

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
JUNE 8, 2022

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, June 8, 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:

Caitlin Murphy, City Attorney
Steve Watripont, Zoning Inspector
Nicole Jones, Council Office

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

All board members were present.

4. ADOPTION OF THE AGENDA

Motion:

Secretary Jerzy made a motion to approve the June 8, 2022 agenda; Supported by Board Member Anglin.

Voice Vote:

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

5. APPROVAL OF THE MINUTES of the Regular Meetings of May 25, 2022.

Motion:

Secretary Jerzy made a motion to tabled the minutes of May 25, 2022 minutes; Supported by Board Member Furgal.

Voice Vote:

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

6. PUBLIC HEARING: **APPLICANT: Joshua Niblack**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 12916 Stanley
LEGAL DESCRIPTION: 13-14-204-001
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Erect a 20 ft. x 12 ft. = 240 square ft. patio awning, in addition to the existing 528 square ft. garage, for a total of 768 square ft. of accessory structures.

ORDINANCES and REQUIREMENTS:

Section 7.01 – Uses Permitted: (l) All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

Chairman Nestorowicz asked the applicant to approach the podium. For all applicants today, when you approach the podium, please start by stating name followed by the address for the record. Then take the board through the request for today.

Joshua Niblack, 12916 Stanley Drive, appeared before the board stating that his request is for a twenty (20) by twelve (12) patio cover. It slightly exceeds the accessory space allowable for the property.

Chairman Nestorowicz thanked him very much for that. This is a public hearing, is there anyone in the audience who wants to add anything further to this?

No response.

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

Board Member Sylvester said to the petitioner. On his write up, he has a purpose of request. It says erecting a high-quality insulated patio cover on south side of property. The drawing the board has, which is this detail, Twelve Mile Road, which would be to the front of his house. Is that to the south?

Joshua Niblack replied no, sir.

Board Member Sylvester asked that's not to the south.

Joshua Niblack explained Twelve Mile Road is to the north of his house. He lives on the south side of...

Board Member Sylvester said he's just asking a question here. What's the building with the big parking lot to the right on this drawing, or on this picture?

Joshua Niblack replied that's the middle school, sir.

Board Member Sylvester asked what's the name to the middle school.
Joshua Niblack said Warren Woods Middle School.

Board Member Sylvester said gotcha. Thank you very much. He's done.

Chairman Nestorowicz asked any questions or motions.

Secretary Jerzy said he would like to read into the record. He got an email from a Dale Moore regarding this request. He said he is ok with the patio awning onto his garage.

Board Member Anglin said his question would be, they're supposed to follow some type of guidelines and one of them is the hardship for asking for certain things. Now, his question would be, what is the hardship of that. Is it because the sun comes up on that side of the house, so you can't use that patio that's there? But they have to try to implement some type of reasoning for this.

Joshua Niblack said understood, sir. Yes, he can speak to that. So, as they have established, that's on the south side of his house. The hardship is in that area there are no mature trees. So, he looked up on a solar map, which effectively tells how efficient solar panels would be on the roof. His is at one hundred percent efficiency. So, he has zero blockage from trees on that side of the property, which increase the existing concrete patio exponentially. He took a couple of measurements with the infrared temperature gun. On an eighty (80) degree day the patio exceeds one hundred and twenty (120) degrees. Making it mostly unusable in the summertime. So, this patio cover would make the area usable for his little ones in the summer and it would reduce energy costs from all the sunlight that comes in from that side of the house. He has an eight (8) day old daughter, her nursery is on that side of the house and the sun beats in. It will help with energy costs and the usability of the property.

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

Joshua Niblack thanked him.

Motion:

Board Member Anglin made a motion to give permission to erect a 20 ft. x 12 ft. = 240 square ft. patio awning, in addition to the existing 528 square ft. garage, for a total of 768 square ft. of accessory structures.

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

Board Member Clift supported the motion.

Chairman Nestorowicz stated they have a motion by Mr. Anglin, support by Mr. Clift 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.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
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.

Joshua Niblack said he had a follow-up question. Should he go to the city Building Department after this, or do I need some sort of proof?

Secretary Jerzy informed Steve will walk you through that.

Chairman Nestorowicz explained Steve can answer that question.

7. PUBLIC HEARING: **APPLICANT: Friends of Foster Kids / Theresa Toia**
REPRESENTATIVE: Theresa Toia
COMMON DESCRIPTION: 11099 Dodge
LEGAL DESCRIPTION: 13-34-201-024
ZONE: R-1-P

VARIANCES REQUESTED: Permission to

Replace an existing front porch and steps to no less than 17 ft. 11 inches from the front property line.

ORDINANCES and REQUIREMENTS:

Section 8.05 – Front Yard: Each lot in R-1-P districts shall have a front yard not less than twenty-five (25) feet in depth.

Chairman Nestorowicz asked if they could just start with their name and address first, and then continue.

Theresa Toia, 39126 Van Dyke, appeared before the board stating that they are here because they purchased this property at 11099 from the city. They are bringing everything to code. One of the violations was this part where the existing steps that were there with no platform porch. So, they are having to replace all of that. She brought her contractor.

Gino Contello appeared before the board stating that he is with Cornelio Construction. He was hired by Mrs. Toia who remodeled the house. They are in the process of installing the front porch, so they can have a landing. The porch would six (6) feet wide, four (4) feet deep. Landing, steps

and rail surrounding the porch. Constructed out of treated material. At this point, there was no basic landing to the front entry. So, they removed the existing steps, and they want to build the porch to accommodate the proper setbacks and all that.

Chairman Nestorowicz thanked him very much for that explanation. This is a public hearing, is there anyone in the audience wanting to add to this item?

No response.

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

Board Member Sylvester said question to the petitioner. Just curious, Friends of Foster Kids. What is that?

Theresa Toia explained they are a non-profit organization of 501(c)3 that works directly with the Department of Health and Human Services servicing unmet needs of foster children. Macomb, Oakland and Wayne County.

Board Member Sylvester said ok, they're remodeling the house and who's going to be living there?

Theresa Toia explained at this point with this first house, they were going to probably turn it over and sell it.

Board Member Sylvester asked to a family.

Theresa Toia said to a family, yep.

Board Member Sylvester said they bought the house; they're redoing the house to sell to profit for their organization.

Theresa Toia said exactly.

Board Member Sylvester thanked her.

Secretary Jerzy said to Steve he has a quick question. Is this going to be replacing that was existing there? He doesn't see a variance in the packet previous.

Steve Watripont explained there were no variances on this property before. What was there before was basically just steps. The building code has changed, and now requires a landing area out front of the house from the time this was built.

Secretary Jerzy thanked him.

Board Member Cliff said he actually went by and scoped this area out. He just wants to add there are numerous properties on that block that were built within a twenty-five (25) foot setback. In fact, there is one kitty corner across the street he thinks is ten (10) feet back. Being as how in order to bring this property up to code with that landing, he doesn't see any other way for that to happen

unless they make a little bit of a yield here and grant this request as it's written. So, he just wanted to speak on that having cruised by and looked at it. He yields the floor.

Secretary Jerzy said if no other board members have anything to say, he'll make a motion.

Motion:

Secretary Jerzy made a motion to grant the petitioner permission to replace an existing front porch and steps to no less than 17 ft. 11 inches from the front property line.

Reasons being: Not a detriment to the area; Size and shape to the lot; New building codes require it.

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:

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

Board Member Sylvester said he has a question for Mr. Watripont. Can he do that now or no? It's related to this, but it's not going to interfere with this.

Chairman Nestorowicz said Steve could approach the podium.

Board Member Sylvester said we as a city and department heads are going to have to upgrade the variances or ordinances. Is there any time soon that might be taken place?

Steve Watripont explained there is a committee working on that. They have been working on for about a year and a half now, so. He's on that committee. They were meeting about once every other week, everyone's schedules have gotten busier, so it has been postponed a little bit here. But it is being worked on. It has to be worked on to be in compliance with the master plan.

Board Member Sylvester asked how long does he think before they might have something.

Steve Watripont replied he has no idea.

Board Member Sylvester said he has no idea? Ok. Thank you.

8. PUBLIC HEARING: **APPLICANT: Great Lakes Development Ventures LLC**
REPRESENTATIVE: Nicholas Plomaritis
COMMON DESCRIPTION: 25185 Easy
LEGAL DESCRIPTION: 13-24-451-003
ZONE: M-2

VARIANCES REQUESTED: Permission to

Allow 10 ft. wide parallel parking spaces.

ORDINANCES and REQUIREMENTS:

Section 4.32: (l) All spaces that abut a continuous curb required in accordance with Section 16.07 of this ordinance or a common property line shall be laid out in the following dimensions, including off-street maneuvering lanes: parallel: 12 ft. width.

Nick Plomaritis, 637 Lakepoint, appeared before the board stating they are here due to the exceptionally narrow nature of the lot at 25185 Easy Street. This is a continuation of the variances that they requested at the last meeting. This is for ten (10) foot parallel parking on the south side of the lot. This would allow them to maintain a twenty (20) foot for two-way aisle around the entirety of the building. The reason this is important to them is the south side of the facility will be used for secure parking for employees, while the north side will be used at times for secure transport activities. Therefore, the employees will be allowed to enter their secure parking area without interfering with the transport activities.

Chairman Nestorowicz thanked him for that explanation. This is a public hearing, is there anyone in the audience up for this item?

No response.

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

Board Member Clift said is he to understand correctly that this is a safety security measure they're putting in place to separate those two (2) operations so one does not interfere with the other. In other words, people slipping in while his employees are coming to work into his secure transportation area and vice versa.

Nick Plomaritis explained the entire lot is fenced in and will be secure during secure transport activities.

Board Member Clift said ok.

Nick Plomaritis said basically there is no partition between those two (2) areas. However, they occur on opposite sides of the lot.

Board Member Clift thanked him.

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

Board Member Clift said if there are none, he would like to make a motion.

Chairman Nestorowicz said please do.

Motion:

Board Member Clift made a motion to grant permission to allow 10-foot-wide parallel parking spaces. It doesn't specify the area, just 10-foot-wide parallel parking spaces.

Reasons being: Not a detriment to the area; Increase security at that particular property.

Board Member Perry supported the motion.

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

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

9. PUBLIC HEARING: **APPLICANT: Global Signs & Awning**
REPRESENTATIVE: Ayad Sitto
COMMON DESCRIPTION: 22856 Dequindre
LEGAL DESCRIPTION: 13-31-101-022
ZONE: MZ, R-1-C, M-2

VARIANCES REQUESTED: Permission to

Allow an additional wall sign 148 in. x 39 in. = 40.08 square ft. on the north elevation, in addition to the existing 40 square ft. of wall signage. Total wall signage for this business 80.08 square ft.

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.

Ayad Sitto appeared before the board stating he is with Global Signs & Awning. He has the owner

of the business next to him.

Matthew Matti appeared before the board stating he is the owner of the building.

Chairman Nestorowicz asked for their address, because he didn't here that for the record.

Matthew Matti said 22856 Dequindre Road.

Chairman Nestorowicz asked them to explain their request.

Matthew Matti explained they are looking to get approval on two (2) signs. One in front of the Metro by T-Mobile. They have no signage there. Looking to get another sign for the repair center next door, First Stop Wireless and Repair.

Chairman Nestorowicz stated the first one is number 9. They have two (2) items, 9 and 10, so they're going to take them separately, because they have to have separate approvals. Their item here is the one for the first stop, number 9. Is there anything else he wanted to add on that?

Matthew Matti replied no.

Chairman Nestorowicz said this is a public hearing, is there anyone in the audience who wishes 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 Sylvester said they're looking at opposite sides of the building and they want to place signs advertising for their facility.

Matthew Matti replied as of right now they do not have a sign for the store in the front.

Board Member Sylvester thanked him. Mr. Chair or to the attorney, he doesn't know where to go with this, but they just recently had a facility at Fourteen Mile Road and Schoenherr where the front sign, he thinks it was for an exercise facility. They agreed to the front sign, but not the sign on the west side of the building. He believes this is basically the same thing, so he would have a conflict in his head to go and say yes to this, and they've already said no to a previous request.

Chairman Nestorowicz thanked him for that input on that.

Board Member Anglin said he is also a little curious. So, they want to put one (1) sign up that reads the First Stop.

Matthew Matti said it's the Metro by T-Mobile.

Chairman Nestorowicz said the first one is First Stop. They're just talking about the Frist Stop sign.

Board Member Anglin said they're on item number 9. So, anyway, he has in his packet for number 9 that they're putting a First Stop, and that is the only sign that will be on that building as of right now until they go into item number 10.

Matthew Matti replied right.

Chairman Nestorowicz explained First Stop has a sign facing south over their door.

Board Member Anglin said this is their second sign that they want for First Stop.

Chairman Nestorowicz said it's going to be on the north side of the building. Therefore, if you're driving north or south down Dequindre, they can see the sign from either way.

Board Member Anglin said that's what he is trying to get at because he said there was no signs there, so there is one (1) on the south side.

Chairman Nestorowicz explained the one on the south side is within the ordinances, so they don't need anything for that. This one is the additional on the north side.

Board Member Anglin said then they're going to come back for the third sign.

Chairman Nestorowicz replied it's for a separate business. They're two (2) different businesses.

Board Member Anglin asked if it's a separate building, separate address.

Chairman Nestorowicz replied separate address.

Board Member Anglin said oh, ok. He has no further questions. That's why he said the three (3) coming together got him a little...

Matthew Matti apologized.

Secretary Jerzy said to Mr. Sylvester's point about the other property that they addressed in the past. He thinks when they looked at that property, they agreed that side didn't need the sign on it because they had an existing pole sign on that side on Schoenherr Road that they could utilize for some kind of advertisement. So, that was his argument when they made that. They don't need an additional sign when they had a sign already on a pole on Schoenherr Road. Having that second sign on the side of the building to him, personally, was over kill.

Board Member Sylvester said they have a sign on the north of the building, on the building itself.

Secretary Jerzy said yes. Talking about the west side of the building.

Board Member Sylvester said they do not have another sign on there right now.

Secretary Jerzy said they have a pole sign on the road.

Board Member Sylvester asked where it is located.

Secretary Jerzy said it's right by the driveway. If you drive by there, they have a pole sign.

Board Member Sylvester asked on Schoenherr.

Secretary Jerzy replied yes, but back to this issue. He just wanted to clarify.

Board Member Sylvester said that might be true.

Secretary Jerzy said that was his argument.

Board Member Sylvester said they wanted two (2) signs on their building, like these gentleman do. They wanted two (2) signs, but the board said no to that.

Secretary Jerzy said correct. That's all he's got.

Board Member Furgal said to take each item separately. They don't base their decisions on this item regarding some other item. They don't do that. Each one is considered separately.

Board Member Sylvester asked why don't they do that. How come they have one company go ahead and have two (2) signs on their building and then say another company can't have two (2) signs on their building.

Chairman Nestorowicz explained every property is unique and they have to address each one separately. You don't look and...

Board Member Sylvester said that's true, but the other side of their building isn't even on the main road. The other one at least was on Schoenherr and on Fourteen Mile Road.

Chairman Nestorowicz explained that is not the way to do this business. They just have to address this one, whether or not he approves and likes the sign, and approves it. His interjection is the First Stop sign makes sense to put on the north side of the building. If you're driving south along Dequindre, you cannot see the business because the sign over the door faces south. There is no sign on the street, so that First Stop sign is the only, basically, identification they have. That's his opinion.

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

Motion:

Board Member Anglin made a motion to allow an additional wall sign 148 in. x 39 in. = 40.08 square ft. on the north elevation, in addition to the existing 40 square ft. of wall signage. Total wall signage for this business 80.08 square ft.

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

Board Member Sieracki supported the motion.

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

Roll Call:

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

Board Member Anglin	Yes, for the reasons stated in the motion.
Secretary Sieracki	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Sylvester	No, doesn't believe it's needed.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

10. PUBLIC HEARING: **APPLICANT: Global Signs & Awnings**
REPRESENTATIVE: Ayad Sitto
COMMON DESCRIPTION: 22862 Dequindre
LEGAL DESCRIPTION: 13-31-101-022
ZONE: MZ, R-1-C, M-2

VARIANCES REQUESTED: Permission to

Allow 1 additional wall sign 27.64 in. x 177.2 in. = 34.01 square ft. on the south elevation in addition to the existing 40 square ft. of wall signage. Total wall signage for this business 74.01 square ft.

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.

Chairman Nestorowicz asked them to state their name and address again for the record.

Matthew Matti stated his name again, owner of 22856 Dequindre Road.

Chairman Nestorowicz asked him to explain to the board what the request for the sign is.

Matthew Matti stated 22862 Dequindre Road for the Metro by T-Mobile. So, the problem is with this business, going north from Eight Mile there is no signage. The business has been there for six (6), seven (7) plus years and till today nobody even knows they exist over there. From First Stop Wireless, both businesses work hand in hand with each other. When the customer done getting a repair or they want to transfer to Metro by T-Mobile when they leave, they don't even know that there's a Metro by T-Mobile store next door. So, they end up going to a whole other city to a whole other store. If they had a sign in the front, he believes all the customers coming out of First Stop

Wireless will know to go to Metro by T-Mobile, because they do work hand in hand. He gets ton of feedback that they don't even know the store exists because there is no sign there.

Chairman Nestorowicz thanked him very much for that explanation. This is a public hearing, is there anyone in the audience wishing to add on this item.

Board Member Furgal stated she has a question for Mr. Watripont.

Chairman Nestorowicz closed the public hearing portion, but he can still approach, and he turned it over to the board for questions.

Board Member Furgal said there are two (2) different addresses, two (2) different businesses. Why are they here?

Steve Watripont explained they're over the forty (40) square foot per business.

Board Member Furgal said this one is 34.01 square foot.

Steve Watripont said in addition to their forty (40) square foot sign.

Board Member Furgal asked if they had one facing east, west.

Steve Watripont said facing south.

Board Member Furgal said they have a Metro for T-Mobile facing south.

(Inaudible)

Steve Watripont said they have an existing sign.

Chairman Nestorowicz said it's facing west towards Dequindre, it's on the building, but it's on the west side.

Board Member Furgal asked it's on the building. Ok. That's all she wanted to know.

Steve Watripont said this would be on the south.

Board Member Furgal said that's all she wanted to know.

Board Member Sylvester said he sees the building here. Is there more than one (1) business in the building? Are there two (2) businesses?

Matthew Matti replied correct.

Board Member Sylvester asked if he owns the whole building.

Matthew Matti replied correct.

Board Member Sylvester thanked him.

Motion:

Board Member Furgal made a motion that they allow 1 additional wall sign 27.64 in. x 177.2 in. = 34.01 square ft. on the south elevation in addition to the existing 40 square ft. of wall signage. Total wall signage for this business 74.01 square ft.

Board Member Perry supported the motion.

Reasons being: Size and shape of the lot...

Chairman Nestorowicz said lack of identification.

Board Member Furgal said they can't use lack of identification anymore. They need the boards approval, that's why.

Board Member Perry supported the motion again.

Chairman Nestorowicz stated they have a motion by Mrs. Furgal, support by Mr. Perry for the reasons stated in the motion.

Roll Call:

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

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	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Anglin	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:	APPLICANT: Cannaking Labs, LLC
REPRESENTATIVE:	Jared Toogood
COMMON DESCRIPTION:	22727 Nagel
LEGAL DESCRIPTION:	13-35-102-031
ZONE:	M-3

VARIANCES REQUESTED: Permission to

- 1) Allow a building addition to no less than 50 ft. from the front (east) property line.
- 2) Hard surface to within 50 ft. of the front (east) property line.
- 3) Allow fencing past the front building line and to within 50 ft. of front (east) property line.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards: (A) Front yards, 150 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 set back line.

Jared Toogood, 2010 E. Lincoln Ave., appeared before the board explaining he had a situation come up where his architect couldn't make it. He did say he is on his way here, he's a few minutes away. So, he doesn't know how the board wants to handle that, he's four (4) minutes out. Instead of sitting here.

Chairman Nestorowicz asked how far away or how long it would take for him to get here.

Jared Toogood repeated he is four (4) minutes away.

(Inaudible)

Jared Toogood said he is not an architect; he is not a building professional.

(Inaudible)

Chairman Nestorowicz stated he knows.

(Inaudible)

Jared Toogood said he should be here. Five (5) minutes ago he said he was eight (8) minutes away.

Chairman Nestorowicz said they are doing very well on time today. So, they don't have a super long meeting. Do they want to recess for ten (10) minutes?

Motion:

Board Member Clift made a motion to recess for 15 minutes to allow the petitioner's representative to make his appearance. Supported by Secretary Jerzy.

Voice Vote:

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

Chairman Nestorowicz stated they'll take a recess for 15 minutes and pick up at 8:17. Hopefully, he'll be here.

Jared Toogood said he appreciates that. Thank you for being flexible.

(Returned from recess at 8:17 pm.)

Chairman Nestorowicz said he would like to call back to order their meeting for tonight; back at item number 11. Does he have to read it back?

Caitlin Murphy said no, but they did not have a public hearing on it.

Chairman Nestorowicz said they will begin their meeting. Mr. Toogood, if him and the other gentleman want to approach the podium. He knows he said it earlier, but just state your names and addresses for the record and then talk about the request.

Jared Toogood repeated his name and address.

Zaid A. appeared before the board stating he is from ZA Design Build, 31313 Northwestern Highway. He is the general contractor for the project and Mr. Toogood is their consultant for the build out itself. Thank you for the 15-minute recess and he apologizes for the architect not showing up and Jared just called him, and he got here to do his best to represent this project.

Chairman Nestorowicz asked him to just explain to the board the variances they're requesting and explain the hardships on it. Take them through this request.

Zaid A. explained they are requesting basically three (3) variances. The first one they're adding to the building, to the front of the building. He believes the current setback is set at 150 feet; the current building is set at 50 feet. So, they're seeking to create the build out at the same line as the current building, which is the 50-foot setback. The second variance is... There's currently a fence on the south and partial east side of the property. This is currently a fence they are replacing and improving. So, same location, but they just want to remove and replace the fence, it's not in the best shape as it currently is. The last variance is for hardscape. Again, 50-foot frontage. There's a current drive aisle and sidewalk connector. Again, they're not relocating anything, they just want to repair the ingress/egress. Same with the sidewalk connector to that ingress/egress. So, these are the three (3) main variances that they're requesting.

Chairman Nestorowicz thanked him for that explanation. This is a public hearing, is there anyone in the audience that wants to speak on this item?

No response.

Chairman Nestorowicz turned it over to the board for discussion. He just wants to make sure he understands. He also has their plans in front of him. The building addition on the south side here, he sees it's to match up with the building. He said that fencing is existing?

Zaid A. replied correct. The fencing that is to the south and he believes it wraps around, comes close to the building and that part is front facing, which is to the east of the property; remove and replace with a proper fence. Proper screening, per ordinance.

Chairman Nestorowicz said so, basically. The reason he brought that up is because it looks like the only reason like it becomes closer than the 50 feet is because Nagel has a slight angle to it.

Zaid A. replied correct.

Chairman Nestorowicz said because in front of their building on the north side, there's enough space, but as it continues south that's why it becomes. Ok. He has no other questions. Do any

other board members?

Board Member Clift said he just wanted to clarify. The only thing new that's going in here is that addition.

Zaid A. replied yes, sir.

Board Member Clift said to match their front build line of the existing building, they're going to be in violation of the 150-foot setback, but the whole building is basically within that 150-foot setback.

Zaid A. replied correct.

Board Member Clift said ok. If nobody else has anything, he would like to make a motion on this.

Motion:

Board Member Clift made a motion to:

- 1) Allow a building addition to no less than 50 ft. from the front (east) property line.
- 2) Hard surface to within 50 ft. of the front (east) property line.
- 3) Allow fencing past the front building line and to within 50 ft. of front (east) property line.

Reasons being: The issues are question here came into being by the changes of the zoning ordinances; It allows the building addition to go on to match the existing building; Not a detriment to the area; Size and shape of the lot.

Board Member Anglin supported the motion.

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

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.

12. NEW BUSINESS

Chairman Nestorowicz asked if anybody has any new business for today.

No response.

13. 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 8:22 p.m.

Paul Jerzy
Secretary of the Board

APPROVED