

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
MAY 25, 2022

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, May 25, 2022 at 7:30 p.m. at the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

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

Members of the Board absent:

None

Also present:

Jennifer Pierce, City Attorney
Everett Murphy, Chief Zoning Inspector
Nicole Jones, Council Office

1. CALL TO ORDER

Chairman Nestorowicz called the meeting to order at 7:30 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

All board members were present.

4. ADOPTION OF THE AGENDA

Motion:

Secretary Jerzy made a motion to approve the May 25, 2022 agenda with the change of moving item 14 to the June 22, 2022 meeting; Supported by Board Member Perry.

Voice Vote:

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

5. APPROVAL OF THE MINUTES of the Regular Meeting of May 11, 2022.

Motion:

Secretary Jerzy made a motion to approve the minutes of May 11, 2022 minutes;

Supported by Board Member Furgal.

Voice Vote:

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

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| 6. PUBLIC HEARING: | APPLICANT: Jessica Spearman |
| REPRESENTATIVE: | Great Day Improvements/Jacob Woods/Katherine Clark |
| COMMON DESCRIPTION: | 25910 Peppertree Lane |
| LEGAL DESCRIPTION: | 13-19-404-032 |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to

Erect a sunroom, 25' x 17' = 425 square feet in addition to a 440 square ft. garage for a total of 865 square ft. of accessory structures.

ORDINANCES and REQUIREMENTS:

Section 7.01 – Uses Permitted: (I) Accessory buildings or uses customarily incident to any of the above permitted uses, when located on the same or an adjoining lot and which do not involve any business, profession, trade or occupation. All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

Chairman Nestorowicz said to note for all petitioners here tonight. When they approach the podium, please start by stating your name and address for the record, and then take the board through their request.

Jessica Spearman, 25910 Peppertree Lane, appeared before the board.

Mike Shemburg appeared before the board stating he is the representative for Great Day Improvements.

Jessica Spearman explained she would like to build a patio enclosure and she's building it on an existing patio. She would just like to use the entire space instead of building part of it and then there is an unused portion outside. She also has a hot tub she wants to include in there, because her husband has fibromyalgia and it's getting more and more difficult as his progresses to use it in the wintertime. Since it's already on an existing patio, she's not building anything new. She would just like to have it on the entire patio. Hence, making it a little bigger than the seven hundred (700) square foot that's allowed.

Chairman Nestorowicz thanked her very much for those comments. This is a public hearing, are there any members of the audience who want to comment on this item?

No response.

Chairman Nestorowicz closed the public portion of the meeting for that and turned it over to the board for questions and discussion. He wanted to just reiterate for himself. The concrete is already existing.

Jessica Spearman said correct, it has been there since 2003. She just had it leveled and

evened.

Chairman Nestorowicz said it actually looks like it matches almost perfectly with the house walls.

Jessica Spearman said correct. Correct.

Chairman Nestorowicz stated that's the only question he had.

Board Member Sylvester said he had a question for Mr. Murphy. He went by the property and looked at it from the street, obviously. It looked like it's pretty crowded back there. If he's not mistaken there is a pool back there, too. Ok. Is there any dimensional requirements there for the sunroom, the pool, access to get through there? Has any of that been looked at?

Everett Murphy replied there is no requirement in the zoning ordinance that the pool and sunroom be separated by any.

Board Member Sylvester asked as long as they can put the pool in, they can put the sunroom in that's fine and dandy. Ok.

Everett Murphy said zoning ordinance.

Board Member Sylvester said ok, he just wanted to know. That's all. Thank you.

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

No response.

Motion:

Board Member Anglin made a motion to give permission to erect a sunroom, 25' x 17' = 425 square feet in addition to a 440 square ft. garage for a total of 865 square ft. of accessory structures.

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

Secretary Jerzy supported the motion.

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

Roll Call:

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

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

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

7. PUBLIC HEARING: **APPLICANT: Steve and Elizabeth Nobles**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 4600 Chicago
LEGAL DESCRIPTION: 13-05-327-022
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Allow 37 ft. of 30-inch-high vinyl picket fence that extends 8 ft. past the front building line per the plan.

ORDINANCES and REQUIREMENTS:

Section 4D.08 – Fences, Walls and Landscape Screens in Front Yard Between Building Line and Front Property Line: No fence, wall or landscape screen shall be constructed between the established building line and the front property line.

Chairman Nestorowicz said to start with their name and address for the record.

Stephen Nobles, 4600 Chicago, appeared before the board and introduced Elizabeth Nobles.

Chairman Nestorowicz said to explain to the board their request, what they're asking for.

Stephen Nobles explained they are looking to replace the fence that's already in place. They moved in last June. It's a wooden white picket fence that's around the whole property. There's a little bit of a decorative in the front, about thirty (30) feet of it. They're replacing all of the fence around the whole property. They're asking for this piece. He knows they have to get the approval from zoning, at least what is in front of the house.

Elizabeth Nobles stated its wood and falling apart.

Stephen Nobles stated it's thirty (30) feet across, a little bit on each side of the driveway.

Elizabeth Nobles stated it makes it look cute and country. It's what gives the house personality. They just want to replace it all completely and keep the same look of the house.

Chairman Nestorowicz thanked them very much for that. This also is a public hearing, is there anyone from the audience who wants to add any comments to this?

No response.

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

Board Member Anglin explained he can't find anywhere in their guidelines for cute and comfy or cute and cozy.

Elizabeth Nobles jokingly said sorry, I'll shush.

(Laughter)

Board Member Anglin said just trying to make some humor out of it. He's seen that. He's glad to see their going a step forward and take care of something that really looks bad. So, they'll have no objection from him for that.

Secretary Jerzy said he just has a quick comment. To Mr. Murphy, was there any variance that was granted for the initial fence in the packet. Was their initial variance granted in the past on this property for the fence?

Everett Murphy replied not for the fence. He does believe...

Secretary Jerzy said he thinks it was a garage.

Everett Murphy said accessory structure.

Secretary Jerzy said yeah.

Everett Murphy said nothing for the fence that he's aware of.

Secretary Jerzy thanked him. That's all he wanted to know.

Chairman Nestorowicz asked if he has a motion.

Board Member Anglin said he wanted to add to that as long as he has lived here, which has been a long time on that street, that fence has always been there. He would like to make a motion, if nobody else has anything to say.

Motion:

Board Member Anglin made a motion to give permission to allow 37 ft. of 30-inch-high vinyl picket fence that extends 8 ft. past the front building line per the plan.

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

Secretary Jerzy supported the motion.

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

Roll Call:

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

Board Member Anglin	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member 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 Perry	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion. And she would like to thank them for the nice packet they put together.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

Chairman Nestorowicz stated that house has always looked very nice as he drove down Chicago Road.

Stephen Nobles thanked them very much.

Secretary Jerzy said good luck.

Elizabeth Nobles thanked the board.

8. PUBLIC HEARING: **APPLICANT: Dang Thuy Bich**
REPRESENTATIVE: Juan Davis
COMMON DESCRIPTION: 5356 Twelve Mile
LEGAL DESCRIPTION: 13-17-204-037
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Allow parking no less than 5 ft. from the side (east) property line.

ORDINANCES and REQUIREMENTS:

Section 5.11 – Churches, Schools, Libraries and Civic Clubs: Churches, synagogues, mosques, public schools, public libraries, private educational institutions, funeral homes, community buildings, country clubs, fraternal lodges or similar civic or social clubs shall be permitted with permission of the Planning Commission pursuant to the standards set forth in Section 22.14(b) (1) and upon compliance with the following minimum requirements: (10) The width of the side yard abutting upon a street shall not be less than twenty (20) feet when the rear yard abuts a rear yard. However, in the case of a rear yard abutting a side yard of an adjacent residential lot, the side yard abutting upon a street shall not be less than twenty-five (25) feet.

Secretary Jerzy apologized if he got the name wrong.

Juan Davis, appeared before the board, stating next to him Dang Thuy Bich. His address is 350 Collindale. But the address they apply is 5356 Twelve Mile Road. The reason they are here is because at the time they decide this building, they required two (2) lines or one

(1) white line to be in and out for the traffic inside the parking lot. Originally, they have in from the Twelve Mile Road and then getting out from the different street, but they already assigned the parking for going in and out the same place. Doing that, they... that's why they are here requesting five (5) feet from the property line. Actually the (inaudible) is across the street. This will allow them to have the twenty-one (21) minimum for two-way driving in and out. He will be here to respond to any questions.

Chairman Nestorowicz thanked him for that explanation and comments. This is a public hearing, are there any members of the audience wanting to add comments to this? It looks like there is a couple comments. To the petitioner, please step aside and anybody coming up with comments, just give the board your name and address and then the comments on this.

Elizabeth Yevette, 5352 Twelve Mile, appeared before the board stating she is the next-door neighbor to this property. This was formerly her grandparents' home, so she knows it very well. Presently, it's a private home with more than approximately a hundred (100) feet driveway. She is not clear as to why they need six (6) parking spaces, they want to put in asphalt with a six (6) inch curb located on the east side located five (5) feet from the sidewalk and Grobbel Street. The map shows a horizontal or vertical parking space, not clear, beginning parallel to the house and endings to the property line back of garage. There is also two (2) large trees that are in that area. She doesn't know if that's going to be removed. It shows smaller trees will be added. Again, she's not sure of the purpose of this parking space. They said that they will not be used at any given time. So, this doesn't make sense to her. The house is eighty-four (84) years old and why do they need to change it? Thank you.

Chairman Nestorowicz thanked her for those comments.

Linda Rose, 2864 Grobbel, appeared before the board stating she has lived in her neighborhood thirty (30) years. The property that's in question, again, the large amount of driveway that is there. Right now, currently, the homeowner, as well as guests that come in and out and park on the lawn. She has several pictures on her phone. She didn't download them for the board. They don't park where they're supposed to now. Example, during storms. They have four (4) cars at their house, they manage to make sure their cars aren't on the street causing a problem. Certainly, not on the lawn. She's not understanding in a hundred-foot driveway why, if they're only going to have three (3), four (4) people, they can't park. They park on the lawn and up until very recently, they were cutting up that driveway across the front of the house, in front of her house and back down her driveway. To the point that they had to put caution tape up for their guests that were coming and going to tell them not to drive on the grass. Currently, there was caution tape out there. She doesn't know about them, but she would never have to tell someone don't park on the lawn when there's a hundred-foot driveway. It would be a huge detriment to the community to have a parking lot all of a sudden put there, because they don't park where they are supposed too currently. They don't follow the rules.

Chairman Nestorowicz thanked her very much for those comments. The board will ask the petitioner that question. Next.

Unknown resident appeared before the board stating they live on Grobbel. (Inaudible) They have a hundred-foot driveway, and he purchased his property ten (10) years ago to live in this residential area. If he has guests coming, he doesn't have the space to park. So, he's very much against those parking. (Inaudible) He has been there almost ten (10) years. This place become (inaudible) day by day. It is not a commercial area also. He asked if they can tell him if it's a church, a club or residential place.

Chairman Nestorowicz said it's residential.

Unknown resident said there's a big driveway there. He can show them.

Chairman Nestorowicz said most of them know what the property looks like.

Unknown resident said if you walk in this area. You will see the difference. Hundred people from the Twelve Mile to garage.

(Inaudible)

Unknown resident (inaudible). Thank you.

Chairman Nestorowicz thanked him for those comments. Are there any other comments from the audience on this item?

Azizul Karim, 28858 Grobbel, appeared before the board stating that (inaudible) residential area. The distance is only ten (10) to twenty (20) feet from his house.

Chairman Nestorowicz asked him to get closer to the mic. Some of the members didn't hear him.

Azizul Karim said excuse me.

Chairman Nestorowicz asked him to speak closer to the microphone.

Azizul Karim said the distance is only ten (10) to twenty (20) feet his house. This is a problem, he does not (inaudible) here. Thank you.

Chairman Nestorowicz thanked him very much for those comments. Not seeing any other audience comments, he closed the public hearing and turned it over to the board for discussion.

Board Member Anglin stated he is a little bit confused. This is residential property.

Chairman Nestorowicz asked for Everett to provide some...

Everett Murphy explained it is a residential property, but the ordinance being cited is for a religious facility. So, he thinks they may have to ask the petitioner if this is actually a religious facility.

Chairman Nestorowicz asked the petitioner if they are able to clarify that.

Juan Davis replied yes, definitely. Again, the only reason they are here is because this project has been ongoing since before the pandemic. It was almost (inaudible) for a building permit. They came to the Planning board, and all advised that (inaudible) has been approved already by the Zoning Board to be a religious facility. The only reason why they are here is because the driveway they need to have in and out had to be minimum twenty-one (21) feet. With the place that the building is, between that and the property line, there is no too many room to allow more than parking. This is why they apply, again, what they have across the street, minimum five (5) feet from the property line. They have to be more informed with what this petition is for the five (5) feet, because the religious purpose has been approved already. The Planning Department has just been waiting for this board's approval again to send into the Building Department to approve for the building permit. Again, it has been going for more than two (2), three (3) years, even before the pandemic. He even has one (1) year extension...

Board Member Furgal mentioned Planning Commission.

Juan Davis continued because they had to do that remotely by virtual and they had the extension approved. Nothing could happen until they had all those pieces just right. At this point, only the five (5) feet...

Board Member Furgal said to give them permission.

Chairman Nestorowicz thanked him for that answer. So...

Board Member Clift said to the petitioner he just wants to make sure he is understanding. It's their intent to add onto this property or building at this property, erecting a temple at this property, and they basically need the boards ok on their plan in order to meet the requirement of in and out width lane access to their driveway and to help accommodate their minimum amount of off-street required parking to go with their project.

Juan David replied correctly. By the zoning, they need to have minimum between fifteen (15) and seventeen (17) parking spaces.

Board Member Clift stated he is seeing fifteen (15) regular and two (2) handicapped.

Juan Davis replied correctly.

Board Member Clift stated one (1) space per three (3) seats in their temple.

Juan Davis replied exactly.

Board Member Clift said he just wanted to clarify and make sure he was taking his information correctly. He understands that's a residential zoned area, but zoning has already given the ok on it... he doesn't know if they're changing the zoning on it, but they have approved the erection of a religious temple at this site. They're here just to talk about

the bare bones minimum off-street required parking that they need. Perhaps this will address the issues with the parking on the grass and some of the other things he has heard this evening with the neighbors. He's of the opinion that this is probably a good thing to move forward so they can get their temple completed and meet their requirements for parking. Maybe take some of the stress off the neighborhood. Is there any plan to have an apron or driveway coming in and off of Grobbel Avenue at this time? Or is that...

Juan Davis explained at that time they present that like three (3) years ago, there was a lot of opposition from the neighbors.

Board Member Clift said right. He would be concerned about increased traffic on the street.

Juan Davis explained they closed that.

Board Member Clift thanked him.

Chairman Nestorowicz said if he could just ask one (1) question. He just wants to get... Everett can you come up to the microphone one more time for him? So, he remembers what they did back in 2020 where they denied the driveway and maneuvering lane. Later on in August of 2020 they did grant to retain a building with the side yard of ten and a half feet. He's assuming back in 2020 they didn't understand there was going to be an addition put onto this building at this time, but it's currently a residential zoned district.

Everett Murphy explained that's typical. The majority of the schools and religious facilities are actually zoned residential.

Chairman Nestorowicz said the zoning won't have to change.

Everett Murphy replied correct. It's still going to remain an R-1-C property.

Chairman Nestorowicz stated the question becomes how much parking goes on that space, on that property. Ok.

Board Member Anglin stated he thinks what's really in front of the board today, whether its residential or not, is the fact that is the board going to grant putting a parking space within five (5) feet of the east property line. He's never been too much in favor of putting parking that close to a property line, especially in a residential area. That much parking. He realizes that some residential areas when houses like over on Arden and that there's not five (5) inches between the persons driveway part property line and then the other person has five (5) inches. But this is off of Grobbel, which is a main street going into that subdivision and that. He's just not for putting parking that close to the line.

Juan Davis said he feels that it would be good to...

Chairman Nestorowicz stated there wasn't a question directed to him.

(Inaudible)

Board Member Anglin said he's just not seeing it that close to the line putting in parking facility. So, that's his play on it.

Board Member Sylvester said he has been through that area and that property. He looked at their facility and he has seen the neighborhood. He is also going by the zoning manual they have; it is a residential area and as Mr. Murphy just said. He believes the residents who have been there for quite some time and know it to be a residential area would like to keep it that way. Ok. Things haven't changed. He knows they want to expand, but there might be another place where they can expand. Right there, he doesn't think would be a good idea for the neighborhood. As far as he is concerned, they've got to take their concerns into consideration as well. So...

Juan Davis asked if he could say something now.

Chairman Nestorowicz explained if somebody has a question for him. Unfortunately...

Board Member Furgal said she'll ask whatever question he would like to answer.

Juan Davis stated at this point he feels it would be fair to see what is really across the street. Across the street they have a parking lot even closer than five (5) feet from the property line. They're talking about maybe thirty (30), forty (40) feet from this parcel. So, when they say to enjoy the property area would be (inaudible) that they have in different places. This other parking has been there for a long, long, long time in the same time that the neighbor has been there. So, he is asking for nothing different from what is around the area. Again, thirty (30), forty (40) feet from this property line. The neighbor has been living that for many years.

Chairman Nestorowicz thanked him for that answer to that question. He can actually... Across the street from Twelve Mile there's other non-residential properties in terms of tiny little strip mall, there's an auto repair. There's a number of... it's not all residential. Same kind of residential neighborhood that these neighbors live in. That's his take on it. He also takes into account what the neighbors of the property feel and think about. So, that's his comments.

Board Member Furgal said this is an attempt. They own the property. Right? So, if they deny them the use of their property, then they have a right to use their property. And the Planning Department worked with them. They worked with the Planning Department, yes? They worked with them to come up with a plan that would work. The board denied them before in February 2020, the board denied them the opportunity to have an egress onto Grobbel. The board told them they could not do that. So, these people are kind of stuck here. It's a beautiful plan, to tell you the truth. She has seen much worse plans that get approved, so...

Board Member Clift stated if she doesn't make it, he will.

Board Member Furgal said go ahead.

Board Member Clift stated if no other board members has any discussion on the matter, he would like to make a motion.

Board Member Sylvester stated he does. Listen, you know, according to the document that he has right in front of him that is zoned a one family residential. He has been there, he has already stated that, ok. He believes... you know, this came to the board for a reason, this came to them. They have a decision to make. Now he doesn't care what anybody else decides and how they decide, they all have independent votes, but they have four (4) residents here who are having a problem with that facility going up, and that parking, and those ingress' and egress'. According to his documents, this is still a one family residential. He wishes they could build some place, ok. But as far as he is concerned, those people out there also have concerns, and he is going to take them into consideration. And they have been there for a while, they own their own houses, they know what they're looking for, they know what they want to do when they come home from work or whatever. He believes they should be listened to. Thank you.

Chairman Nestorowicz thanked Mr. Sylvester. Mr. Clift, would you like to make your motion at this time?

Board Member Clift said if no other board member has any further discussion on the matter, he would like to make a motion

Motion:

Board Member Clift made a motion to allow parking no less than 5 ft. from the side (east) property line.

Reasons being: Not a detriment to the area; There is a property right across the street on Grobbel that goes right up to the property line with their parking blocks.

Board Member Furgal supported the motion.

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

Roll Call:

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

Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sylvester	No, it will be a detriment to the neighborhood.
Board Member Anglin	No, it will be a detriment to the neighborhood with the explanation that they don't even know the property across street fits into their zoning ordinances as it sits today.
Board Member Sieracki	No, it will be a detriment.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	He thinks they're going to have an issue, lawyer question

because he was going to vote no on this because they can use the property as is without adding onto it. It's the addition that's causing the parking issue. He was voting no, which takes them to a 4-4 split since they have a vacant seat.

Chairman Nestorowicz said if they could just have a moment.

Jennifer Peirce apologized.

Chairman Nestorowicz jokingly asked if this is when they flip a coin.

Jennifer Peirce said yes.

(Laughter)

(Inaudible)

Chairman Nestorowicz asked if Everett could approach the podium for a second. Is there anything he would like to share with the board?

Everett Murphy explained it requires five (5) votes. So, if it doesn't have five (5) it doesn't matter if its four (4) to four (4). If it doesn't have five (5) then it's dead.

Chairman Nestorowicz said wait a second, it wasn't a use one, was it? It's not a use. Oh! But it needs five (5) for a majority. That's true, it needs five (5) for a majority.

Everett Murphy explained it's not even a majority. The ordinance says they need five (5).

Chairman Nestorowicz said they need five (5), yes. So that motion fails.

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

Chairman Nestorowicz asked if there are any other motions. Since the motion to approve failed, if they make the motion to not approve it, That's a four (4) to four (4) it would still fail.

Jennifer Peirce doesn't believe they need another motion if the motion to grant the variance was... if it didn't carry then it didn't carry. By default, that would be denied.

Chairman Nestorowicz said he understood. He just wanted to get that clarification.

Jennifer Peirce said yes.

Chairman Nestorowicz said he hasn't seen a tie up here in a while. Unfortunately, their request to get this variance only had four (4) votes in support, they needed to have five (5) in order for it to carry. So that means this request was not approved.

Juan Davis said thank you.

Chairman Nestorowicz said he is sorry to inform him of that.

Juan Davis said they will see them later.

Chairman Nestorowicz said alright, that takes them to item 9.

9. PUBLIC HEARING: **APPLICANT: Veronica Williams-Hernalsteen / Marvelous Promotions, Inc.-USE-**
- REPRESENTATIVE: Paul Linville
COMMON DESCRIPTION: 27721 Schoenherr
LEGAL DESCRIPTION: 13-14-429-030
ZONE: O

VARIANCES REQUESTED: Permission to -USE-

Operate a promotions company which will include the use of embroidery machines and on-site interior storage.

ORDINANCES and REQUIREMENTS:

Section 13A.01 – Use Regulations: In “O” districts. An embroidery manufacturing business with on-site indoor storage is not a permitted use in an “O” district.

Paul Linville, 27721 Schoenherr, appeared before the board.

Veronica Williams, same address, appeared before the board.

Chairman Nestorowicz asked them to take the board through this request.

Paul Linville explained Marvelous Promotions operates out of a facility in Fraser. The embroidery machines are currently operated in an office environment. Right now, 27721 Schoenherr, is zoned for office use. They are requesting a variance to allow Marvelous Promotions to use their embroidery machines in the building that they have intended to purchase. The noise generated by the embroider machines will not extend beyond the building and is no louder than a common manual typewriter. The traffic that they will generate from the operation of their business will be much less than the current occupant. They are a business-to-business company. They expect three (3) to four (4) clients to come into the office a day. That’s the extent of it. Right now, it’s a medical facility, so there are patients in there at a regular basis. The hardship of this situation, which relates to address, is really the lack of inventory of a suitable building for them in the City of Fraser. They really feel that this building is an ideal fit for them as far a size and location. For their family-owned business to sustain it today and help give them some space to grow in the future.

Chairman Nestorowicz thanked him very much for those comments. This is a public hearing, if there are any members of the audience, he does see one (1) already. If you could just move to the side and allow them to come to the podium.

David Koury appeared before the board stating he needs some clarification on this.

Chairman Nestorowicz asked your address, Mr. Koury.

David Koury replied he is a Warren resident, he is not required to give his address, just his name. Anyway, he's not opposed to running embroidery machines, they're just sewing machines. But he needed some clarification. There are three (3) addresses. The request is for 27721, but there are three (3) physical addresses at this business. So, is the variance just for that particular address or is it for that entire building. And if it's just for that particular address, what if there is an address combined later on. Say a year or two down the road. Does it then pertain to the entire building? Also, the property is in disarray. He walked past there multiple times a day. He's sure some of the board members have driven past there to take a look. He took some pictures if the board would like to see them. He doesn't think the grass has been mowed this year, maybe once. A lot of garbage, debris behind the dumpster. The three (3) address signs that are there on the ground. At one time, those were actually attached to the top of the building. He thinks that address fell a couple of years ago, it's never been repaired. The back of the building is in total disarray, weeds everywhere. Anyway, he would like, if the board grants them a use variance, he would like a commitment from the owner to clean the property up. But he doesn't have a problem with them running the embroidery machines. He thanked the board for their time. He asked if they would like to see the photos or if they are all set?

Chairman Nestorowicz stated he doesn't need to see them. Ok. Thank you for those comments. He will get some clarification on that. Are there any other public comments for this property?

No response.

Chairman Nestorowicz said he wants to start... He closed the public hearing portion and turn it over to the board, and he'll start with a question first. So, Everett. This is just one parcel that might have three (3) addresses on the building, but it's one (1) parcel, correct?

Everett Murphy replied it's one (1) parcel, it does have three (3) addresses. There is a main address and the other two (2) are sub addresses. He believes their intent is to use the entire building so that variance would apply to the entire building.

Chairman Nestorowicz said yes. He just wanted to get that clarification on the record for the resident's question. He does have a question for the petitioners. So, they heard the comments from the resident in the area about the upkeep of the property. Now, have they moved into this property yet?

Paul Linville replied he can address that really quickly. The intent is to purchase the building. Right now, there is a different owner that owns the building, and he is looking to retire and sell it. But, if she can't use it for what her company does, it doesn't make any sense whatsoever to actually purchase the building. So, if they get granted the variance, they will move forward on purchasing the building and they will clean it up. But at this point, they don't own it so to clean it up and get it squared away is the current owner's responsibility.

Veronica Williams informed she can reassure as somebody who would want to purchase, just when she looked at the back, she could see the peeling paint. She didn't look around behind the dumpster. He knows he said he would not recommend his grass cutter, but they would have that

taken care of. They do want to operate a clean environment and she feels for the condo people behind there to have the back of the space painted and cleaned up. So, it would be how they would want to do it.

Chairman Nestorowicz thanked her for clarifying that also. That's what he wanted to... yes, Mr. Anglin.

Board Member Anglin stated what he always found in the past is that people that own their property take better care of it than people renting or people looking to sell it. They have money tied up there, they don't want to put anymore money into something and then it gets to the point that he was talking about, sir, with the grass and that. But he has strong feelings that someone buys a piece of property, puts that kind of money into it, they'll going to put a few extra dollars into keeping it up for appearance wise. So, he doesn't know. Does any other board members have any questions?

Board Member Sylvester said he has a question.

Board Member Clift stated he has one as well.

Chairman Nestorowicz stated Mr. Sylvester first and then Mr. Clift.

Board Member Sylvester said let him go first. Let Mr. Clift go first.

Board Member Clift stated he is familiar with their operation in Fraser. He is glad to say he has never had to come out there and talk to them about any maintenance on their property as his role that he serves in Fraser. He is sorry to see them leave, but...

Veronica Williams said they still love Fraser.

Board Member Clift said well, that's alright then. He can say that knowing what the owner operates the way they operate their building in their digs currently in Fraser, he doesn't think they're going to have a problem with it looking sloppy and dilapidated. He's also been in the building with their equipment in operation, you don't even hear it unless you come through that second foyer down into the hallway most of the time when it's going. So, as far as noise goes, he doesn't think that's going to be an issue either. If it passes tonight, welcome to Warren. They'll be glad to have them. Thank you.

Board Member Sylvester said first of all, the gentleman that spoke earlier. He has been by that property twice, and he agrees. It's a mess. One (1) question he has for the city attorney right now is that since they're asking for a variance on a piece of property. The gentleman said the weeds are high and it's a mess in the back and it doesn't look very appealing. They have done things like this in the past, isn't the owner to be here to ask for the variance on this? These people do not own the building. So, he's a little confused.

Chairman Nestorowicz asked if the city attorney has an answer.

Board Member Anglin said he thinks Mr. Murphy has an answer.

Everett Murphy explained regardless of who owns the property, they can always call the blight hotline, or the zoning department and they will send an inspector out there and clean it up. Again, they are not responsible for this, they don't own it yet. So, as far as any of the maintenance goes, that shouldn't really have a bearing on this since that's a separate matter. That's enforcement.

Board Member Sylvester said he's just asking if they're asking for a variance and they don't own the building, how can they ask for a variance.

Board Member Anglin asked if he could interrupt for a second.

Board Member Sylvester said he would like to have his question answered, if you don't mind.

Board Member Anglin said that's the point he was trying to get to.

Chairman Nestorowicz said what he thinks Mr. Anglin was going to say is normally there is, because there is a document, affidavit of ownership of land. So, it actually talks about. Yes, Mr. Everett.

Everett Murphy explained the second page is the owner affidavit. Anybody can be the applicant. The second page is where the owner of the property gives permission for this item to come before the board on their property. Anybody can be the applicant.

Board Member Sylvester asked if they have something there that the owner gave permission for them to come before.

Chairman Nestorowicz explained it should have been right after... This is the first page, and this is the second page in their packet. Do you have that in your packet?

Board Member Sylvester stated he probably does. No, he does not. He doesn't not have that. Is it this one?

Chairman Nestorowicz said it says affidavit ownership of land.
Board Member Sylvester said yeah, ok, ok.

Chairman Nestorowicz started to explain that gives them...

Board Member Sylvester said that gives these people the right to ask for variances and what have you. Ok. For Mr. Murphy, the address. It looks like according to their parking lot and their layout there, this document right here. Will that be the address that's on the common description? It would be that address? The other two (2) will be removed?

Everett Murphy replied they will be removed.

Board Member Sylvester said to the petitioners. When are they planning on cleaning up the outside, so the residents look at it and say it looks like somebody is going to be moving in here and it's going to be taken care of?

Veronica Williams explained if all that goes through, that part of it. As soon as they have access to the property, they would start taking that time to prepare it for them to move in and clean it up, all throughout that summer. They would cut the grass immediately. Garbage would be...

Board Member Sylvester asked the property is not theirs yet.

Veronica Williams replied not yet.

Board Member Sylvester asked if this goes through that would speed that up.

Veronica Williams replied right.

Board Member Sylvester thanked her.

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

Board Member Anglin asked if any other board members have any questions. If not, he would like to make a motion.

No response.

Motion:

Board Member Anglin made a motion to give permission to operate a promotions company which will include the use of embroidery machines and on-site interior storage.

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

Secretary Jerzy supported the motion.

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

Roll Call:

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

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

10. PUBLIC HEARING:
REPRESENTATIVE:

APPLICANT: Allied Signs, Inc.
Jim Fields

COMMON DESCRIPTION: 26475 Hoover
LEGAL DESCRIPTION: 13-22-226-037
ZONE: MZ, C-1, C-2, R-1-P, P

VARIANCES REQUESTED: Permission to

Allow 2,047.33 square ft. of wall signage as follows: "Harbor Freight Quality Tools Lowest Prices" – 141.85 square ft. and the remaining 1,905.48 square ft. are design element. If approved the sign variance on 1/31/1973 will be relinquished.

ORDINANCES and REQUIREMENTS:

Section 4A.37 – Shopping Centers: Regardless of the zoning district, shopping centers as defined in Section 2.67 are permitted the following signage: C) One (1) wall sign of a size not to exceed forty (40) square feet shall be allowed for each business located in the shopping center.

Jim Fields appeared before the board stating Allied Signs, 33650 Giftos Drive. They are before the board because the way the Warren code interprets the fascia, because of the color pattern. They have been down this road a few times, but in different situations with block out areas. Harbor Freight has purchased this property, and the color scheme of their building incorporates the beige with the red columns, red bannings and then the red fascia on the jet out of the drive, and then the blue, which is their corporate colors. By the way, the codes worded because of this color being different than the secondary color, they consider as part of the square footage of the sign. The sign portion is actually up at the top spot. Similar to where, he believes it was a Physical Fitness, where it has the original approval there, it was a larger sign. This sign is smaller. It's also red to match the façade, so it blends back in. So, their actual sign variance would be to not consider the (inaudible) area as part of the sign area.

Chairman Nestorowicz asked if he has other comments to add on.

Jim Fields said that's pretty much it.

Chairman Nestorowicz thanked him very much for explaining that. This is a public hearing, are there any members of the audience on this item that wish to speak?

No response.

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

Secretary Jerzy said to Mr. Murphy real quick, the one concern he has to allow over 2,000 square feet of wall signage going forward with the property. Once Harbor Freight moves out, would another business be able to come in and throw up 2,000 square foot sign? You know, as it reads.

Everett Murphy explained well, remember they're actually looking for 141.85, the remainder of that is considered design element. So, yes somebody else coming in could change those colors, but they couldn't put words or advertisement greater than the 141.85.

Secretary Jerzy thanked him for the explanation. He appreciates it.

Chairman Nestorowicz asked if there are any other questions, comments, or motions.

Board Member Sylvester said Mr. Everett again, please. Thank you.

Everett Murphy said this is the most exercise he has had all day.

Board Member Sylvester asked the different between the Physical Fitness store, whatever that was or shop that was down there with the blue and the gray. He looked at it, except for the Harbor Freight, he means, basically everything is the same. Tell him what he is missing.

Everett Murphy explained the ordinance actually reads that the building is supposed to be one (1) color.

Board Member Sylvester said ok, well the one before that wasn't.

Everett Murphy said they certainly didn't get a permit or ask permission, right. So...

Board Member Sylvester said somehow or another they allowed the physical fitness place to do what they did.

Everett Murphy said he doesn't know.

Board Member Sylvester said ok, whatever. All he's saying is it looks like they're switching one out for the other and they're adding some red to it or whatever, but as far as coloring goes it's basically the same.

Everett Murphy said that's your opinion, yes.

Board Member Sylvester said right, exactly. He's looking at it, and he doesn't really see a difference. Thank you.

Chairman Nestorowicz asked any other. Any motions?

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

No response.

Motion:

Secretary Jerzy made a motion to grant permission to allow 2,047.33 square ft. of wall signage as follows: "Harbor Freight Quality Tools Lowest Prices" – 141.85 square ft. and the remaining 1,905.48 square ft. are design element. If approved the sign variance granted on 1/31/1973 will be relinquished.

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

Board Member Anglin supported the motion.

Chairman Nestorowicz stated they have a motion by Mr. Jerzy, support by Mr. Anglin for the

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

Jennifer Peirce said she just has a comment, she doesn’t know if it matters for the minutes or for the record, but there was typo on the first page that says qualify as opposed to quality. Quality tools.

Chairman Nestorowicz stated it’s a typo, he doesn’t think...

Jennifer Peirce said oh, no. She realizes...

Chairman Nestorowicz stated it doesn’t change anything in terms of dimensions. Ok.

11. PUBLIC HEARING: **APPLICANT: Cheyanne Lubahn**
REPRESENTATIVE: Allan Svihlik
COMMON DESCRIPTION: 23012 Schoenherr
LEGAL DESCRIPTION: 13-25-251-018
ZONE: C-2

VARIANCES REQUESTED: Permission to

Allow the following related to signage:

- 1) Allow 3 pump waves with a total 18.31 square ft. of signage on 3 sides of each wave and remaining 49.07 square ft. of decorative design on each wave. Total of 54.93 square ft. of signage on waves and remainder of 147.21 square ft. of decorative design.
- 2) Allow 3 pump blades with a total of 3.89 square ft. of signage on 3 sides of each blade and remaining 9.58 square ft. of decorative design on each blade. Total of 11.67 square ft. of signage on blades and remainder of 34.83 square ft. of decorative design.
- 3) Allow 6 pump koalas with a total of 4.05 square ft. of signage on each koala and remaining 8.88 square ft. of decorative design on each koala. Total of 24.3 square ft. of signage on koalas and remainder of 53.28 square ft. of decorative design.

Total of all signage on waves, blades and koalas are 90.9 square ft. and remainder of decorative design is 235.2 square ft., this is in addition to the existing permitted signage and applicable variances.

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): C) 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.

Jeremy Wentworth appeared before the board stating he is here on behalf of Cheyanne Lubahn, address 23012 Schoenherr. He is here because it was previously denied based on the three (3) pump waves. Individually, they come in just under sixty-eight (68) square feet each. He thinks they were all compiled together as a total of 180 square foot, which obviously exceeds the seventy-five (75) minimum. He just wants it to be understood there are three (3) separate signs there.

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

No response.

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

Board Member Clift said to the petitioner standard Exxon new signage upgrade thingy basically, right? They have done a couple of them around town. Somebody has, he doesn't know if it was them.

Jeremy Wentworth said he thinks it was their company, yes.

Board Member Clift said typical, typical. He appreciates him, thank you.

Board Member Sylvester said these kinds of things come in front of the board many times, and a lot of their gas stations and everything, he thinks they bring some life to the neighborhood, to tell them the truth. Not like gas stations used to be. He hopes they get their approval and thank you.

Secretary Jerzy said if no other board members have anything, he would like to make a motion.

No response.

Motion:

Secretary Jerzy made a motion to grant the petitioner:

- 1) Allow 3 pump waves with a total 18.31 square ft. of signage on 3 sides of each wave and remaining 49.07 square ft. of decorative design on each wave. Total of 54.93 square ft. of signage on waves and remainder of 147.21 square ft. of decorative design.
- 2) Allow 3 pump blades with a total of 3.89 square ft. of signage on 3 sides of each blade and remaining 9.58 square ft. of decorative design on each blade. Total of 11.67 square ft. of signage on blades and remainder of 34.83 square ft. of decorative design.
- 3) Allow 6 pump koalas with a total of 4.05 square ft. of signage on each koala and remaining 8.88 square ft. of decorative design on each koala. Total of 24.3 square ft. of signage on koalas and remainder of 53.28 square ft. of decorative design.

Total of all signage on waves, blades and koalas are 90.9 square ft. and remainder of

decorative design is 235.2 square ft., this is in addition to the existing permitted signage and applicable variances.

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

Board Member Anglin supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Jerzy, support by Mr. Anglin for the reasons stated in the motion. Roll call.

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 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 Sylvester	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.

12. PUBLIC HEARING: **APPLICANT: Bimbo Bakeries USA, Inc. -USE-**
REPRESENTATIVE: LeRoy J. Asher, Jr. ESQ.
COMMON DESCRIPTION: 26800 Schoenherr
LEGAL DESCRIPTION: 13-24-101-011
ZONE: MZ, C-1, P

VARIANCES REQUESTED: Permission to -USE-

Allow 6,784 square ft. of open storage of delivery vehicles for the baker distribution center at this address.

ORDINANCES and REQUIREMENTS:

Section 14.01 – Uses Permitted: Outdoor storage is not permitted in a C-2 District.

Chairman Nestorowicz asked them to state their name and address for the record, but he just wants to let them know. A use variance does take six (6) yes votes. They are one (1) person short on the board still, so they don't have a full nine (9), but they have eight (8). They need to get six (6) out of the eight (8) for approval. Just wanted to let them know incase they wanted to postpone it or move forward with it.

LeRoy Asher replied he thinks they will move forward, thank you.

Chairman Nestorowicz asked him to state his name and address, and then take the board through the request and explain it to them.

LeRoy Asher appeared before the board stating his business address is 150 West Jefferson. This is Matt Sudema who is with Bimbo Bakeries. (Inaudible) They are here this evening seeking a variance. This is a bakery distribution facility that has operated in this building through Bimbo and its predecessors since 1959. It has been a long-time city business and proud to be here and looks forward to continuing to be here. The ordinance requires for outside storage that the vehicles cannot park in a C-2 zone. This building is somewhat unique in the sense the board has seen the pictures; he has included a lot of the photos so they could get a really good idea of what this looks like. Essentially, the operation is that there are two (2) large loading dock doors, if you will, where a bigger truck will come in with the bakery product and off load that there. The product is then separated and placed in very narrow parking spaces, those yellow lines. So, the product is placed in a designated numbered space, if you will. Then the drivers come in the early morning hours, sometime between two (2) and six (6) am. There are two (2) roll-up doors. One on the west end of the building, and one on the east end. They enter through the back, they pick up their product from their designated space, and then they go out and make their deliveries during the day. The operation would be much more convenient and has done sometimes in the past is to have the drivers drive their personal car to the location. If the truck is allowed to park in the parking lot, they would pick up their truck, pick up their car during the day, and then return in the evening, get back in their personal car and park their work vehicles there overnight. There are twelve (12) box trucks that are involved in this and eight (8) slightly larger trucks that have done this. Their site plan was approved by the Planning Commission a couple of years ago now. Because with covid everything kind of got put on hold. But it was approved and has been extended. They think the improvements that have been made are very dramatic and have benefitted the property. The other factor in this, he thinks it's a very important factor, this operation has operated in that neighborhood with its neighbors for all of these years really. Really and truly without complaint. And so, the reasons for the hardship request are set forth in their application. He won't go through and read each of them, but he will highlight a couple. They think the property has unique physical characteristics. As he has described given the loading dock doors and the two (2) roll-up doors on either end, it's not really conducive for any other use. It has been there for sixty (60) years and it's kind of what they do in that building. Second, it is not a detriment to the surrounding properties. The neighboring properties, there is a lumberyard, pub and grub, which is immediately south of their property. There is the Planet Fitness that is east of their property. There is the C&G Newspaper building that is immediately north of their property. They had to obtain, as part of their application at the Planning Commission, they had to obtain an acknowledgement from the C&G people. They granted that to them without a problem, so they don't have an opposition to this. Lastly, he'll just highlight that the variance is necessary to preserve the enjoyment of the property. It's right now, the drivers are having to either take the work trucks home, or park them at an off-site location and drive to it. It's just terribly inconvenient to do that. So, for all of those reasons, and as a long-standing business in the community, they would most respectfully request that they grant the variance to allow for the outside parking.

Chairman Nestorowicz thanked him very much for explaining that to the board. This is a public hearing, are there any members of the audience wanting to add comments or questions on this item.

No response.

Chairman Nestorowicz turned it over to the board for their questions and discussion.

Board Member Sylvester stated he has been familiar with that building for a long time. Tasty Bread was in there, Brown berry was just in there. There wouldn't be a disorganization. He means, the trucks and everything would be parked where they need to be parked, everything would be neat just like it has been, really. Right?

LeRoy Asher replied correct. The trucks, the larger trucks, as part of the site plan approval they paved an area at the back of the property backing up to the Planet Fitness. There would be spaces there for the eight (8) larger trucks to park. Then the smaller trucks, the box trucks, there are parking spaces on the side of the building. They have to leave some room at the back to allow for when the big trucks come in, they have to have a turning radius, and have to be able to pull in and back up to the loading docks, essentially. So, there is some limited space in the back that it can't all be utilized just because it's needed for the big truck traffic. But yes, it has been how they operated it for many years.

Board Member Sylvester asked if they are distribution, or will they be a distribution site trucks are going to be coming in and they're going to load them and distribute the product around the area. Is that what this is, basically?

Matt Sudema replied that is correct. The product comes in from the bakery in a semi, and then it gets distributed to the smaller trucks and goes to their local Meijer, Kroger, Wal-Mart stores on those smaller trucks.

Board Member Sylvester said nothing is made there, everything is already packaged, and it just gets distributed. Ok. Since the building has been there for so long and what have you. He asked if they are looking to be doing any upgrades to it to kind of make it look better.

Matt Sudema explained as he can see on the plan that was approved a couple years ago, they have done all the parking lot improvements, curbs, all of the landscaping has been done. The next phase for them is to paint the building and do some other outside work. Within this summer, they have plans to paint the outside of the facility, so it's going to look a lot better from the outside as well.

Board Member Sylvester said he appreciates it, thank you.

LeRoy Asher said he wants to quickly mention is the parking along sides of the building was gravel. This has now all been paved and asphalted. There has already been an upgrade as part of the site plan approval that they have done.

Board Member Sylvester asked if that will all be kept up and everything if any holes or anything, they will get them fixed up and that.

LeRoy Asher said absolutely.

Board Member Sylvester said it's not going to be a public distribution, so he can't drive in there and buy anything like it was in the past, right? It's just all their company.

LeRoy Asher replied it's just distribution, but the retail operation closed in 2014.

Secretary Jerzy said he used to work in that area and he's very familiar with the operation over many years. The place he used to work at he started at five (5) in the morning, so he would see them coming in and out of there all day, all hours of the morning. He thinks it's a very efficient operation, there's definitely not going to be any trucks sitting their idling. They don't have to worry about that. He thinks this is a great plan to keep a long-standing business in the city operation. He thinks it makes absolutely no sense with the way gas prices are continually to arise. Have these guys go to another site, grab their truck, then have to go to work. It makes no sense. So, he thinks this is a very thought through plan. The building is unique, the building is definitely unique. It's almost like a car wash type of building. You just drive through and just keep trucking through. He is definitely in favor of this project and would like to see it past and they have been good neighbors for a long time. That building is an old building, it does need some sprucing up. He agrees with his fellow members, but also there is only so much you can do with that building. There is not a lot of building. That's all he has to say and good luck.

Board Member Clift asked any other discussion. He would like to make a motion.

No response.

Motion:

Board Member Clift made a motion to allow 6,784 square ft. of open storage of delivery vehicles for the baker distribution center at this address.

Board Member Anglin supported the motion.

Reasons being: Size and shape of the lot; It won't interfere with anything; There are no residential neighbors; He doesn't think it will be a detriment to the area.

Board Member Anglin supported the motion again.

Chairman Nestorowicz said they have a motion and the support was by Mr. Anglin.

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 Sylvester	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.
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.

REPRESENTATIVE: Nicholas Plomaritis
COMMON DESCRIPTION: 25185 Easy
LEGAL DESCRIPTION: 13-24-451-003
ZONE: M-2

VARIANCES REQUESTED: Permission to

- 1) Retain and extend hard surfacing in the front yard setback for parking and dumpster enclosure along Bunert (west side).
- 2) Allow hard surfacing in the front yard setback for parking along Easy Street (east side), no less than 8 ft. from said property line.
- 3) Allow a chain link fence to extend into the front yard setback to Bunert and Easy Street.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards: A) Front yards, M-2, 25 ft.

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 setback line.

Nick Plomaritis, 637 Lakepoint, appeared before the board stating in regard to 25185 Easy Street the existing hard surface and fence line is in the front yard setback for Bunert. He's sure some of them have driven by there, that is a dirt road. All of the properties, neighboring properties included, have a setback variance required the hard surface and the fence line. His request for that specifically is to enclose his dumpster, his fence line and also extend the hard surface to a line with the neighboring properties. The parking in the front is for van accessible parking. Due to the narrow nature of the lot, it's very difficult to locate a spot on the property that would allow for the van accessible spot without disallowing two-way aisles around the building, which is required for effective and efficient use of the facility. That is all he has.

Chairman Nestorowicz thanked him very much 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 portion and turned it over to the board for questions and discussion.

Board Member Anglin said he is trying to look through this print. How far is it from the back of his building, because he doesn't see this, to the property line?

Nick Plomaritis replied he doesn't have the answer to that on hand.

Board Member Anglin said it doesn't have to be to the foot. Twenty (20) feet, thirty (30) feet?

Nick Plomaritis said he believes the setback comes to about ten (10) feet inside the existing fence line. The twenty-five (25) foot setback. So...

Board Member Anglin said he doesn't like the idea of a dumpster in front of a building. He knows they're enclosed, he understands the ease of being able to dump it for their situation and that,

because then they can get straight into off the street. He knows the street, there is a lot of that type of activity or that type of construction, or he shouldn't say construction. Set up, it's set up that way. But he doesn't think any would pass any type of variances that they have setup in force today. So, he's in a little bit of a dilemma. He's not going to say he's not totally against it, because he knows the area. They're in the midst of some hardship there, where to put it. He doesn't know, that's why he was asking the setback. He doesn't see it on here, but if they have twenty-five (25) feet that doesn't give room for the truck to put in, because he would have to back his way all the way back to the property line. That's his question. There is no turn around enough back there for the dumpster. They would pretty much have to dump it and back his way back out.

Nick Plomaritis explained when he spoke with the representative at Waste Management, they indicated that they would also be able to drive all the way around the lot. So, they could come in where the dumpster is located, pick it up, and then circle back out and exit on Easy Street.

Board Member Anglin said ok, so he could put the dumpster in the back.

Nick Plomaritis said he believes the dumpster is in the back. It's located on Bunert. There are two (2) frontages. There's Bunert side and Easy Street side for this property.

Board Member Anglin said that's not what he's getting then. Alright, he'll yield for the moment until he's done looking up this.

Chairman Nestorowicz asked any comments or questions. Does anybody need any clarification on the plan?

Board Member Anglin said he doesn't have any questions on that.

Board Member Clift said if there's no further discussion, he would like to make a motion.

No response.

Motion:

Board Member Clift made a motion to allow:

- 1) Retain and extend hard surfacing in the front yard setback for parking and dumpster enclosure along Bunert (west side).
- 2) Allow hard surfacing in the front yard setback for parking along Easy Street (east side), no less than 8 ft. from said property line.
- 3) Allow a chain link fence to extend into the front yard setback to Bunert and Easy Street.

Reasons being: Hardship of the narrowness of the lot; Retain the flow of two-lane traffic around the building; Not a detriment to the area; It will mimic a lot of other things in the neighborhood that are going on there.

Board Member Anglin supported the motion again.

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

Roll Call:

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

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

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

Chairman Nestorowicz reminded the board members not to throw away these plans. The petitioner has an item coming up at the next meeting. They will not get a new copy of these.

14. ADMINISTRATIVE HEARING:

APPLICANT: Ragheed Akrawi, East Ten Mile Associate, LLC

(Rescheduled from 3/9/2022, 4/13/2022, 4/27/2022)

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.

This item was rescheduled to June 22, 2022 during the adoption of the agenda.

15. NEW BUSINESS

Chairman Nestorowicz stated they have two (2) items for new business. Mr. Clift go first. Board Member Clift reminded everybody that Memorial Day weekend is coming up this weekend and behalf of his motorcycle group, Cornell Bill's Friends Who Ride, he'll invite everybody on the board for a short Memorial Day ceremony Sunday at 11 o'clock at Veteran's Memorial Park. He would like to see them all come out and visit with them there. Thank you.

Secretary Jerzy said he attended the dinner for all the council board members and commissions this passed week. They were presented with certificates for the board. Mr. Perry, Mr. Clift and him attended. With that dinner came a nomination form for the Warren City Council of Commissions. So, they need to elect somebody from their Zoning Board of Appeals. They can either do it today, they don't need to do it today, but this needs to be submitted no later than Wednesday, June 21st. So, if the board wants to take some time and maybe next meeting.

Board Member Anglin said they can proceed with it because he doesn't think it could be that confusing.

Secretary Jerzy said ok. He guesses it will be open for anybody who wants to nominate somebody on the board and then they will have to put it to a vote.

Board Member Anglin said he would like to nominate Mr. Jerzy.

Board Member Furgal said she will tell you; she has been on that for a while, and they usually meet two (2) or three (3) times a year.

Secretary Jerzy said he thinks he can handle that.

Board Member Furgal said yeah, it's not very often. It's not like monthly or anything.

Board Member Perry supported the nomination.

Chairman Nestorowicz asked if there are any other nominations for anyone else.

Board Member Clift nominated himself. He wouldn't mind doing it either. It's up to the board. He yields.

Secretary Jerzy said ok, put it to a vote.

(Inaudible)

Chairman Nestorowicz said to do just a show of hands. Those who want to vote for Mr. Jerzy...

Board Member Furgal said she thinks Mr. Clift should do it because Mr. Jerzy has a lot on his plate already.

Secretary Jerzy said he always has a lot on his plate.

Chairman Nestorowicz said he doesn't think they need a roll call.

Secretary Jerzy said show of hands is fine.

Chairman Nestorowicz said those who want to vote for Mr. Clift. 1, 2, 3, 4, 5, 6. New representative.

Board Member Clift said no voting twice. Thank you, thank you very much.

Secretary Jerzy said as the Zoning Board of Appeals, they nominate Mr. William Clift to be their representative for their Council of Commissions for 2022.

Board Member Clift said thank you very much.

Chairman Nestorowicz said he actually has one (1) item that he wants to add onto this, because he was a little surprised. He never got an invitation or knew about that dinner. When he realized that, when he heard, he actually did find the invitation, it was in his spam folder. It came on 5/6 and it actually is in his spam folder of his email.

(Inaudible)

Board Member Anglin said it could be in his too. Should they have the Mayor authorize a dinner for those that went to spam.

Board Member Perry said it was good.

Board Member Clift said it was very good.

Chairman Nestorowicz said it always has been very good, but he found that interesting. He never had an issue with nothing from the Council office that comes. He gets all of Nicole's. So, maybe their representative for next year could make a point to mention it.

Board Member Clift said his first official duty after saying thank you for being there will be to address this issue to make sure that everybody get's their invite appropriately. He's surprised nobody got anything in the mail.

Chairman Nestorowicz said that's what he found very interesting. When he first never got an invite, why? He's always been to those dinners. He took a look and 5/6 there it is.

Board Member Clift said that's about the time he got his, May 6.

Chairman Nestorowicz said that's just a comment he wanted to say. Unfortunately, those of them that didn't attend was because all of theirs was in spam.

Board Member Anglin said he thinks the Mayor owes them a dinner.

Chairman Nestorowicz stated the other thing he wanted to say was he hopes everybody has a wonderful Memorial Day weekend.

Board Member Sylvester said it's the first he heard about it. He didn't even know it was going on.

Secretary Jerzy said he would like to express thanks for the veterans they have on the board. They served this country admirably and honorably. Let them know they are always appreciated. That's all he has.

Board Member Clift said they are still here. The weekend is about the ones who aren't.

Secretary Jerzy said that's true.

Board Member Clift said please come out and join them Sunday.

Secretary Jerzy said God Bless you all.

Board Member Furgal said she will point out Memorial Day is really not about veterans. Just wanted to point that out.

Chairman Nestorowicz said thank you, Mrs. Furgal.

16. ADJOURNMENT

Motion:

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

Voice Vote:

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

The meeting adjourned at 8:54 p.m.

Paul Jerzy
Secretary of the Board