



Zoning Board of Appeals
Office of the City Council
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Roman Nestorowicz, Chairman
Judy Furgal, Vice-Chairwoman
Paul Jerzy, Secretary
Charles Anglin, Asst. Secretary
William Clift
Charles Perry
Anthony Sieracki, Jr.
Michael Sylvester

**A Regular Meeting of the Zoning Board of Appeals
Wednesday, May 11, 2021 at 7:30 p.m. in the Warren Community Center
Auditorium, 5460 Arden, Warren, Michigan 48092.**

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

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPTION OF THE AGENDA
5. APPROVAL OF THE MINUTES OF the **Regular Meetings April 13, 2022 and April 27, 2022.**

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 provisions to the contrary, in M-2 zones, yards fronting on a major thoroughfare as defined by the Master Thoroughfare Plan for the City of Warren or front yards facing a residential district shall be fifty (50) feet. (b) Side yards, and rear yards; 20 ft. each.

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

7. PUBLIC HEARING:	APPLICANT: Jenna Nola & Michael P Kanakry <i>(Rescheduled from 4/27/2022)</i>
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.

- 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.

- 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.

- 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.

- 11. PUBLIC HEARING: **APPLICANT: Wayne Craft Inc.**
 REPRESENTATIVE: 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.

- 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.

- 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 child care 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 no even shall any vehicle be parking in the driveway blocking the public sidewalk.

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.

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.

16. NEW BUSINESS
17. ADJOURNMENT

Paul Jerzy
 Secretary of the Board

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