



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

Zoning Board of Appeals
Office of the City Council
5460 Arden, Ste. 505
Warren, MI 48092
Ph. (586)258-2060
Fax: (586)268-0606

**A Regular Meeting of the Zoning Board of Appeals
Wednesday, August 10, 2022 at 7:30 p.m. in the Warren Community Center
Auditorium, 5460 Arden, Warren, Michigan 48092.**

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

AGENDA

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

6. PUBLIC HEARING: **APPLICANT: Lavita & Eric Modest**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 30957 Lorraine
LEGAL DESCRIPTION: 13-10-129-018
ZONE: R-1-B

VARIANCES REQUESTED: Permission to

- 1) Retain a 24 ft. x 8 ft. 3 in. = 198 square ft. lean to on the side of the dwelling no less than 12 in. from the north property line.
- 2) Allow 765 square ft. of accessory structures (567 square ft. attached garage and a 198 square ft. lean to).
- 3) Retain a 23 ft. x 9 ft. = 207 square ft. driveway expansion.

ORDINANCES and REQUIREMENTS:

Section 6.06 – Side Yards: All lots in R-1-B districts shall have two (2) side yards, each having a width of not less than six (6) feet and the combined width of both side yards shall not be less than twenty (20) feet; provided, that principal buildings on adjoining lots shall be located not less

than twenty (20) feet apart, provided the overhang shall not exceed twenty-four (24) inches, not including gutter. In such cases, said measurements shall be taken from the outer edge of the overhang.

Section 4.20 – Detached Accessory Buildings: (a) All detached accessory buildings shall not exceed one (1) story or ten (10) feet in height measured to the eaves and shall not occupy more than thirty (30) percent of the rear yard. Such buildings shall conform to, and shall not project beyond, the existing side building lines of the principal building on the lot and shall be one (1) foot from the edge of any easement. The construction of all such accessory structures shall be subject to the following conditions:

Section 6.01 – Uses Permitted: (l) 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. One (1) private garage for each residential lot in which there is housed not more than three (3) vehicles, not more than one (1) of which may be commercial vehicle, shall be considered a legal accessory use, provided, however, any such commercial vehicle shall not exceed one (1) ton capacity, and shall be kept houses within a garage when not in use; and provided, further, that no moving vans shall be houses in private garages. All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

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.

7.	PUBLIC HEARING:	APPLICANT: NP Mound Road Industrial, LLC
	REPRESENTATIVE:	Mound Road LLC – Marc Werner
	COMMON DESCRIPTION:	23500 Mound
	LEGAL DESCRIPTION:	13-28-300-018
	ZONE:	MZ, M-4, M-2

VARIANCES REQUESTED: Permission to

- 1) Allow a structure to be erected no less than 84 ft. from the south property line (Bld. #3).
- 2) Allow a structure to be erected no less than 114 ft. from the south property line (Bld. #4).
- 3) Allow parking no less than 39 ft. from the south property line.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards: (A) Front yards, M-4 200 ft. 3. In M-3 and M-4 zones, front yards may be utilized for parking or vehicles provided that the front fifty (50) feet of a lot or tract in an M-3 District and the front seventy-five (75) feet of a lot or tract in an M-4 district shall be landscaped and the balance shall be depressed at least two (2) feet so as to have all parked vehicles therein, completely out of sight or view of the roadway.

8. 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, 7/13/2022)
 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 relat4ed 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.

9. NEW BUSINESS

10. ADJOURNMENT

Paul Jerzy
Secretary of the Board

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

ZONING BOARD OF APPEALS

SUMMARY OF VARIANCE REQUEST

APPLICANT: LAVITA & ERIC MODEST

REPRESENTATIVE: LAVITA & ERIC MODEST

COMMON DESCRIPTION: 30957 LORRAINE

PARCEL NUMBER: 12-13-10-129-018

ZONED DISTRICT: R-1-B

REASON: Petitioner seeks variance related to lean to and driveway.

ORDINANCES and REQUIREMENTS:

SECTION 6.06 - SIDE YARDS. All lots in R-1-B districts shall have two (2) side yards, each having a width of not less than six (6) feet and the combined width of both side yards shall not be less than twenty (20) feet; provided, that principal buildings on adjoining lots shall be located not less than twenty (20) feet apart, provided the overhang shall not exceed twenty-four (24) inches, not including gutter. In such cases, said measurements shall be taken from the outer edge of the overhang.

SECTION 4.20 - DETACHED ACCESSORY BUILDINGS. (a) All detached accessory buildings shall not exceed one (1) story or ten (10) feet in height measured to the eaves and shall not occupy more than thirty (30) percent of the rear yard. Such buildings shall conform to, and shall not project beyond, the existing side building lines of the principal building on the lot and shall be one (1) foot from the edge of any easement. The construction of all such accessory structures shall be subject to the following conditions:

SECTION 6.01 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. one (1) private garage for each residential lot in which there is housed not more than three (3) vehicles, not more than one (1) of which may be commercial vehicle, shall be considered a legal accessory use, provided, however, any such commercial vehicle shall not exceed one (1) ton capacity, and shall be kept housed within a garage when not in use; and provided, further, that no moving vans shall be housed in private garages. All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

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.

VARIANCES REQUESTED: Permission to:

1. Retain a 24 ft. x 8 ft. 3 in.=198 sf lean to on the side of the dwelling no less than 12 in. from the north property line.
2. Allow 765 sf of accessory structures (567 sf attached garage and a 198 sf lean to.)
2. Retain a 23 ft. x 9 ft. =207 sf driveway expansion.

Previous Variance Requested: None.

CITY OF WARREN
Division of Buildings & Safety Engineering

NOTICE OF REJECTION

NAME OF APPLICANT: MODEST LAVITA & ERIC

Your request for **BUILDING PERMIT** has been **REJECTED**, as it does not meet the requirements of the City of Warren Zoning Ordinance #30 as follows:

SECTION 6.06 SIDE YARDS.
SECTION 4.20 DETACHED ACCESSORY BUILDINGS.
SECTION 6.01 USES PERMITTED
SECTION 4.06 YARD USE.

It is necessary for you to make application to the Zoning Board of Appeals to obtain a variance for the above noted sections.

dwenson, Zoning Inspector

DW 7/11/22 #9500 ed 7/11/22 mg

**16 PLANS BEING SUBMITTED MUST BE PRE-FOLDED
A COPY OF ALL DOCUMENTS MUST BE SUBMITTED ELECTRONICALLY FOR
COMMERCIAL SUBMISSIONS**

**CITY OF WARREN ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE**

PLEASE PRINT OR TYPE

Name of Applicant: Eric + Lavita Modest

Address: _____ Telephone: _____

Applicant's Email Address: _____ prefer email communication

Name and Address of Property Owner (if different) SAME

Name of Representative: Eric + Lavita Modest Telephone: _____

Representative's Address: SAME

Representative's Email Address: SAME prefer email communication

Address of Property: 30957 Lorraine Ave Warren 48093

Parcel I.D. No. (as shown on tax bill): _____

Purpose of Request: To retain lean to on the side of home to property line and to retain side drive (23' x 9')

Please explain the nature of your hardship:

See attached document

Signature: Eric C Modest Lavita S Modest Date: 7/11/2022

The approval of any land use or dimensional variance from the regulations of the Warren Zoning Ordinance does **NOT** affect or rescind any requirement of the ordinance to obtain site plan approval, Building Division permit or to otherwise comply fully with the Code of Ordinances, or other applicable State or Federal regulations

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE Eric + Lavita Modest
Name(s) of Person(s)
OF _____
Address, City, State _____ Zip _____ Telephone _____
THE _____ OF _____
Title of Officer Name of Company
BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT _____
_____/RECORDED LAND CONTRACT PURCHASER(S) I/We/It /RECORDED DEEDHOLDER(S)

OF LAND FOR WHICH SUBMITTAL HAS BEEN/WILL BE MADE TO THE CITY OF WARREN,
MACOMB COUNTY, MICHIGAN IN A:

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT SAME *
Name(s) of Person(s)

THE _____ OF _____ *
Title of Officer Name of Company

OF _____
Address, City, State _____ Zip _____ Telephone _____

IS/ARE/MY/OUR DESIGNATED REPRESENTATIVE(S) IN THE PROCESSING OF SAID PETITION.

FURTHER, DEPONENT SAYS NOT.

SIGNED Eric C Modest L.S.
SIGNED Lavita S Modest L.S.*

*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF macomb

ON THIS 11 DAY OF July, 2022, BEFORE ME PERSONALLY CAME
_____, TO ME KNOWN TO BE THE INDIVIDUAL (S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT. FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT they DID SO OF their OWN FREE WILL AND DEED.

ANDREA GJOKAJ
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MACOMB
My Commission Expires June 8, 2028
Acting in the County of macomb

Andrea Gjokaj
NOTARY PUBLIC, macomb COUNTY, MICHIGAN
MY COMMISSION EXPIRES: 6/8/2028

NOTICE TO OWNER

If a representative appears on your behalf, they must be informed on all pertinent data relative to your request. Failure to answer any question from the Board could result in your request being delayed or denied. IT IS THEREFORE RECOMMENDED THAT YOU appear in person.

Reasons for Variance Request for 30957 Lorraine

Nature of hardship:

The nature of the hardship is related to safety and security. The lean to was purchased with the home and had been there for several years before we purchased the home according to the previous homeowners. They too enjoyed family time under the lean to as mentioned when we purchased the home. It provides our family safety, security, and personal family time together.

The side drive, like so many on the block provides a safe space for us to park our vehicles away from traffic. The only difference with the other homes that have a similar driveway is that those homes are not located in front of a turn around on the street. When parking our cars on the side drive, we are making traffic less hectic for those who must clear that turn around including Warren city trucks, sanitation vehicles, school buses and the like.

Reasons for Variance Request for 30957 Lorraine

Unreasonable Impact/Burden

Lean To:

If lean-to must be removed, it will prevent the occupants from using the space as intended when purchased. The lean-to allows occupants to enjoy the space even when raining outside. This is one feature that attracted us to purchasing the home.

Side Drive:

If the side drive must be removed, the homeowners will not have a safe space to park vehicles away from turn-around traffic in front of home. There are 6 vehicles registered to this home.

Not self-imposed

Lean-To:

The homeowners purchased the property with the Lean-to in place and was therefore not self-imposed, but rather an added feature to the home that attracted the homeowners to purchase.

Side Drive:

While the homeowners installed the driveway, the idea was taken from several other homes on the block with similar driveways. The only difference with the other homes is that they are not located in front of a turnaround which makes it difficult for cars to clear when cars are parked in front of home.

Property Unique

Lean-to:

This unique feature is one that made the home more attractive to purchase. It provides security to the homeowners.

Side Drive:

The home is situated in front of a turn-around on the street which makes it difficult for large city vehicles, school buses, trucks, and other cars to clear when our cars are parked in front of the home.

Not a detriment

Lean-to:

Granting variance for lean to will not cause a detriment to nearby properties as it has been there for several years before we purchased property, and never presented a problem before now. It does not cause any public safety concerns, but rather provides security to the homeowners from outdoor elements and weather conditions.

Reasons for Variance Request for 30957 Lorraine

Side Drive:

Granting variance for the side drive will not cause a detriment to nearby properties, but rather makes it more convenient for traffic to clear turn around area without having to clear cars parked in front of home. This is especially true during winter months when there is a snow emergency and cars must be removed from the streets.

Not personal or economic

Lean-to:

The lean to was purchased with the home and is therefore related to a personal hardship if it must be removed. This feature of the home is one of our favorite features and would cause a detriment to our family should we be forced to have it removed.

Side Drive:

The homeowners spent money on the side drive to enhance the property and to make the flow of traffic more convenient for those needing to clear the turn around in front of property.

Necessary

Lean to:

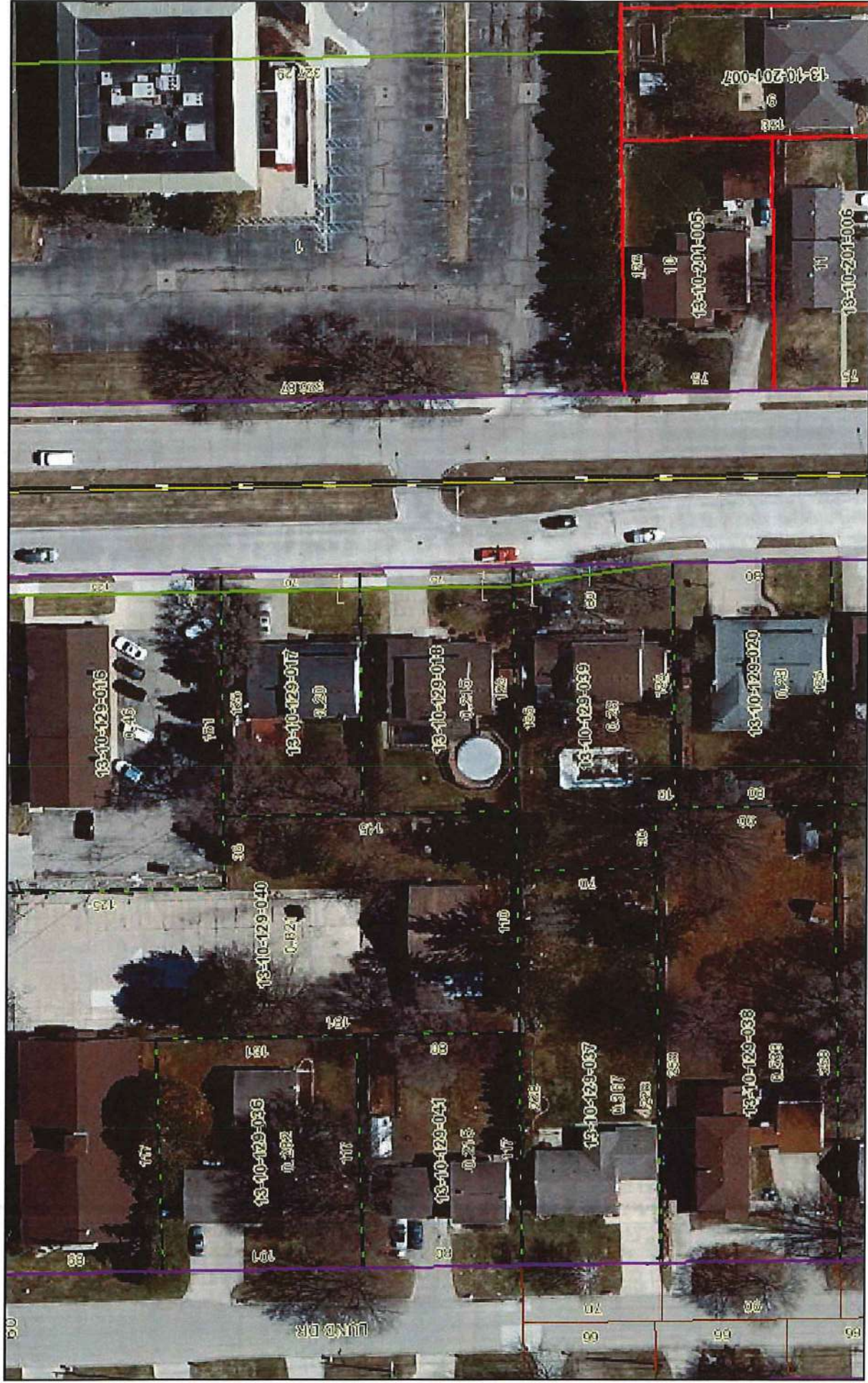
The variance is necessary for the preservation and enjoyment of homeowners. As previously mentioned, our family enjoy time together under the lean to. When we have guest to our home, they admire the space and enjoy spending time with us there. Homeowner is experiencing anxiety at the thought of having to remove a feature that was purchased with the home.

Additionally, the home was also purchased with a shed on the side of the home. The shed was old and antiquated and therefore the homeowners rebuilt a shed on the side of home. Homeowners later received a violation and was requested to remove shed in which we complied. Now the Lean-to provides coverage for ideas that were previously stored in the shed and to keep them safe from outdoor elements.
















Side Drive:

The variance is necessary for the homeowners to feel that our vehicles are safely removed from traffic and parked in a space, that so many other homes on the block also have. There have been several moments in which our vehicles were nearly hit by cars trying to clear the turn around in front of the property. The idea to add a side drive was taken directly from other homes located on the block.

ArcGIS Web Map

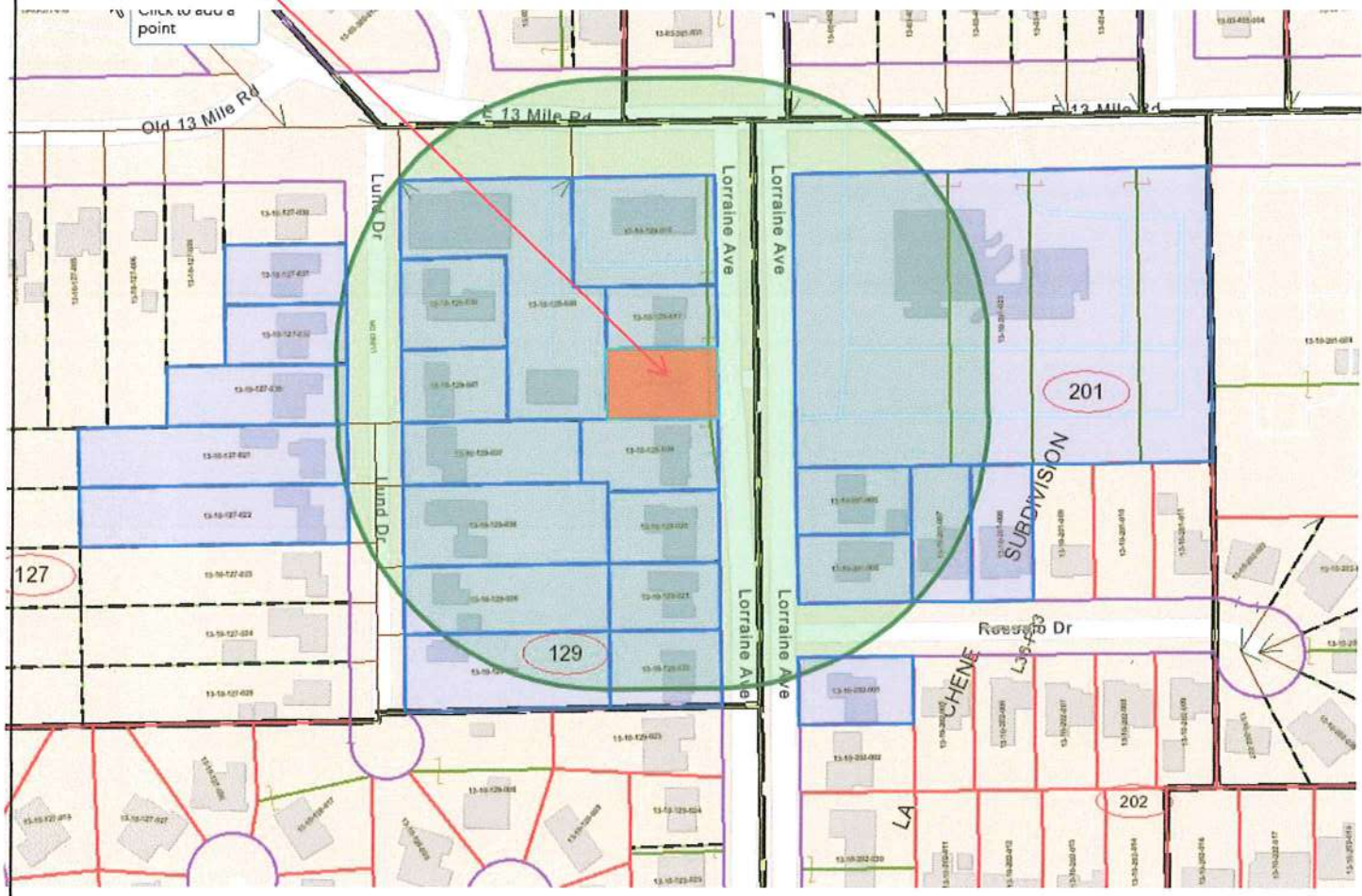


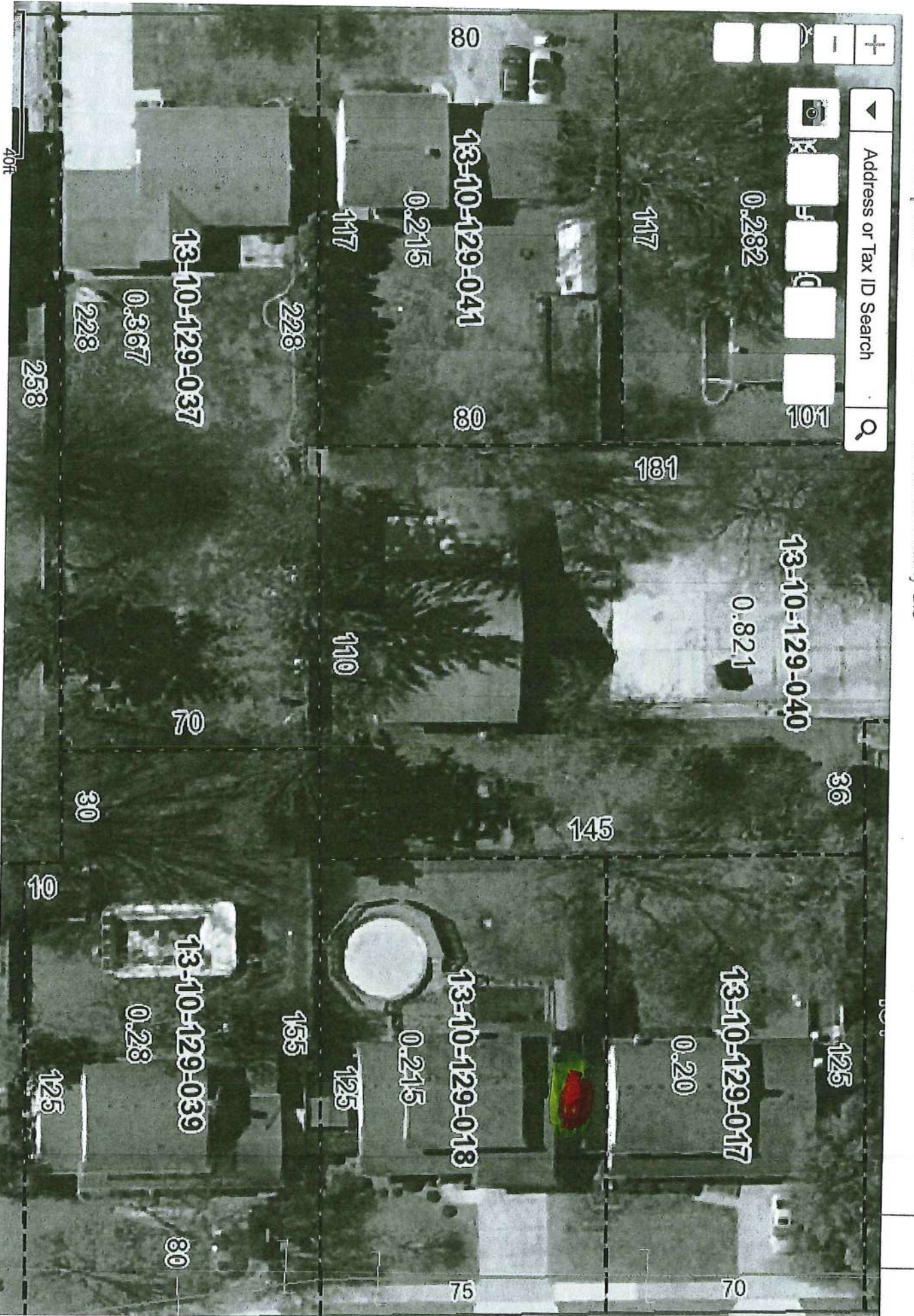
7/12/2022, 5:13:21 PM

-  Platted Area Boundaries
-  Property Area Boundaries
-  Property Lines - Retired
-  Property Lines - Drafting Detail
-  Property Lines - Retired
-  300 - TickMark
-  301 - MiscOrUnknown
-  303 - TextOvals
-  304 - LandHooks
-  306 - TraverseLines
-  307 - LeaderLines
-  308 - ExtentTickMark
-  314 - PrivateClaim
-  Property Lines - Core
-  100 - Parcel

30957 LORRAINE
13-10-129-018

1129



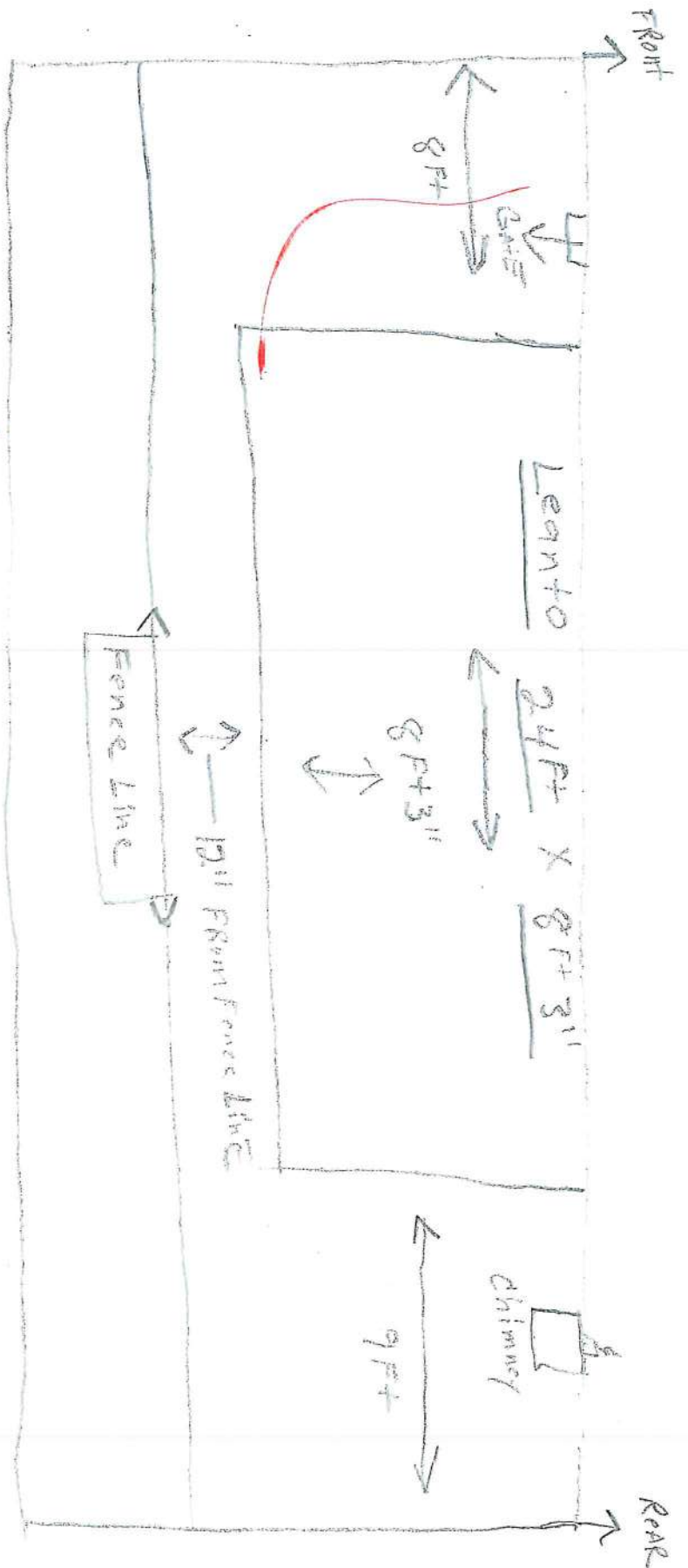


Lorraine Ave

-83.019 42.520 Degrees

https://gis.macombo.gov.org/portal1/apps/webappviewer/index.html?i=2ed1c85b70414eeafabef31ebc87f2d59

Lean To
30957 Lorraine Ave
Warren, MI 48093



Right Side of Home



City date: 6/11/19

Lean To
24' x 8'
See Attached
12" from fence line

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



Zoning Board of Appeals
Office of the City Council
5460 ARDEN, SUITE 505
WARREN, MI 48092
P: (586) 258-2060
F: (586) 268-0606

NOTICE OF PUBLIC HEARING

The Warren Board of Appeals will hold a Public Hearing in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan on:

WEDNESDAY: AUGUST 10, 2022 at 7:30 P.M.

Applicant: LAVITA & ERIC MODEST
Common Description: 30957 LORRAINE

VARIANCE(S) REQUESTED: Permission to:

- 1) Retain a 24 ft. x 8 ft. 3 in. = 198 square ft. lean to on the side of the dwelling no less than 12 in. from the north property line.
- 2) Allow 765 square ft. of accessory structures (567 square ft. attached garage and a 198 square ft. lean to).
- 3) Retain a 23 ft. x 9 ft. = 207 square ft. driveway expansion.

PLEASE NOTE: WARREN'S ZONING ORDINANCE PROVIDES THAT THIS NOTICE BE SENT TO THOSE PERSONS OWNING PROPERTY WITHIN 300 FEET OF THE PROPERTY INVOLVED. IF THE ADDRESS THIS NOTICE IS MAILED TO CONTAINS MORE THAN FOUR (4) DWELLING UNITS LEASED BY DIFFERENT PERSONS, THIS NOTICE SHALL BE POSTED AT THE PRIMARY ENTRANCE.

Any person with a disability who needs accommodation for participation in this meeting should contact the Warren City Council Office at (586) 258-2052 – at least 48 hours in advance of the meeting to request assistance.

You may e-mail: njones@cityofwarren.org or contact us by U.S. Mail at the address listed above, to express any views you may have pertaining to this matter.

Sincerely,
Board of Appeals

OFFICE OF THE CITY COUNCIL

Patrick Green, (Mayor Pro Tem) President, At Large
Gary Watts, Vice-President, Dist. 4
Mindy Moore, Secretary, Dist. 3

Jonathan Lafferty, Asst. Sec'y, Dist 2
Angela Rogensues, At Large

Ronald Papandrea, Dist. 1
Eddie Kabacinski, Dist. 5

CITY OF WARREN

ZONING BOARD OF APPEALS

SUMMARY OF VARIANCE REQUEST

APPLICANT: NP MOUND ROAD INDUSTRIAL, LLC

REPRESENTATIVE: MOUND ROAD LLC-MARC WERNER

COMMON DESCRIPTION: 23500 MOUND

PARCEL NUMBER: 12-13-28-300-018

ZONED DISTRICT: MZ, M-4, M-2

REASON: Petitioner seeks variances related to re-development of the property.

ORDINANCES and REQUIREMENTS:

SECTION 17.02 - INDUSTRIAL STANDARDS. (A) Front yards, M-4 200ft. 3. In M-3 and M-4 zones, front yards may be utilized for parking or vehicles provided that the front fifty (50) feet of a lot or tract in an M-3 District and the front seventy-five (75) feet of a lot or tract in an M-4 District shall be landscaped and the balance shall be depressed at least two (2) feet so as to have all parked vehicles therein, completely out of sight or view of the roadway.

VARIANCES REQUESTED: Permission to:

- 1. Allow a structure to be erected no less than 84 ft. from the south property line (Bld. #3).
2. Allow a structure to be erected no less than 114 ft. from the south property line (Bld. #4)
3. Allow parking no less than 39 ft. from the south property line.

Previous Variance Requested: See attached sheet

dwenson, Zoning Inspector 06/23/2022 06/27/2022 (M) (P) (C)

CITY OF WARREN
Division of Buildings & Safety Engineering

NOTICE OF REJECTION

NAME OF APPLICANT: NP MOUND ROAD INDUSTRIAL, LLC

Your request for **BUILDING PERMIT** has been **REJECTED**, as it does not meet the requirements of the City of Warren Zoning Ordinance #30 as follows:

SECTION 17.02 (A) FRONT YARDS

It is necessary for you to make application to the Zoning Board of Appeals to obtain a variance for the above noted sections.

dwenson, Zoning Inspector

16 PLANS BEING SUBMITTED MUST BE PRE-FOLDED
A COPY OF ALL DOCUMENTS MUST BE SUBMITTED ELECTRONICALLY FOR
COMMERCIAL SUBMISSIONS

\$440 SW
6/23/22
Planning Aug 8

CITY OF WARREN ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

PLEASE PRINT OR TYPE

Name of Applicant: NP Mound Road Industrial, LLC - Contact: Danny Holstein

Address: _____ Telephone: _____

Applicant's Email Address: _____ prefer email communication

Name and Address of Property Owner (if different) same as applicant

Name of Representative: Mound Road LLC. - Marc Werner Telephone: _____

Representative's Address: _____

Representative's Email Address: _____ prefer email communication

Address of Property: 23500 Mound Road, Warren, MI 48091

Parcel I.D. No. (as shown on tax bill): 13-28-300-018 and 13-28-176-010

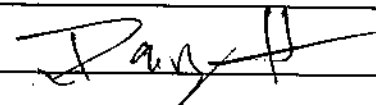
Purpose of Request: _____

Front setback variance (9 Mile Road) - 84' setback requested, 200' required = 116' variance requested (Bldg 3)

Front setback variance (9 Mile Road) - 114' setback requested, 200' required = 86' variance requested (Bldg 4)

Parking setback variance (9 Mile Road) - 39' setback requested, 75' required = 36' variance requested

Please explain the nature of your hardship:
Due to tenant requirements for the proposed redevelopment, 2 larger buildings are necessary along the
southern side of the site. The building sizes are based on tenant needs.
Building and parking setbacks at adjacent sites along 9 Mile Road are comparable and in some cases much
closer to the property line.

Signature:  Date: 6-23-22

The approval of any land use or dimensional variance from the regulations of the Warren Zoning Ordinance does **NOT** affect or rescind any requirement of the ordinance to obtain site plan approval, Building Division permit or to otherwise comply fully with the Code of Ordinances, or other applicable State or Federal regulations

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE Nathaniel Hagedorn
Name(s) of Person(s)
OF _____
Address, City, State Zip Telephone

THE Manager of NPD Management, LLC, the Manager OF NP Mound Road Industrial, LLC
Title of Officer Name of Company

BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT I
I/We/It
 /RECORDED LAND CONTRACT PURCHASER(S) X/RECORDED DEEDHOLDER(S)

OF LAND FOR WHICH SUBMITTAL HAS BEEN/WILL BE MADE TO THE CITY OF WARREN,
MACOMB COUNTY, MICHIGAN IN A:

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT Marcus Werner
Name(s) of Person(s)

THE Regional VP OF NorthPoint Development, LLC agents for NP Mound Road Industrial, LLC
Title of Officer Name of Company

OF _____
Address, City, State Zip Telephone

IS/ARE/MY/OUR DESIGNATED REPRESENTATIVE(S) IN THE PROCESSING OF SAID PETITION.

FURTHER, DEPONENT SAYS NOT.

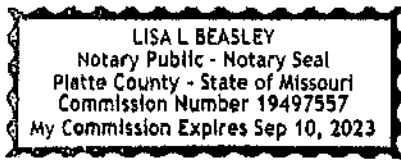
NP MOUND ROAD INDUSTRIAL, LLC
a Delaware limited liability company

By: NPD Management, LLC
a Missouri limited liability company, its manager

By: 
Nathaniel Hagedorn, Manager

STATE OF MISSOURI
COUNTY OF Clay

ON THIS 8th DAY OF June, 2022, BEFORE ME PERSONALLY CAME
Nathaniel Hagedorn, TO ME KNOWN TO BE THE INDIVIDUAL (S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT, FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT he DID SO OF his OWN FREE WILL AND DEED.



Lisa Beasley
NOTARY PUBLIC, Platte COUNTY, MISSOURI
MY COMMISSION EXPIRES: 9-10-23

NOTICE TO OWNER

If a representative appears on your behalf, they must be informed on all pertinent data relative to your request. Failure to answer any question from the Board could result in your request being delayed or denied. IT IS THEREFORE RECOMMENDED THAT YOU appear in person.

Non-use variances relate to the modification of applicable area, dimension or structural regulations. The concurring vote of five (5) members of the Board shall be required to approve a non-use variance. **No variation from the provisions or requirements of this article shall be authorized by the Board unless the Board finds that the applicant has demonstrated all of the following to establish there is a practical difficulty in complying with the article requirement.**

The reason you are seeking the variance must be something that is beyond your control. You cannot justify approval of a variance on the simple contention that it is inconvenient to follow the rules. What extraordinary situation affects only your property and no others in the vicinity or zone?

Use the space provided below to demonstrate how your request will meet the following criteria for a non-use variance.

Unreasonable impact/burden. Strict compliance with area, setback, frontage, height, bulk or density requirements would unreasonably prevent the applicant from using the property for a permitted purpose, or would be unnecessarily burdensome.

The proposed use is industrial warehouse to replace a large manufacturing plant that is in the process of being demolished. The ordinance required setbacks are significantly more than most buildings in this area along 9 Mile Road. Strict compliance to the current setbacks limit the available parking to proposed tenants, limiting the number of light manufacturing tenants that can be accommodated.

Not self-imposed. The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.

Due to ordinance changes over the years, the setback requirements have been significantly increased.

The building and parking setbacks are much more than adjacent properties in the area and the existing GM facility

Property unique. The property has unique physical features or characteristics; or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.

The property is of significant size - 123 acres and is unique due to being occupied by military and automotive factory use for decades. Due to past uses, the site has features that make it a difficult and costly site for redevelopment and reuse is impractical. In addition, the site is bordered on 3 sides by rail lines, ITC transmission lines and 2 main public roadways

Not a detriment. Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; and will not cause public safety concerns.

The site is located in an industrial area and the proposed building and parking setbacks will be comparable if not significantly better than the existing conditions and neighboring properties along 9 Mile Road.

Not personal or economic. The variance request is not primarily related to personal or economic hardship, rather, it is related to the unique features of the property.

The variance requests are due to the unique existing conditions of the site and surrounding properties. Due to the rail and ITC lines along the eastern portion of the site and the requirement to meet current County storm water standards, the setbacks along 9 Mile are needed to be reduced.

Necessary. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that enjoyed by other properties in the same zoning district and in the vicinity.

The variances are necessary to meet tenants' needs for the proposed redevelopment. Due to the rail and ITC lines along the eastern portion of the site and the requirement to meet current County stormwater standards, the setbacks along 9 Mile are needed to be reduced. The proposed setbacks are still significantly more than most properties in the vicinity along 9 Mile Road.

Chevrolet Motor Division, Warren Plant
23500 Mound Road
Warren, Michigan
Rep: M.K. Saul

Request approved at meeting of June 26, 1963

- Ⓐ retain 3 way sign 23' high in front yard 15' from 9 mile & 15' from Mound
- Ⓑ erect guard house canopy 170' from Mound
- Ⓒ erect another guard house with canopy 61'4" from 9 mile &

23500 Mound Road

Chevrolet Motor Division
GM Corporation
Warren Plant
758-4500 ext. 381
Rep: R.H. Goodes

Request denied at meeting of June 22, 1966

TO USE THE FRONT YARD FOR
PARKING TO WITHIN 4'3 FT
OF THE FRONT ~~PL~~
DENIED

23500 Mound Road

Chevrolet Motor Div. GMC

23500 Mound Road
Warren, Michigan

Rep: R.H. Goodes, Plt. Mgr.

Request granted with condition at meeting of
August 24, 1966

extend parking lot to within 99' of front &
with condition that the blue spruce be
extended in the front with the blue spruce that is
equal in size + quality to that which is existing

23500 Mound Road

General Motors Hydramatic

Granted at the meeting of 12-10-80 permission to erect a 4'10" x 21'4" (103 sq. ft.) sign, 10'8" high to not less than 11'6" of the property line along Mound Road.

23500 Mound Road

General Motors Hydramatic Div.
Warren Plant

Granted permission at the meeting of 2-11-81 to construct a 20' x 20' canopy and gas pumps to no less than 7' of the rear property line.

23500 Mound Rd.

GMC, Hydra-Matic, Warren Plant

GRANTED permission at the meeting of 7-25-90 to locate one (1) canopy 7 ft. from the east property line; two (2), underground, fuel tanks 10 ft. from the east property line; two (2), contained loading gocks to no less than 28 ft. of the east property line; and two (2) above-ground, fuel-tank farms to no less than 55 ft. of the east property line.

23500 MOUND

11/10/2021

LEGAL DESCRIPTION: 13-28-300-018

VARIANCES REQUESTED: Permission to

- 1) Allow a building with a height of 50 feet.
- 2) Allow an 8 foot fence.
- 3) Allow fencing to within 70 feet of the front property line along Mound and to enclose the DTE energy solar array up to the property lines along Mound and 9 Mile.
- 4) Waive 1,169,156 square feet of required off-street parking.

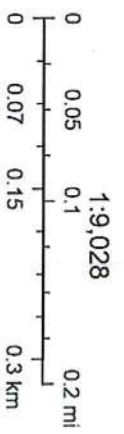
The petitioner's request was **APPROVED** as written.

ArcGIS Web Map



6/27/2022, 5:07:27 PM

- Property Area Boundaries
- Property Lines - Core
- 100 - Parcel
- 101 - ParcelROW
- 106 - ParcelWaterCombine
- 107 - ParcelWater
- 108 - ParcelCombine
- 109 - ParcelSplit
- 201 - SubClosure
- 202 - ParcelRoad
- 205 - TwpClosure



23500 MOUND
13-28-300-018

24



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



Zoning Board of Appeals
Office of the City Council
5460 ARDEN, SUITE 505
WARREN, MI 48092
P: (586) 258-2060
F: (586) 268-0606

NOTICE OF PUBLIC HEARING

The Warren Board of Appeals will hold a Public Hearing in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan on:

WEDNESDAY: AUGUST 10, 2022 at 7:30 P.M.

Applicant: NP MOUND ROAD INDUSTRIAL, LLC
Common Description: 23500 MOUND

VARIANCE(S) REQUESTED: Permission to:

- 1) Allow a structure to be erected no less than 84 ft. from the south property line (Bld. #3).
- 2) Allow a structure to be erected no less than 114 ft. from the south property line (Bld. #4).
- 3) Allow parking no less than 39 ft. from the south property line.

PLEASE NOTE: WARREN'S ZONING ORDINANCE PROVIDES THAT THIS NOTICE BE SENT TO THOSE PERSONS OWNING PROPERTY WITHIN 300 FEET OF THE PROPERTY INVOLVED.

IF THE ADDRESS THIS NOTICE IS MAILED TO CONTAINS MORE THAN FOUR (4) DWELLING UNITS LEASED BY DIFFERENT PERSONS, THIS NOTICE SHALL BE POSTED AT THE PRIMARY ENTRANCE.

Any person with a disability who needs accommodation for participation in this meeting should contact the Warren City Council Office at (586) 258-2052 – at least 48 hours in advance of the meeting to request assistance.

You may e-mail: njones@cityofwarren.org or contact us by U.S. Mail at the address listed above, to express any views you may have pertaining to this matter.

Sincerely,
Board of Appeals

OFFICE OF THE CITY COUNCIL

Patrick Green, (Mayor Pro Tem) President, At Large
Gary Watts, Vice-President, Dist. 4
Mindy Moore, Secretary, Dist. 3

Jonathan Lafferty, Asst. Sec'y, Dist 2
Angela Rogensues, At Large

Ronald Papandrea, Dist. 1
Eddie Kabacinski, Dist. 5

CITY OF WARREN

ZONING BOARD OF APPEALS--APPEAL

TRANSMITTAL OF RECORDS PURSUANT TO SECTION 20.09

APPLICANT: RAGHEED AKRAWI, EAST TEN MILE ASSOCIATE, LLC
REPRESENTATIVE: CHRISTINE JABER
COMMON DESCRIPTION: 3839 TEN MILE
PARCEL NUMBER: 12-13-19-479-010
ZONED DISTRICT: M-2

REASON: Petitioner seeks to appeal the Chief Zoning Inspector's determination regarding their property.

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.

VARIANCES REQUESTED: Permission to:

Appeal of the Chief Zoning inspector's determination that the above noted property does not qualify for a medical marijuana facility.

Previous Variance Requested: See attached sheet

Re: 3839 East 10 Mile, Warren

Christine

Mon 2/28/2022 12:09 PM

To: Nicole Jones <njones@cityofwarren.org>

Cc: Christine

 1 attachments (149 KB)

3.9.2022 Agenda.pdf;

Hello,

As per our conversation today, please adjourn our hearing until the April 13, 2022 date scheduled due to my unavailability on March 9th, 2022.

I thank you for your time and assistance in this matter. Feel free to contact me with any questions or concerns

Respectfully,

Christine Jaber

Sent from my iPhone

On Feb 25, 2022, at 3:40 PM, Christine < > wrote:

Hello Ms. Jones,

I may need to request an adjournment of this date for the April calendar regarding 3839 East 10 Mile.

Please call me at your earliest convenience.

Respectfully,

Christine Jaber

Sent from my iPhone

On Feb 24, 2022, at 5:04 PM, Nicole Jones <njones@cityofwarren.org> wrote:

Hello,

Warren
1/19/2022
\$250.00

CITY OF WARREN ZONING BOARD OF APPEALS

APPLICATION FOR APPEAL

PLEASE PRINT OR TYPE

Name of Applicant: Ragheed Akrawi, East Ten Mile Associates, LLC

Address: _____ Telephone: _____

Applicant's Email Address: _____ prefer email communication

Name and Address of Property Owner (if different) East Ten Mile Associates, LLC
(same address)

Name of Representative: Christine Taber Telephone: _____

Representative's Address: _____

Representative's Email Address: _____ prefer email communication

Address of Property: 3839 East Ten Mile Road, Warren, Michigan 48091

Parcel I.D. No. (as shown on tax bill): 13-19-479-010

Purpose of Request: _____

Approve March, 2021 Application
Medical Marijuana Facility (Caregiver)

Demonstrate why you are an aggrieved party:

see attached

Signature: Ragheed Akrawi Date: 1/19/22

The approval of any land use or dimensional variance from the regulations of the Warren Zoning Ordinance does NOT affect or rescind any requirement of the ordinance to obtain site plan approval, Building Division permit or to otherwise comply fully with the Code of Ordinances, or other applicable State or Federal regulations

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE RAGHEED AKRAWI of EAST 10 MILE & ASSOCIATES, LLC
Name(s) of Person(s)

OF _____
Address, City, State _____ MICHIGAN Zip _____ Telephone _____

THE OWNER OF EAST 10 MILE & ASSOCIATES
Title of Officer Name of Company

BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT I
_____/RECORDED LAND CONTRACT PURCHASER(S) /RECORDED DEEDHOLDER(S)

OF LAND FOR WHICH SUBMITTAL HAS BEEN/WILL BE MADE TO THE CITY OF WARREN,
MACOMB COUNTY, MICHIGAN IN A:

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT Christine Taber *
Name(s) of Person(s)

THE AGENT OF EAST 10 MILE & ASSOCIATES, LLC *
Title of Officer Name of Company

OF _____
Address, City, State _____ MICHIGAN Zip _____ Telephone _____

IS/ARE/MY/OUR DESIGNATED REPRESENTATIVE(S) IN THE PROCESSING OF SAID PETITION.

FURTHER, DEPONENT SAYS NOT.

SIGNED Ragheed Akrawi L.S.
SIGNED Ragheed Akrawi L.S.*

*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF Wayne

ON THIS 11th DAY OF February, 2022, BEFORE ME PERSONALLY CAME
RAGHEED AKRAWI, TO ME KNOWN TO BE THE INDIVIDUAL(S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT, FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT HE DID SO OF HIS OWN FREE WILL AND DEED.

JENNIFER KASSAB
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Nov 12, 2020
NOTARY PUBLIC, Oakland COUNTY, MICHIGAN
MY COMMISSION EXPIRES: Nov. 12, 2024

NOTICE TO OWNER

If a representative appears on your behalf, they must be informed on all pertinent data relative to your request. Failure to answer any question from the Board could result in your request being delayed or denied. IT IS THEREFORE RECOMMENDED THAT YOU appear in person.

January 19, 2022

To Whom It May Concern,

I, Ragheed Akrawi, am the owner of the property located at 3839 East 10 Mile Road, Warren. I am also the President of East 10 Mile & Associates, LLC.

I am the listed applicant for the Medical Marijuana Facility application submitted in March 2021. This application was not processed by the City of Warren. It was mishandled by administration and appeared lost. We inquired as to the location of this application multiple times beginning in May 2021 and we heard nothing. The application was lost and subsequently resurfaced in October 2021. An application fee of \$2,500.00 was submitted with the application in March 2021, the check was found with the accompanying application on Everett Murphy's desk on September 22, 2021, at my agent's urging. In May 2021, my agent went to the building division and inquired as to its whereabouts, Debbie Wenson said "I think it's on Everett's desk" but he was not there and our attempts to follow up were not successful.

I filed for a zoning variance for this property on May 20, 2021, to possibly utilize the entire property and withdrew the same in July 2021. A \$250.00 application fee was submitted and accepted. This would have no bearing on the application submitted in March 2021. They are distinctly different. We were still pursuing the pending March 2021 application.

Due to the city's mishandling of the March 2021 application, I was instructed and forced to file a duplicate application (of March 2021's) and pay an additional \$5,000.00 filing fee in July 2021.

I had been working to get the original application processed in a soundly efficient manner based on the accurate timeline, facts, and procedures.

On December 21, 2021, the application of March 2021 was denied by Warren's Building Department indicating that the application was to use the entire 3,185 sq ft of the building and this would violate zoning laws. There was a misunderstanding of the application, as the intention was to use 1705 sq/ft of the building which would then be within the zoning guidelines as of the time the application was filed. The blueprints submitted and survey submitted all indicate that only 1705 sq/ft would be utilized (see attached). There were numerous meetings with the Building Department indicating this. Moreover, the application in its entirety reflected use of only 1705 sqft of the building and leaving over nearly 1500 sqft vacant. The indication of the 3,185 sq/ft on the face of the application was only intended to reflect the size of the existing building but not the proposed use; a review of the submitted plans would have shown this.

We are an aggrieved party because if this application was timely processed in March, 2021, any needed corrections to the application could have been made. The application was submitted with payment prior to the ordinance change and we are entitled to a decision based upon the ordinances as they were written at the time of application.

In addition, due to the loss of the application, I was forced to incur \$250.00 variance application fee and \$5,000.00 filing fee for Medical Marijuana Facility (the fee was doubled in July 2021). No fees have been reimbursed.

Lastly, I just want to note that the application from March 2021 was never processed to be "denied". It was never even reviewed until December 2021. Also, the application for variance of May 2021 was "withdrawn" which means it could not have been *approved or denied*.

We ask that the application be approved as it was timely filed and met requirements. I appreciate your assistance and anticipated cooperation in this matter. If there is anything you would like to further discuss, please do not hesitate to contact me at any time.

Respectfully,

A handwritten signature in cursive script, appearing to read "Ragheed Akrawi".

Ragheed Akrawi

3839 Ten Mile

LEGAL DESCRIPTION: 13-19-479-010

2/28/2018

VARIANCES REQUESTED: Permission to
Allow a medical marihuana facility to be located 464 feet from a
R-1-C zone.

This matter was **RESCHEDULED** to **MARCH 14, 2018.**

3839 Ten Mile

LEGAL DESCRIPTION: 13-19-479-010

3/14/2018

VARIANCES REQUESTED: Permission to
Allow a medical marihuana facility to be located 464 feet from a R-
1-C zone.

The petitioner's request was **RESCHEDULED** to March 28, 2018
per the petitioner's request.

PUBLIC HEARING: 7/14/2021
APPLICANT: Ragheed Akrawi
(Rescheduled from 6/23/2021)
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 3839 Ten Mile
LEGAL DESCRIPTION: 13-19-479-010
ZONE: M-2

VARIANCES REQUESTED: Permission to
Allow a medical marijuana facility to be located 464.3 feet from an R-1-C zone.

ORDINANCES and REQUIREMENTS:

Section 4G.05 – Growing, Processing, Secure Transporter, and Co-location Facilities: Medical marijuana growing, processing, secure transporter, and co-location facilities are permitted in M-1, M-2, M-3 and M-4 zones, if the facility is located, at the time of local license application submittal: (1) at least 500 feet from the nearest lot line of all of the following: (a) An R-1-A, R-1-B, R-1-C, R-2, R-3, R-3-A, R-4 and R-5 zones.

The petitioner's request was **REMOVED**, per the petitioner.

PUBLIC HEARING: 3/28/2018
APPLICANT: GINO ORAHA
(RESCHEDULED FROM 02/28/18 AND 3/14/18)
REPRESENTATIVE: SAME AS ABOVE.
COMMON DESCRIPTION: 3839 TEN MILE
LEGAL DESCRIPTION: 13-19-479-010
ZONE: M-2

VARIANCES REQUESTED: PERMISSION TO
ALLOW A MEDICAL MARIHUANA FACILITY TO BE LOCATED 464 FEET FROM A R-1-C ZONE.
ORDINANCES AND REQUIREMENTS:
SECTION 17.02 – INDUSTRIAL STANDARDS: ALL USES NOT HEREIN EXPRESSLY PROHIBITED SHALL COMPLY WITH THE FOLLOWING TABLE OF STANDARDS. (AA) MEDICAL MARIHUANA FACILITY AS DEFINED BY SECTION 2.93 OF THIS ZONING ORDINANCE.
SECTION 17.02 – INDUSTRIAL STANDARDS: A MEDICAL MARIHUANA FACILITY IS EXCLUSIVELY PERMITTED IN M-1, M-2 AND M-3 ZONES, IF THE FACILITY, THE OWNER, AND ANY OCCUPANTS MEET ALL OF THE FOLLOWING REQUIREMENTS: 11. THE FACILITY IS LOCATED AT LEAST FIVE HUNDRED (500) FEET FROM THE NEAREST LOT LINE OF ANY OF THE FOLLOWING: (A) RESIDENTIAL ZONING DISTRICTS, R-1-A, R-1-B, R-1-C, R-2, R-3, R-3-A, R-4, R-5 AND ANY MIXED RESIDENTIAL ZONES INCLUDING BUT NOT LIMITED TO A PLANNED UNIT DEVELOPMENT AND THE DOWNTOWN CENTER.

THE PETITIONER'S REQUEST WAS WITHDRAWN BY THE PETITIONER.

2021 WARREN

