

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
JULY 13, 2022

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, July 13, 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
William Clift
Charles Perry
David Sophiea

Members of the Board absent:

Anthony Sieracki, Jr.
Michael Sylvester

Also present:

Cecil St. Pierre, 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

Motion:

Chairman Nestorowicz made a motion to excuse Mr. Sylvester and Mr. Sieracki, Mr. Sylvester has a medical issue and Mr. Sieracki is out of town today; Supported by Secretary Jerzy.

Voice Vote:

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

4. ADOPTION OF THE AGENDA

Motion:

Secretary Jerzy made a motion to approve the July 13, 2022 agenda with the change of moving item 6 to the August 10, 2022; Supported by Board Member Anglin.

Voice Vote:

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

5. APPROVAL OF THE MINUTES of the Regular Meetings of June 8, 2022 and June 22, 2022.

Motion:

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

Voice Vote:

A voice vote was taken. The motion carried (6 – 0).

Chairman Nestorowicz stated the minutes for June 22, 2022 were not completed and sent out yet, so they would like to table that to July 27, 2022.

Motion:

Secretary Jerzy made a motion to table the minutes of June 22, 2022 minutes;
Supported by Board Member Anglin.

Voice Vote:

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

Chairman Nestorowicz stated those minutes for June 22, 2022 will be approved at the next meeting.

6. ADMINISTRATIVE HEARING:

APPLICANT: Ragheed Akrawi, East Ten Mile Associate, LLC

(Rescheduled from 3/9/2022, 4/13/2022, 4/27/2022, 5/25/2022, 6/22/2022)

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 during the adoption of the agenda to August 10, 2022, due to wanting a full board.)

7. PUBLIC HEARING: **APPLICANT: Tareq Ahmed**
REPRESENTATIVE: Michael Cassar
COMMON DESCRIPTION: 8406 Linda
LEGAL DESCRIPTION: 13-15-177-002
ZONE: R-1-C

VARIANCES REQUESTED: Permission to
Rebuild a front porch to no less than 21 ft. from the front property line.

ORDINANCES and REQUIREMENTS:

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

Chairman Nestorowicz asked for the petitioner to approach, please. This is just for everybody that will be coming up and speaking today. Before speaking just state your name and address, then go into your request.

Michael Cassar, 2817 Majestic Court, appeared before the board.

Tareq Ahmed, 8406 Linda Street, appeared before the board.

Chairman Nestorowicz asked for the reasons for their request today.

Michael Cassar explained that Mr. Ahmed had a fire in January and damages to his roof and interior of the home. They have applied for a permit in order to make repairs to the roof and the interior of the home. They're not planning to change any part of the footprint. They're not actually constructing a porch. The measurement from the porch to the city sidewalk is too close, nothing was constructed by Mr. Ahmed, and they're not looking to build the porch, add to the porch, or change the footprint in any way. It's just to make repairs to get his home back together.

Chairman Nestorowicz thanked him very much for those comments. This is a public hearing, is there anyone in the audience wishing to comment on this item?

No response.

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

Secretary Jerzy said he doesn't see anything that really stands out on this. If no other board members have any other comments, he would like to make a motion.

Motion:

Secretary Jerzy made a motion to approve the rebuild a front porch to no less than 21 ft. from the front property line.

Reasons being: Not a detriment to the area.

Board Member Clift supported the motion.

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

Roll Call:

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

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

8. PUBLIC HEARING: **APPLICANT: Murshed Z. Chowdhury**
REPRESENTATIVE: Ashaf Chowdhury
COMMON DESCRIPTION: 21188 Cunningham
LEGAL DESCRIPTION: 13-32-377-004
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Retain a 7 ft. x 25 ft. (175 square ft.) driveway expansion into the front yard.

ORDINANCES and REQUIREMENTS:

Section 4.06 – Yard Use: No part of any required yard, except a rear or side yard shall be used for any detached garage or any accessory building other than a garage or use, or for the storage of vehicles. Any portion of a lot in front of the front building line shall be used for ornamental purposes only and nothing shall be placed thereon except trees, shrubs, or items of similar nature.

Ashaf Chowdhury, 21188 Cunningham, appeared before the board stating that he is coming with his dad for an extension of their driveway.

Chairman Nestorowicz said ok. Is there anything he would want to add regarding the extension or any other information?

Ashaf Chowdhury said the extension. The reason for like they have too many cars in their family members. So, they park by stage, and they get two (2) cars by, and they didn't find... at that time. So, they decide to change their driveway then they park their car in the driveway.

Chairman Nestorowicz thanked them. This is a public hearing, are there any members of the audience wishing to speak on this item?

No response.

Chairman Nestorowicz stated he sees no one in the audience, but he knows they have two (2) communications. Mr. Jerzy if you could read them in.

Secretary Jerzy said yeah, Mr. Chair, there are two (2) communications. One from a neighbor called on 7/7/2022 stating they are definitely against this project. It will bring property values down. Stated they want the extra driveway to sell cars and prep them for sale. They always have a car for sale. This person wanted to stay anonymous. Another anonymous person who stays on the street said they are writing in response and inability to attend the public hearing held on July 13th. This driveway extension has already been built without asking for permission and no consultation with neighborhood. It's so ugly, made amateur with bare hands of the owners. They rent a van for transportation concrete. This will for sure lower prices for the whole street. They already have problems with the new owners of the house because of a constant everyday noise from repairing cars in their garage, driveways, lawns, and even surrendering neighbors front spots and often blocking neighbors' driveways. So, they guess this is the real reason for the needs for driveway extension. Looks like they already kind of have an extension of another car repair garage a few houses down on a residential street servicing Honda's. Looks like their street was sold to a business. They don't want to see what happens. Please stop it now. One more thing, obviously, they wanted to remain anonymous for some reason. That's all he has, Mr. Chair.

Chairman Nestorowicz closed the public hearing portion of the meeting and turned it over to the board for questions and discussion. Was this driveway already pored or just asking for permission for it right now?

Ashaf Chowdhury said he doesn't understand the question, sir. Please repeat it.

Chairman Nestorowicz stated looking at the pictures of the house. So, he just wants to understand. They're adding just to the side of the existing driveway.

Ashaf Chowdhury explained it's not finished yet. He got the letter, so they stopped working.

Secretary Jerzy said he has an answer on that, Mr. Chair. He drove by there and it's already been poured. It doesn't look like its up to any kind of spec. It's already sinking it

looks like. It's kind of into the cut... they cut out, basically, the front portion of the grass; between the grass and sidewalk to add it. If he has nothing else?

Chairman Nestorowicz replied no.

Secretary Jerzy asked if they have a garage on the property, correct?

Ashaf Chowdhury replied yes.

Secretary Jerzy asked how many cars does that garage fit?

Ashaf Chowdhury replied two (2).

Secretary Jerzy said they have a two-car garage, plenty of room in the backyard. He guesses to speak to the neighbors' concerns, are you running a business out of their house?

Ashaf Chowdhury replied not even like a business, but they get some cars, and they fix up their own cars.

Secretary Jerzy said ok, so, that's a yes. He doesn't... What makes you think it was ok to do that without city permission? Did somebody just say go ahead and do it, or didn't have any idea?

Ashaf Chowdhury explained they don't know to go to the city, so they just made it. After that they got the letter and they stopped. So, if they approve it then they'll finish their work. If not, then they'll do whatever they got to do, so.

Secretary Jerzy said when he drove by it, it looked complete to him. He doesn't know how much more cement they want to put on their front lawn. He doesn't know. In the request here, it says to retain, which means it's existing. So, uhm... How many cars do they have on their premises for people living in the house?

Ashaf Chowdhury answered five (5) people in their family, and they have like six (6) cars in family.

Secretary Jerzy asked if they have six (6) cars.

Ashaf Chowdhury replied yes.

Secretary Jerzy said he is going to yield the floor right now. Go ahead.

Board Member Anglin said this still has to, even if they decide to approve it, it has to go to the Building Department to meet code specs.

Chairman Nestorowicz stated correct.

Board Member Anglin doesn't think it's going to pass code, because they don't have an

approach coming up to that part of it. Knowing that, going right into it, can't vote for it. It's not going to pass. If you look at this here, you can see where the driveway sits here, but there is no approach to that cement drive. Is that not, correct?

Chairman Nestorowicz asked if they could get clarification from Mr. Everett.

Everett Murphy said there is no permit requirement for a driveway from the sidewalk to the garage. So, they do not have to get a permit. So, you can replace your driveway without getting a permit. Now, in order to do in between the sidewalk and the street, that's Engineering. You need a permit from them and to expand that. So, no, they don't have to get a permit to do it. They are not in compliance by expanding it, but a driveway itself, no, they don't need a permit.

Board Member Anglin said part of the ordinance then... if you don't need a permit... The way he's seeing this it looks like all they did is expand it up to the edge of their house. They did not come in front of the house.

Everett Murphy said he did not see it, there was no picture in there.

Board Member Anglin said he's going by this. This is what they did. So, he has nothing showing they went further than this point.

Secretary Jerzy said they cut out part of the front lawn.

Board Member Anglin asked in front of the house more.

Secretary Jerzy said right here is cut out.

Board Member Anglin said right.

Secretary Jerzy said they poured between the...

Board Member Anglin said he can see that, but it looks like it runs right with the edge of the house.

Chairman Nestorowicz said it's more of a...

(Inaudible)

Board Member Anglin said it's inside here. Ok. That answers his question. This is not a very good picture for him to be able to see what took place. Thank you.

Board Member Sophia said if there were no other comments, he would like to make a motion.

Motion:

Board Member Sophia made a motion to deny retaining a 7 ft. x 25 ft. (175 square ft.) driveway expansion into the front yard.

Reasons being: 1) It is unreasonable to add additional parking on the front lawn, 2) It's a self-imposed problem, 3) He doesn't believe the property is unique, 4) It is a detriment to the area giving the neighbor comments, 5) It is a personal issue, and 6) It is not necessary.

Board Member Clift supported the motion.

Chairman Nestorowicz stated they have a motion to deny by Mr. Sophiea, support by Mr. Clift. They'll take a roll call. So, a yes will be a yes to deny.

Roll Call:

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

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

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

9. PUBLIC HEARING: **APPLICANT: Wayne Craft Inc**
REPRESENTATIVE: Jason McFall
COMMON DESCRIPTION: 2379 Emmons
LEGAL DESCRIPTION: 13-31-354-037
ZONE: R-1-P

VARIANCES REQUESTED: Permission to

Replace an awning over an existing front porch to no less than 8.8 ft. 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.

Jason McFall appeared before the board stating he is from Wayne Craft, 13525 Wayne Road. Just looking to replace an existing awning, but make it stick out further to cover up the steps of this old church.

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

No response.

Chairman Nestorowicz closed the public comment section and turned it over to the board for discussion.

Board Member Clift said good evening, Mr. McFall. Good to see you again. He asked him to give him the length of the additional, how much further it's going to be off the cuff.

Jason McFall said it looks like the original porch is about four (4) to five (5) feet. They'll be protruding another five (5) feet beyond that. He does know that the current church, the way that it sits, it already doesn't meet code with the setback. He thinks it's like eighteen (18) feet and some odd inches.

Board Member Clift said he was just curious the added length for the step. He assumes they're wanting to do this for safety purposes.

Jason McFall assumes they have a lot of older parishioners that they... It's mainly for the winter to keep the snow and ice off the... Because the steps are kind of high as they go up.

Board Member Clift thanked him for answering his questions. Mr. Chairman, he yielded the floor.

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

Motion:

Secretary Jerzy made a motion to approve permission to replace an awning over an existing front porch to no less than 8.8 ft. from the front property line.

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

Board Member Anglin supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Jerzy, and he heard Mr. Anglin first for support for the reasons stated in the motion.

Roll Call:

A roll call was taken on the motion. The motion carried (7 – 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 Clift	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

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| 10. PUBLIC HEARING: | APPLICANT: St. Anne Catholic Community |
| REPRESENTATIVE: | Rev. John Kopson |
| COMMON DESCRIPTION: | 32000 Mound |
| LEGAL DESCRIPTION: | 13-04-151-001 |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to

Conduct an annual parish festival on the church property during the following:

- 1) September 23, 2022 (Friday) from 5:00 pm to 11:00 pm.
- 2) September 24, 2022 (Saturday) from noon to 11:00 pm.
- 3) September 25, 2022 (Sunday) from noon to 10:00 pm.

ORDINANCES and REQUIREMENTS:

Section 4.35: Festivals require the approval of the Zoning Board of Appeals.

Father John, 32000 Mound, appeared before the board introducing their representative, one of the Chairman of their festival committees, Kevin Daily.

Kevin Daily, 22720 Manhattan, appeared before the board.

Chairman Nestorowicz asked if they had anything they want to state about their festival before they proceed.

Father John said it's just a staple in the community and it's wonderful to be a part of it. Chairman Nestorowicz thanked him. 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 of the meeting and turned it over to the board. He'll just ask the question up front, because he knows it's the same request, they get every year and every year when they approve it, they just always put that stipulation that all music will be off by ten o'clock. He just wants to make sure that is still ok with them.

Father John replied yes.

Chairman Nestorowicz said that's the only question he had. Otherwise, he will make a motion.

Board Member Anglin said you can, Mr. Chairman.

Motion:

Chairman Nestorowicz made a motion to approve the petitioner's request to conduct an annual parish festival on the church property during the following:

- 1) September 23, 2022 (Friday) from 5:00 pm to 11:00 pm.
- 2) September 24, 2022 (Saturday) from noon to 11:00 pm.
- 3) September 25, 2022 (Sunday) from noon to 10:00 pm.

With the condition that all music on the grounds will be turned off by 10pm each night.

Reasons being: Festivals require approval by the ZBA.

Board Member Anglin supported the motion.

Chairman Nestorowicz stated they have a motion by himself, support by Mr. Anglin to

approve the request for the reasons stated. Roll call.

Roll Call:

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

Chairman Nestorowicz	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 Sophiea	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.
Secretary Jerzy	Yes, for the reasons stated in the motion.

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

Father John stated of course they are all invited to their festival. Thank you.

11. PUBLIC HEARING: **APPLICANT: Bazo Construction-USE-**
REPRESENTATIVE: Sarah Mheisen
COMMON DESCRIPTION: 4040 Fourteen Mile
LEGAL DESCRIPTION: 13-05-101-001
ZONE: MZ, C-1-P

VARIANCES REQUESTED: Permission to -USE-

Allow the following signage on two gas canopies as follows:

- 1) Canopy #1 (Faces Ryan) 424.5 square ft., with 3 BP helios @ 10.56 square ft. each, (one on three of the four elevations) and the remainder 302.82 square ft. of design element (on three of the four elevations).

Total signage on canopy #1 31.68 square ft. the remaining 302.82 square ft. will be decorative design.

- 2) Canopy #2 (Faces Fourteen Mile) 424.5 square ft., with 3 BP helios @ 10.56 square ft. each (one on three of the four elevations) and the remainder 302.82 square ft. of decorative design element (on three of the four elevations).

Total signage on canopy #2 31.68 square ft. remaining 302.82 square ft. will be decorative design.

Total signage on both canopies is 66.36 square ft. the remainder of decorative design is 605.64 square ft.

- 3) Allow 31.68 of signage on 302.82 square ft. of decorative design on canopy #1 in a "P" zone.

Use

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.

Section 16.02 – Limitation of the Use: E) No sign shall be erected upon such parking areas, except not more than one (1) sign at each entrance to indicate the operator, the purpose for which

it is operated and/or parking rates. All signs shall not exceed fifteen (15) square feet in area, shall not extend more than ten (10) feet in height above nearest curb elevation and shall be located entirely upon the premises, with no part of such sign extending beyond the property line.

Chairman Nestorowicz said name and address and then just explain the request.

Sarah Mheisen appeared before the board stating she is here on behalf of Bazo Construction in regards to the address will be location at 4040 Fourteen Mile. This site is an existing BP gas station. It is really outdated. It has come to their attention by BP that the site needs a major upgrade, and with that comes the new image materials, which are in the renderings the board has been provided. That's pretty much all there is to it. Just replacing what is existing, again.

Chairman Nestorowicz thanked her very much for that clarification. 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 discussion.

Board Member Anglin said this looks pretty much like the packages they get at most of the gas stations that come before them. He personally has no objection. If there's no comments by any other board members, he would like to make a motion.

Motion:

Board Member Anglin made a motion to give permission to allow the following signage on two gas canopies as follows:

- 1) Canopy #1 (Faces Ryan) 424.5 square ft., with 3 BP helios @ 10.56 square ft. each, (one on three of the four elevations) and the remainder 302.82 square ft. of design element (on three of the four elevations).

Total signage on canopy #1 31.68 square ft. the remaining 302.82 square ft. will be decorative design.

- 2) Canopy #2 (Faces Fourteen Mile) 424.5 square ft., with 3 BP helios @ 10.56 square ft. each (one on three of the four elevations) and the remainder 302.82 square ft. of decorative design element (on three of the four elevations).

Total signage on canopy #2 31.68 square ft. remaining 302.82 square ft. will be decorative design.

Total signage on both canopies is 66.36 square ft. the remainder of decorative design is 605.64 square ft.

- 3) Allow 31.68 of signage on 302.82 square ft. of decorative design on canopy #1 in a "P" zone. Use

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 in the motion.

Roll Call:

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

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

12. PUBLIC HEARING: **APPLICANT: Amel Softic / Mediroutes LLC**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 3229 Nine Mile
LEGAL DESCRIPTION: 13-30-453-021
ZONE: C-1

VARIANCES REQUESTED: Permission to

- 1) Retain an existing garage 6 ft. from the rear property line.
- 2) Retain an existing 6 ft. chain link fence, past the front building line, along the front of the property, in the front setback, 13.5 ft. from the front property line.

ORDINANCES and REQUIREMENTS:

Section 13.07 – Rear Yard: Twenty (20) ft. rear setback.

Section 13.04 – Front Yard: Fifteen (15) foot front yard setback.

Section 4D.07 – Setback Required: Walls, fences and landscape screens shall conform to the setback requirements for the zoning district, unless otherwise provided in this article.

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.

Amel Softic, 3229 Nine Mile, appeared before the board stating he would like to retain an existing garage six (6) feet from the rear property line and retain a sixteen (16) six (6) foot chain link fence that's in the front property line.

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

No response.

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

Board Member Anglin asked how old the garage is.

Amel Softic said he is not sure of the exact age. He thinks it was in the '70's, but it's in good shape.

Its cinder blocked.

Board Member Anglin said he doesn't know how they got one built that close to a property line, but it's there.

Amel Softic said it was pre-existing when they bought the property.

Board Member Anglin said the one thing he doesn't like is when they bring fencing right up to the sidewalk.

Amel Softic said the fencing is only a foot and a half off fifteen (15) feet. It's pretty much matches with all of the neighbors, if you look at it. It's a foot and a half off of what the city requires.

Board Member Anglin relinquished the floor until he looks this over.

Amel Softic explained they just put a new chain link on there, it looks good. It's not in bad shape.

Chairman Nestorowicz said to Mr. Anglin, the fence that they're asking is 13.5 feet as a setback, they require fifteen (15).

Amel Softic said it's a foot and a half off.

Board Member Anglin said he has no objections. With that, does any other board members have anything they would like to add? If not, he would like to make a motion. As soon as he can find the motion.

Motion:

Board Member Anglin made a motion to give permission to:

- 1) Retain an existing garage 6 ft. from the rear property line.
- 2) Retain an existing 6 ft. chain link fence, past the front building line, along the front of the property, in the front setback, 13.5 ft. from the front property line.

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

Board Member Perry supported the motion again.

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

Roll Call:

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

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion and also

Secretary Jerzy	because it's a vast improvement on what's there now.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.
	Yes, for the reasons stated in the motion.

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

13. NEW BUSINESS

None.

14. ADJOURNMENT

Motion:

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

Voice Vote:

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

The meeting adjourned at 8:03 p.m.

Paul Jerzy
Secretary of the Board

APPROVED