions and discussion.

Board Member Anglin stated seeing that there’s no discussion with any of the board members, he would like to make a motion.

Motion:

Board Member Anglin made a motion to give permission to:

- 1) Conduct seasonal outdoor sales in an area of 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.

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

Board Member Furgal supported the motion.

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

Roll Call:

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

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.

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

Caren Burdi thanked the board members.

8. PUBLIC HEARING: **APPLICANT: Badalamenti Investments LLC**
(Rescheduled from 4/27/2022)
REPRESENTATIVE: Cecil St. Pierre, Jr.
COMMON DESCRIPTION: 25140 Easy
LEGAL DESCRIPTION: 13-24-452-003
ZONE: M-2

VARIANCES REQUESTED: Permission to

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

ORDINANCES and REQUIREMENTS:

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

Marihuana growing, processing, secure transporter, and co0location facilities are permitted in M-1, M-2, M-3 and M-4 zones, if the facility is located, at the time of local license application submittal; (1) at least 500 feet from the nearest lot line of all of the following: (c) a public park.

Cecil St. Pierre appeared before the board stating he is here on behalf of Mr. Badalamenti and his business. He is here to try and convince the board seventy-six (76) feet is not as big as it may sound as far as feet is concerned, he knows the board background regards to this. First of all, her wanted to indicate here that Mr. Badalamenti has owned the business now for twenty-two (22) years, excellent businessman. The place is clean and impeccable. In fact, everybody on Easy Street, at least on this side of the street has done a good job. Been up and down that area quite a bit lately. He has forty (40) employees, and he's thinking of moving to north Warren. He has his eyes on another piece of property, a lot of his business is getting further north. As a result, he would like to make sure he would get a good tenant regards to this matter. He also wants to add that in regards to the map that they provided to the board, and he guess it's important that half the buildings on the other side of the street, they're behind the five hundred (500) feet. Half the buildings are grow operations, so it wouldn't be anything new to the area. His client knows these people, he has been there for twenty-two (22) years, nobody has expressed any objection to it. He just wanted to bring that out, let them know it's not going to be new to the area. They got half the buildings on the other side of the street doing that. Also, these buildings over here just across the street to the south of the grow operations is all manufacturing. It's pretty heavy industrial, and they got over on the south side, southeast, they have a big cement company. If anybody has been there you can miss it. A big cement company with towers and everything else. He brings that up because it's something that... with the way this building is, they're not going to notice it; there is just no way. He'll get into the other issues. He wants to also note that he has a special connection to this property. If anybody has drove out there, this property here 13244 52020, you come in off the... what's the street over there? Anyway, you come off the side street and you pull into the park, he believes he has seen one (1) car there. He has been there about six (6) times in the last month. The property to the north, the

north side of the parking lot, is the old Elwood Elementary School. He bought that from the Warren Woods School District, and he ended up donating it to the city. They made it part of Trombley Park. He wanted to tell the board that he wouldn't be coming here if he thought there would be any detriment to this particular park, because he donated the property. They were going to do a residential development, at least the school district wanted him to try and do that, but once you get elected city council no one is going to let you do anything without a lot of noise. So, he just backed out of it, donated it to the city and make it part of Trombley Park. He wanted to let the board know he is very familiar with this. According to park officials, he's not going to name a name, but this is the least used park in the city. Ok. The playground equipment, the only thing in this entire park is right over here in the far corner well beyond the five hundred (500) feet, well beyond the five hundred (500) feet. It's right in the corner right by the parking lot. According to the park official, there is no future development for this park. Now, if you went and saw Trombley Park and walked it along the side where his client, his client is the farthest corner of the park, and literally if you walk back there you are going to need boots. It's pretty wet, pretty swampy, and nobody does anything there. There would be no reason to even develop that in any way shape or form, because of the number 1, it's pretty tough going as far as the property is concerned as far as being wet and they wouldn't be able to develop it. It makes sense going to Elwood school over here, no where inside the five hundred (500) feet of where they are proposing. Elwood's school would be the next development, because it's right next to the parking lot as well. So, his client is the furthest away from the parking lot, from the playground, and ladies and gentlemen, there is no way they are going to see this building if they walked it now with no leaves. In the fall or springtime, before the leaves have sprouted, you can't see anything back there. The only thing they can see is the cement company and their storage facilities. He just wants to let the board know that this is so well foliated just naturally. Natural barriers with the trees and bushes and everything else, and the fencing, there is no way you can see anything back there. He wanted to let the board know that they're no where near playground equipment and there's only the one (1) playground piece of equipment there as well. He did talk to the park, there was no plans for any future park development. Now, as far as the residential, which is to the east, has large backyards. They can't see anything anyways, and he believes they were here last time there was nobody from the residents and they'll see if there is tonight, he didn't notice anybody else or check in with regards to any complaints from the residents. But if they are familiar with the area, they all have deep lots over there and that would be to the east, there is just no way they could ever see this building. Now, he told them he wanted to try 183 feet, then they would have the entire building, they're only doing seventy-six (76) feet, they're going to use approximately half the building. He didn't measure it exactly, but that would only be half the building that would be able to be used for any processing or grow in that particular building. That's why they thought that was reasonable, that's a natural part of the building that they can have a boundary and make sure it's completely separate from any other grow operation, because this particular ordinance talks about from the building site, not the property lines as far as the distance. This distance they just need seventy-six (76) feet. Again, the entire Trombley Park is like a great big vacant piece of property. As he indicated from the park officials, the least used, there is no playground equipment anywhere near five hundred (500) feet. Like he said, it's up there in the corner. That's all he has to propose. He thinks on these facts and circumstances and the fact that there is marihuana being grown right across street in half the buildings, his client would like to have the consideration and do what everybody else is doing across from him.

Chairman Nestorowicz thanked him for those comments. 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 for questions and discussion.

Board Member Furgal said she had just one (1) question. Do they plan to have proper ventilation? Because she understands that ventilation is very important in these facilities.

Cecil St. Pierre replied by all means. They're not going to do; his client is basically selling the building and/or lease it out. He's not going to do it; he's not going to be a grower. He's going to tell the board, the City of Warren has one of the top-notch inspectors, Mr. Murphy, he checks it with a fine-tooth comb, nobody can get away with anything. Especially, with the smells and things of that nature. They definitely will be checking on it. His client is not doing it, it would go to a third party, but by all means.

Board Member Furgal said she was just concerned about the smells, if it was going to be a problem with that. And she does want to point out that marihuana facilities are not allowed to have any signage, so it's really difficult to know that's what they're doing there.

Cecil St. Pierre said absolutely. Like he said, with the foliage, you can't tell there's a building there, number 1, by sitting in the park or walking in the park. There's just no way. Like she said, Mrs. Furgal, across the street, he knows who is growing there, the city indicated it's for some reason not public information. But you wouldn't know what's going on across the street either. It's there and nobody knows because there is no signs.

Board Member Anglin said he drove by there and he passed the building up three (3) or four (4) times before he figured which one it was and where it was at. Yes, the foliage, it's hidden deep inside there. He's always had a little discrepancy about distances and this one is probably pushing his limit, but where it sits you can't see it. For a fact, he knows, the air purified systems that they're required by the state to use, you cannot smell anything outside the building. Now, if they don't change their filters then you can start smelling that. If they don't change their filters then that's a big fine from the state and the city, both can fine on that.

Cecil St. Pierre explained they can lose their license.

Board Member Anglin said they can lose their license and all kinds of stuff like this. There is a recourse if people start smelling it so they're not allowing something in there that's sticking the neighborhood with something that smells. They'll pull their license in a minute. With that, other than the distance pushing him really close to where he's willing to tolerate, he's going to vote yes for this.

Chairman Nestorowicz asked for any other comments or motions.

Board Member Cliff stated since it doesn't look like anybody else has anything to say he proposes to make a motion.

Motion:

Board Member Clift made a motion to allow a medical marihuana facility to be located 424 feet from a public park.

Secretary Jerzy supported the motion.

Chairman Nestorowicz stated they have a motion by Mr. Clift, support by Mr. Jerzy to approve the request for the motion made.

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

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

Cecil St. Pierre thanked the board.

9. PUBLIC HEARING: **APPLICANT: Wayne Craft Inc.**
REPRESENTATIVE: Jason McFall
COMMON DESCRIPTION: 21249 Blackmar
LEGAL DESCRIPTION: 13-32-476-021
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Construct an awning to an existing front porch to no less than 19' 8" from the front property line.

ORDINANCES and REQUIREMENTS:

Section 7.05: Each lot in R-1-C districts shall have a front yard of not less than twenty-five (25) feet from the front property line.

Jason McFall appeared before the board stating he is from Wayne Craft, 13525 Wayne Road. He explained he just wanted to construct a front porch awning for his customers.

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

No response.

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

Board Member Anglin said looking at the side view on this, the porch is already existing there, correct?

Jason McFall said he believes so, yes.

Board Member Anglin asked that he'll just be adding an overhang to the porch, then he has no objections to that. Thank you.

Chairman Nestorowicz asked for any questions or motions.

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

Motion:

Secretary Jerzy made a motion to grant the petitioner to construct an awning to an existing front porch to no less than 19' 8" from the front 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. Jerzy, support by Mr. Anglin to approve the request per the motion.

Roll Call:

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

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

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

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| 10. PUBLIC HEARING: | APPLICANT: Wayne Craft Inc. |
| REPRESENTATIVE: | Jason McFall |
| COMMON DESCRIPTION: | 8111 Marian |
| LEGAL DESCRIPTION: | 13-15-102-020 |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to

Replace an awning over an existing front porch to no less than 23.2 ft. from the front property line.

ORDINANCES and REQUIREMENTS:

Section 7.05: Each lot in R-1-C districts shall have a front yard of not less than twenty-five (25) feet from the front property line.

Jason McFall stated his name and address again. Just wanted to construct a traditional aluminum awning for his customers. He believes this is an existing front porch.

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

No response.

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

Board Member Clift said there is already an awning on this porch, is that he's seeing in the photographs, sir?

Jason McFall replied yes, he believes so. It has been a while since he saw the paperwork for it, but he believes he is accurate in saying so.

Board Member Clift said if nobody has anything further, he'll make a motion on this.

Motion:

Board Member Clift made a motion to replace an awning over an existing front porch to no less than 23.2 ft. from the front property line.

Reasons being: Size and shape of the lot; Common occurrence to the neighborhood.

Board Member Anglin supported the motion.

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

Roll Call:

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

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

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

11. PUBLIC HEARING:
REPRESENTATIVE:

APPLICANT: Wayne Craft Inc.
Jason McFall

COMMON DESCRIPTION: 31226 Nelson
LEGAL DESCRIPTION: 13-02-476-010
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Construct an awning over the existing front porch to no less than 21' 8" from the front property line.

ORDINANCES and REQUIREMENTS:

Section 7.05: Each lot in R-1-C districts shall have a front yard of not less than twenty-five (25) feet from the front property line.

Jason McFall stated his name and address again. Just wishing to construct an awning over the existing front porch.

Chairman Nestorowicz said this is a public hearing, is there anyone for audience wishing to speak on this item.

No response.

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

Board Member Clift said if there's no discussion, he'll continue his practice on making motions tonight.

Motion:

Board Member Clift made a motion to construct an awning over the existing front porch to no less than 21' 8" from the front property line.

Board Member Anglin supported the motion.

Secretary Jerzy asked for the reason.

Chairman Nestorowicz asked for the reason.

Reasons being: Common occurrence in the neighborhood; House next door has an encroachment closer to the property line than this one does so he doesn't see it as being a detriment.

Board Member Anglin supported the motion.

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

Roll Call:

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

Board Member Clift

Yes, for the reasons stated in the motion.

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

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

Jason McFall thanked the board.

12. PUBLIC HEARING:	APPLICANT: Lucretia Ross
REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	11129 Chapp
LEGAL DESCRIPTION:	13-27-401-030
ZONE:	R-1-C

VARIANCES REQUESTED: Permission to

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

ORDINANCES and REQUIREMENTS:

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

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

Board Member Furgal said she would like to point something out here. They have on this one it's about the daycare, then number 10 is about off-street parking. They have to have off-street parking in order to get the daycare to start with. So, they should really vote on the first one, on the parking first.

(Inaudible.)

Chairman Nestorowicz said because if they need to have the parking to have the daycare.

Caitlyn Murphy said that would make sense, yes.

Board Member Furgal said it's required.

Caitlyn Murphy said yes.

Board Member Furgal said they have to meet all the requirements.

Chairman Nestorowicz said to make a motion to amend the agenda to switch the two (2) items then.

Motion:

Board Member Furgal made a motion to switch items 12 and 13 because it makes more sense; Supported by Board Member Clift.

Chairman Nestorowicz stated they have a motion by Mrs. Furgal, support by Mr. Clift to swap items 12 and 13 in the role that the approval. So, they'll first be approving item 13, reviewing that for off-street parking before they review the request for the group daycare.

Voice Vote:

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

Chairman Nestorowicz stated the motion has passed. Just so they understand, the board is actually doing their second request first.

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| 13. PUBLIC HEARING: | APPLICANT: Lucretia Ross |
| REPRESENTATIVE: | Same as above. |
| COMMON DESCRIPTION: | 11129 Chapp |
| LEGAL DESCRIPTION: | 13-27-401-030 |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to

Waive 2 required off-street parking spaces for a group daycare.

ORDINANCES and REQUIREMENTS:

Section 4C.07 – Group Child Care Homes; Districts Allowed with Approval: 4. Off-street parking. Provide one (1) off-street parking space per employee required by the state of Michigan licensing rules for family and group childcare homes. The number of employees required for the child to caregiver ratio shall be specified in the application for special exception approval. A driveway on private property may be utilized for off-street parking, however, in not even shall any vehicle be parking in the driveway blocking the public sidewalk.

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

Lucretia Ross, 11129 Chapp, appeared before the board stating that her request for a variance is to waive the two (2) off-street parking spaces that are required for her group daycare that she is trying to start. She wants to know if she can use the back parking spaces for her employees and herself and allow her parents to park in the front to drop off their kids during drop off hours and pick them up in the front during pick up hours. Those are the hours from 6:00 am to 6:00 pm. Drop off hours are from 5:00 am to 6:00 pm. Pick up hours are from 5:00 pm to 6:00 pm.

Chairman Nestorowicz stated this is a public hearing, is there anyone from the audience who wants to add anything to this item?

No response.

Chairman Nestorowicz closed the public hearing portion... oh, they have three (3) letters that should be read in for this. Mr. Jerzy, can you actually read the three (3) letters?

Secretary Jerzy said yeah, Mr. Chair, he has three (3) letters from residents on the street. First one, is from a Dale Newman. He's opposed to the daycare. He has a concern with traffic, the parking, daycare is not another business needed in the neighborhood. His wife is a healthcare work, she works midnights, and extra noise is not needed for her sleep. Funny that they're asking for permission to operate a business when he sees children being dropped off and picked up already. It already seems they can't follow the rules, businesses hours are 24/7. Another resident on the street, Marlo French, says it would be a bad decision if they have a daycare with that has small kids at 11129 Chapp. It's a corner house, most of the time people run the stop sign or speed altogether. They definitely need speed bumps on the corner. Street is already cramped, parking concerns as well. Next one is from a Mike Williams. He lives at 11108 Chapp. In regards to the business they want to open up, not a business that should even be up to question. He has talked to all of the neighbors, no one wants this business here, especially a daycare that is a corner lot with heavy traffic. He was on his front porch earlier and there is some little kids playing in the front yard at one time, the lady was twenty (20) feet away from the child. This yard does not have a fenced in front yard. As far as parking, ever since Ms. Ross (inaudible) they have blocked the sidewalks and stopped in the middle of the road to let people in and out of the cars. Blocking the road. He can see it getting worse. Evidently, he has pictures, but he didn't submit the pictures. So, those are three (3) concerns from the residents on the street.

Chairman Nestorowicz thanked Mr. Jerzy. The public hearing portion is closed, and he turned it over to the board for questions and discussions.

Board Member Furgal stated she was concerned when she read this about the parking, because she said she didn't want to do parking and it's a requirement. She can't see that they can support this. She doesn't really... her plan made no sense to her. So....

Lucretia Ross said excuse me, can I say anything?

Chairman Nestorowicz explained if there is a question...

Board Member Furgal asked her to explain to her how she plans to have two (2) employees park there.

Lucretia Ross explained in the back area of her home there is like parking back there. She has the pictures of where they normally park on a regular day. They normally park back there, the two (2) cars.

Board Member Furgal asked if it is on her property.

Lucretia Ross replied yes. This is her home.

Board Member Furgal asked again, the parking is on her property.

Lucretia Ross replied again, yes.

Board Member Furgal asked then why are we here.

Lucretia Ross explained she was told that she had to request a variance to use that. She guesses they say that's city property. She guesses they're saying that's city property and that's what she is coming here to ask today to be able to use.

Board Member Furgal said ah ha.

Chairman Nestorowicz asked if the board could see those pictures, because she hasn't actually seen them.

Board Member Furgal said she hasn't either.

Inaudible.

Lucretia Ross explained that is her home, so as far as the complaints. They have had people working over there in the past so they can get it up to code and get everything going properly. So, that might be some of the complaints, other than that she doesn't see. She has children of her own, so she doesn't see where they are saying it's a problem. She hasn't interrupted anybody. Most of her neighbors that she spoke with, they never had a problem with it.

Board Member Anglin said he's trying to get a feel for the parking she's talking about. Is she talking about they've been parking the cars between the sidewalk and the street, or parking the cars from the sidewalk on the side from where the house is at? Which would actually be the backyard. It looks like there is a drive right there.

Secretary Jerzy said its an approach it looks like.

Board Member Furgal said it's an approach.

Board Member Clift said there's an apron there.

Board Member Anglin said you can't park on an apron, that won't be done. Where this car is sitting on this apron, he knows he wouldn't vote for that because it's just against code, law and everything else in the book to do that. But if she's got a back yard, he doesn't see... his personal opinion he doesn't know why a pad can't be poured back there then it wouldn't be an issue of the boards whatsoever.

Chairman Nestorowicz said that's correct.

Board Member Furgal said that's correct.

Board Member Anglin asked if she understood what he said, ma'am.

Lucretia Ross stated he's saying if she...

Board Member Anglin said she would have to check with Building Department. But to his knowledge, if she poured a pad in that backyard where the approach is at for two (2) cars, then this is not an issue to come in front of this board anyway. You cannot park on a medium or an approach. That is just not allowed at all. He doesn't think this board would ever... he would never authorize that.

Lucretia Ross asked if it would be a problem to park on the side of the house or in front of the home.

Board Member Anglin said she would need this off-street parking to do that. But he's saying, to end all this, be understanding of what everybody is trying to say up here, for her sake, put a few bucks into a cement pad and this is not an issue here. Again, she would have to get approval from the City of Warren. He asked the city attorney if he is correct.

Caitlyn Murphy said off hand she was trying to look here to see if the zoning ordinance would allow that. Maybe Debbie could.

Board Member Anglin said his big thing it already has the approach that is there, which means they're already allowing for a driveway to go into that property.

Chairman Nestorowicz asked Debbie to have a chance.

Board Member Anglin explained if he was the contractor on site, he would pour a pad.

Debbie Wenson, Zoning Inspector from the Building Department, explained she can put a driveway in that back. She's got the approach; she can put it in the back. But what she said in the request was that she wanted to waive the parking. If you see the reason was, she didn't want it to put in the backyard because she felt it was a safety issue.

Lucretia Ross said for the children.

Debbie Wenson said for the kids. She could put, there would have to be two (2) parking spots, each parking spot has to be according to code, nine (9) by twenty-two (22), that would be feasible. But she indicated the reason she was asking to waive that was because of the safety issue of having the children in the backyard. She hopes that clarifies things.

Chairman Nestorowicz thanked her for the clarification, because what' he's hearing up here from a couple of the comments so far, and he knows he would tend to agree with those where waiving the parking is not an item he would in favor of. But, as Mr. Anglin stated she could pour at the end of that approach, she has the room to put two (2) parking spaces, that would be off-street parking spaces in that backyard. Then she wouldn't even be coming here for that. Because then she would have to require off-street parking. He knows, personally, he would not be in favor of voting to waive

the off-street parking himself, so.

Board Member Anglin said he does agree that safety would be some factor to that, they would just have to put a four (4) fence up between the house, the line that the cement is poured on put a four (4) foot cyclone fence up. Then they could do that through the middle of the yard if they would like. That's all he has.

Chairman Nestorowicz asked for any other comments or motions from the board.

Board Member Furgal said she would move that they deny the request.

Motion:

Board Member Furgal made a motion to deny the request to waive two (2) required off-street parking spaces for a group daycare.

Reasons being: They can't do it; they're not allowed to give a variance so they can park on the median.

Board Member Anglin supported the motion.

Chairman Nestorowicz stated they have a motion to deny the parking variance by Mrs. Furgal, support by Mr. Anglin. He asked Mrs. Furgal to clarify the reasons for the denial again. Just so that it is captured well in the minutes.

Board Member Furgal said well, it's size and shape of the lot and it's a detriment to the area.

Chairman Nestorowicz thanked her.

Board Member Anglin said he still supports.

Roll Call:

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

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

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

Chairman Nestorowicz explained their request for the variance of off-street parking has been denied. He has a question for the city attorney. They needed the parking for this next request.

Caitlyn Murphy replied that is correct. If they were going to come back to commission with that pad, then maybe they want to vote to postpone indefinitely.

Board Member Furgal said that is what she was going to suggest.

Chairman Nestorowicz said that's what he wanted to get the clarification. Their request for the off-street parking was denied, but they need off-street parking to get the next request.

Lucretia Ross said right.

Chairman Nestorowicz explained for the board to not deny that request, if she was planning on going to the Building Department and get the pad poured or so, then they can just table this other one for when she would be able to come back. That way, the board doesn't deny her second request.

Lucretia Ross said no option for the street. Was it denied on the median or the street?

Chairman Nestorowicz said Debbie, you had a comment or wanted to ask?

Debbie Wenson informed they don't have to get a permit to put the driveway in. The only time they have to get a permit is if they're putting an approach in. They can put the drive.

Chairman Nestorowicz said they don't need a permit for it, ok.

Board Member Furgal said they can't park in the street.

Chairman Nestorowicz said basically, they need to have the off-street parking for two (2) spots and the approach that's between the sidewalk and the street is not an option. It does not count.

Lucretia Ross asked about the actual street. You guys wouldn't give them permission for the side of the street.

Chairman Nestorowicz said regulations talk about off-street parking. So, basically, if she was going to think about going and pouring that pad and doing that route. That's why he said table this one because they don't want to deny something that they're going to come back for. Would she like the board to table to a date uncertain?

Lucretia Ross said absolutely.

Motion:

Chairman Nestorowicz made a motion for item 12 to be postponed for a date uncertain for the request to operate a state daycare center at the residents; Supported by Board Member Anglin.

Voice Vote:

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

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

Chairman Nestorowicz explained the request for the daycare is postponed until... that gives her time to look into what, he guesses because he doesn't know what pouring a pad or time frame that entails.

Lucretia Ross said she still needs to find somebody to do it.

Chairman Nestorowicz stated that's why they put it for a date uncertain.

Lucretia Ross said she needs to get that figured out. She asked if she needs to go back to the county building.

Chairman Nestorowicz informed once she has that off-street parking available and stuff, she'll be able to approach back to the Zoning Board to get that rescheduled and get this back on the agenda.

Lucretia Ross thanked the board.

Chairman Nestorowicz thanked them.

14. PUBLIC HEARING: **APPLICANT: Abdou Alzindani**
REPRESENTATIVE: Steve Elturk
COMMON DESCRIPTION: 6800 Nine Mile & 6782 Dodge
LEGAL DESCRIPTION: 13-33-201-021 & 13-33-202-022
ZONE: M-1

VARIANCES REQUESTED: Permission to
Waive 121 required off-street parking spaces.

ORDINANCES and REQUIREMENTS:

Section 4.32 – Off-Street Parking Requirements: (H) The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing building as specified above shall be determined in accordance with the following table, and the space, so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use. (15) Churches. One (1) for each three (3) seats in the main unit of worship. Where individual seats are not provided, each (20) inches of bench shall be considered as one (1) seat.

Steve Elturk appeared before the board stating he is the Imam of the Islamic Organization of North America and also presenting Imam Adbou Alzindani for his house of worship located at 6800 East Nine Mile Road.

Abdou Alzindani appeared before the board, 6800 East Nine Mile.

Steve Elturk explained they are here to request a variance for a parking lot. He asked if they had the drawing. Very good. There are some discrepancies between the requirement for parking from the building and also from the architect for the calculated number of prayer spaces that the space allows. Based on his calculations there 251, if the board looks at the bottom of the drawing where it says parking requirements. It says one (1) for each three (3) seats in the main unit of worship

when seats are not provided each twenty (20) inches of bench shall be considered as one (1) seat. See, they don't have benches in their house of worship, it's an open space where they just use the actual space in front of them (inaudible) right on the floor. So, no seats or benches are provided, only prayer spaces. One (1) prayer space per person. The total prayer spaces that they have is 213, plus thirty-eight (38) for the sister's area. That's the means and sisters' area combined. So, that's 251 prayer spaces. The parking spaces required is one (1) for each three (3) prayer spaces in the main unit of worship, and that would give them 83.66 which equals to eight-four (84) parking spaces required. They do have ninety-seven (97) parking spaces provided in the parking lot, including four (4) handicapped spaces. So, according to this calculation they have more than what is required. However, the Building Department required more. He could not follow the calculations of the Building Department. Maybe Debbie can help, but, however, speaking with Jim Cummins he recommended they get a variance to get going with the house of worship and open their doors with worshippers. According to, if they look at the application, he has written according to the site plan drawing the prayer spaces are for 251 spaces that required eight-four (84) parking spaces. Presently, there are ninety-seven (97) parking spaces provided. However, according to the Building and Safety Engineer Director they are required to have more parking spaces than provided. They are restricted by the physical or size of the current parking lot, physically it is impossible to expand the parking lot. It is in the best interest of the public to grant a variance. They are asking the board to kindly grant them a variance so they can open up the house of worship and allow worshippers to worship.

Chairman Nestorowicz thanked him for those comments and taking the board through the request. This is a public hearing, are there any members of audience wishing to speak on this item?

No response.

Chairman Nestorowicz closed the public hearing portion and turned it over to the board for questions and discussion. He said to Debbie he does have a question. He asked if she knew the background why there is a discrepancy in the number of parking spaces between... is that because of the rest of the building or is that?

Debbie Wenson informed they used the number that they had [on the site plan] occupancy calculations. You can see it right about midway on the site plan. It indicates the praying area, it says 654. That was the figure that they went by. So, if you divide that by 3, you have 218 spaces. So, that's how many spaces that will be required, ninety-seven (97) were provided on site, thus needing 121.

Chairman Nestorowicz said his question is to the petitioner. So, based on the occupancy, he missed that part. He thanked Debbie for that clarification. On their drawing here under occupancy calculation it says the praying area has 654. Is that...? He asked if he saw where that is.

Steve Elturk stated the total prayer spaces that are provided in the two (2) areas totals 251. Those are the total prayer spaces. So, 251 spaces according to code. Each three (3) spaces is provided one (1) car. Anyway, they are not going to argue with Building. If they can just have the variance. Board Member Anglin asked is the Fire Marshal, and he's read over this and did not see it, did they give them an occupancy amount of people that could be in that building. They should have.

Steve Elturk said the fire, how many occupants?

Abdou Alzindani replied yeah.

Board Member Anglin asked what is it.

Abdou Alzindani said they counted the parking lot, the parking?

Steve Elturk said no, the occupancy of the building. He is not aware of that, honestly.

Abdou Alzindani said the city they know (inaudible) it was at city hall. They know, they have the idea of the occupancy of that building the whole (inaudible).

Board Member Anglin asked if he can speak to the planning.

Chairman Nestorowicz said question for Debbie.

Board Member Anglin said yep.

Steve Elturk said you see, part of that building. They're looking at prayer spaces. Part of the building is not used at all.

Board Member Anglin explained he has to look at it as his point of view is how many people can be put in that building according to the Fire Marshal. And he has been around construction a long time, so if Debbie can tell him what the Fire Marshal says how many people can go in there.

Debbie Wenson replied that she doesn't have that information with her. She doesn't have that information with her. She can't tell him that.

Board Member Anglin said he doesn't see it anywhere on here.

Debbie Wenson explained like she said, they went with the occupancy that was stated on the site plan.

Board Member Anglin said ok.

Abdou Alzindani said the occupancy of prayer room of 7,000 square ft.

Chairman Nestorowicz asked for any other comments or questions or...

Steve Elturk said if he may, the place, the prayer hall for both men and women could not contain more than 251 people.

Chairman Nestorowicz said understood. But if there's any questions, they will direct them towards him. Unfortunately, the public comments are closed at the moment. Unless there is a question directed towards him.

Board Member Anglin said he will direct a question so he can answer that one. Sir, that ruling or

his two hundred or whatever the number was, is something he has set up as that's how many people they will have in there.

Steve Elturk said they can't put more based on the way they worship, it's you know...

Board Member Anglin said he understands that. They have so many square footage space used for worshipping. Correct. His problem is if they don't have... there's going to end up street parking when they have any other type of event there other than just their prayer session. If this building is used for anything other than a prayer session, then they're not going to have appropriate parking needed, and they're going to run into a problem there. That would be the way he looks at it, he doesn't know of any religious organization that strictly has a building that's strictly used for prayer and nothing else.

Steve Elturk asked if he may address.

Board Member Anglin said yes, that was a question he asked.

Steve Elturk said very good. Basically, their largest attendance is on Friday, just like Sundays for the Christian's. However, as an Imam of Islamic Organization of North America on Twelve and Ryan, they've never had that many people on any social event. If they ever did, it would be about thirty (30) percent of the total congregation of a Friday. The board can trust him on that.

Board Member Anglin said that he doesn't doubt when he says something that's what he means, he does understand that. Again, he hopes he understands that he's looking at the neighborhood, what's going to happen. If some entity goes in there and provides too much parking for spaces, or not enough parking for their use at some points and it ends up on the street. He's seen that done and it doesn't work well.

Steve Elturk said valid concern. However, they can't hold more than what it can hold, you know? People will have to go find another masque. Which they have many now in the neighborhood.

Board Member Anglin said his questions have been answered.

Steve Elturk said thank you.

Secretary Jerzy said it just seems they're really in a huge gap here between what's on the print and what he's saying they're allowing. He says he can fit 251 people in the building, 654 on the print. That's pretty big discrepancy as far as parking goes.

Inaudible.

Chairman Nestorowicz said actually, Mr. Jerzy.

Secretary Jerzy said go ahead.

Chairman Nestorowicz said he just wanted to point something out. It's interesting, because, yes, under the top area where it says occupancy calculations it says praying area that's where the 645

comes in off this area. Down below where it says parking requirements, it actually says in the last section total praying spaces is 251. That's where they come up with eight-four (84). You see how they have one (1) there and then talk about with a different figure.

Secretary Jerzy said he's got it.

Board Member Anglin said that was the point he was trying to make while he was saying this, it doesn't add up right for that size of a building. He's going strictly by the size of the building. If their praying space is three (3) by eight (8) is twenty-four (24) square feet. Divide that into the square footage of the building, minus the bathrooms, open areas and common areas or whatever, they will come out with needing more parking.

Board Member Clift said he didn't catch those last two (2) words. What did you say?

Board Member Anglin said it would come out that he would need more parking if they took the square footage of praying area, the size of the building, then have to minus off the bathrooms, common area, foyers. Then, in his calculation it still does not allow for enough parking even with the formula three (3) to one (1).

Board Member Clift said when he's reading into the impasse here is the ordinance addresses parking spaces for a religious place or a church. They're accustomed to churches having benches. Do they calculate in the space and recreational halls and all the other areas in any of their churches to calculate the amount of parking spaces and based on the ordinance he doesn't think they do? He sees this area of praying area being the total calculated square footage wall to wall, floor to ceiling, to come up with that 654. But, if they have to go by people's word and how they come out with calculating, he doesn't think it's an unreasonable response by the petitioner to explain to the board how they super impose their prayer space versus our seating space and benches for what they are accustomed to. Every church he ever seen when they hold events there's always more cars and there's always more people than there is parking. That's just the way those kind of things go. He thinks they got a little bit off the track here by that total space number. He thinks maybe he would implore somebody somewhere to look at the ordinance on how these things are calculated and take into consideration the expansion of the Islamic friends coming into the community and wanting to invest in buildings and put theology centers together and education centers together. Whether he has an answer on how to address that part of the issue, no, but he thinks as it sits and as it's requested, he would be inclined to support this. That's all he has, he yields.

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

Inaudible.

Board Member Clift said if there's no other discussion, he'll be happy to make a motion on this.

Motion:

Board Member Clift made a motion to waive the 121 required off-street parking spaces.

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

Board Member Perry supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Clift, support by Mr. Perry to approve the request per the reasons stated in the motion. Roll call.

Roll Call:

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

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

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

Steve Elturk thanked the board and said to have a good evening.

Adbou Alzindani thanked the board.

15. PUBLIC HEARING: **APPLICANT: Neuner's Automotive Recyclers, LLC**
REPRESENTATIVE: Glenn Neuner
COMMON DESCRIPTION: 27365 Mound
LEGAL DESCRIPTION: 13-17-427-035
ZONE: M-2

VARIANCES REQUESTED: Permission to

- 1) Waive an additional 38 required off-street parking spaces.
- 2) Allow a total of 121,856 square ft. of outdoor storage (this is an additional of 32,168 square ft. that the 89,688 square ft. granted from the variance of 10/12/2011).

ORDINANCES and REQUIREMENTS:

Section 4.32 – Off-Street Parking Requirements: (H) The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing building as specified above shall be determined in accordance with the following table, and the space, so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use. (20) Furniture and appliance stores, personal service 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.

Section 17.02 Industrial Standards (S) Open Storage Other Than Junk: The designated area shall always be hard-surfaced and screened from the public street and any residentially zoned areas. The designated areas shall not be located in any area required for parking space and is necessary to meet the minimum requirements of Section 4.32 of this ordinance. Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure

on the site.

Chairman Nestorowicz said good evening. Asked the petitioner for name and address and then take the board through this request.

Glenn Neuner, 27365 Mound, appeared before the board. They're asking for a variance to pick up the property in the back of the building, back of the property that was the west side.

Matt Neuner, 27365 Mound Road, appeared before the board. They are here today to take over the Macomb County easement on the Bear Creek Drain. There's ninety-two (92) feet they're allowed to extend their parking lot that they weren't aware of when they first initially did this back in 2011. Basically, they're going to be expanding their outdoor storage, which is already passed through the M-2, it was rezoned into M-2. So, these two (2) items fall within expanding the parking lot.

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

No response.

Chairman Nestorowicz closed the public hearing portion, and he just wants to make sure that all board members saw that there was another site plan that should have been on their spot. He wasn't sure if they were referring to that one. Quick question. What are they going to have in their open storage in the back there? Did they state, or...?

Matt Neuner informed this is a recycling yard for automotive. Basically, it's just vehicles so they're just taking their existing parking area and pushing it back.

Glenn Neuner explained it's kind of the same thing that Burg did next door about, he thinks, a year or two (2) ago.

Board Member Clift asked if the expansion of their storage increase any number of employees, they're going to employ anymore people because of that.

Glenn Neuner replied no.

Board Member Clift said no, ok. So... he yields.

Board Member Anglin said if no other board member has any questions to ask, he would like to make a motion.

Motion:

Board Member Anglin made a motion to give permission to:

- 1) Waive an additional 38 required off-street parking spaces.
- 2) Allow a total of 121,856 square ft. of outdoor storage (this is an additional of 32,168 square ft. that the 89,688 square ft. granted from the variance of 10/12/2011).

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 to approve the request per the reasons stated in the motion. Roll call.

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

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

Matt Neuner thanked the board for their time.

16. NEW BUSINESS

Chairman Nestorowicz asked if anybody has any new business.

No response.

17. ADJOURNMENT

Motion:

Chairman Nestorowicz made the motion to adjourn the meeting, Supported by Secretary Jerzy.

Voice Vote:

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

The meeting adjourned at 8:49 p.m.

Paul Jerzy
Secretary of the Board