

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
JULY 27, 2022

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, July 27, 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
Anthony Sieracki, Jr.
Michael Sylvester
David Sophiea

Members of the Board absent:

None

Also present:

Cecil St. Pierre, 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

A roll call was taken and all board members were present.

4. ADOPTION OF THE AGENDA

Motion:

Board Member Anglin made a motion to approve the July 27, 2022 agenda;
Supported by Board Member Furgal.

Voice Vote:

A voice vote was taken. The motion carried (9 – 0).

5. APPROVAL OF THE MINUTES of the Regular Meetings of June 22, 2022 and July 13, 2022.

Motion:

Secretary Jerzy made a motion to approve the minutes of June 22, 2022 minutes;

Supported by Board Member Anglin.

Voice Vote:

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

Chairman Nestorowicz stated the minutes for June 22, 2022 were approved. And for the approval of the minutes for July 13th.

Motion:

Secretary Jerzy made a motion to table the minutes of July 13, 2022 minutes; Supported by Board Member Anglin.

Voice Vote:

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

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| 6. PUBLIC HEARING:
REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE: | APPLICANT: Dashia Edwards
Same as above.
13732 Hobart
13-36-102-015
R-1-P |
|---|--|

VARIANCES REQUESTED: Permission to

Allow a porch to be erected to less than 20 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.

Chairman Nestorowicz they can approach the podium and then state their name and address for the record, and then just explain what they're asking for today.

Dashia Edwards appeared before the board stating property owner of 13732 Hobart Avenue. The ordinance law only allows sixteen (16) inches for a porch, and it is dangerous to leave it as is. The new porch is going to be the same depth as the old one.

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

No response.

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

Board Member Sylvester asked if they're just replacing the porch.

Dashia Edwards replied yes.

Board Member Sylvester asked this isn't a new one off the front of the house, just putting a new

porch. Which basically is the same size and same dimensions.

Dashia Edwards replied yes. It will be the exact same size and width.

Board Member Sylvester thanked her.

Secretary Jerzy said if nobody else has any other comments or discussion, he would like to make a motion.

Motion:

Secretary Jerzy made a motion to approve a porch to be erected to less than 20 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 support by Mr. Anglin first 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 (9 – 0).

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

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

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| 7. PUBLIC HEARING: | APPLICANT: 21001 Groesbeck Hwy, LLC |
| REPRESENTATIVE: | Paul Weisberger |
| COMMON DESCRIPTION: | 21001 Groesbeck |
| LEGAL DESCRIPTION: | 13-35-352-013 |
| ZONE: | M-2 |

VARIANCES REQUESTED: Permission to

- 1) Parcel A retain a building no less than 39 ft. from the front (east) property line.
- 2) Parcel A retain a building to the side (west) property line.
- 3) Parcel A waive 5 required off-street parking spaces.
- 4) Parcel B retain a building to the side (east) property line.
- 5) Parcel B retain a building no less than .9 ft. to the side (west) property line.

6) Parcel B waive 49 required off-street parking spaces.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards (A) Front Yards. 2: In an M-2 zone where a front yard has been established by the majority of the existing buildings in a block, all buildings hereinafter erected or altered shall conform to the building line thus established, provided no building in an M-2 zone shall be required to set back further than 50 feet. Provided, further, however, notwithstanding any provisions to the contrary, in M-2 zones, yards fronting on a major thoroughfare as defined by the master thoroughfare plan for the City of Warren or front yards facing a residential district shall be fifty (50) feet.

(B) Side Yards: M-2 20 ft.

Section 4.32 – Off-street Parking Requirements (H): The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing building as specified above shall be determined in accordance with the following table, and the space, so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use. (23) Industrial establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing and engraving shops, warehouse and storage buildings. One (1) parking space for each one thousand two hundred 1,200 square feet of gross floor area.

Paul Weisberger appeared before the board stating on behalf of the applicant. His address is 11200 West Maple Road. For the boards background. This is an existing structure on Groesbeck Road. Parking on this particular property received variances in 2015 and 1999. They were required to go through site plan review as part of the use for the northern building that they're proposing to purchase. They submitted a lot split. As far as that lot split application, in order to split that lot, they would have to get a variance as the property lines would change. They are simply trying to get a lot split, so they have an identifiable parcel in which to purchase and they're respectively asking for the board's approval.

Chairman Nestorowicz thanked him very much for those comments. This is a public hearing, not seeing anyone in the audience he will close the public hearing portion and turn it over to the board for discussion. He does have a question, and he'll start. So, they're looking to purchase the lot after it's split from this other property?

Paul Weisberger said right.

Chairman Nestorowicz asked if he is looking to purchase parcel A or parcel B?

Paul Weisberger replied they are looking to purchase the smaller parcel, which would be parcel A.

Chairman Nestorowicz said basically, his question, when he was looking at this. When this is split, basically, parcel B would have a building from property line to property line. Correct?

Paul Weisberger replied correct. In other words, nothing would change that's out there that exists today. The only difference between the lot split purchase and a condominium is nothing. Just a different legal mechanism in which to purchase the property. But they have to split it in order to buy it, other wise it is just considered one parcel.

Chairman Nestorowicz said he's basically getting the back to their building, where their asphalt

parking is always going to have to be driving through their property.

Paul Weisberger explained the current use of that larger building is a wholesale, and they would have as part of the lot split, they're required to have cross access easements. So, both parties can drive through there. So, they would have full legal right to drive to the back of the building. That's the only way to get to the back of the building as it currently exists today. They're not creating a convoluted way to get to the back of the building with the proposed lot split and variance request.

Chairman Nestorowicz stated that answers his question.

Secretary Jerzy stated it says in their request that there's going to be one (1) ADA compliant parking spot on parcel B. He doesn't see that in the print, he sees that on A. But he does not see it on B. So, he's missing it somewhere.

Paul Weisberger stated he doesn't see any depicted...

Secretary Jerzy explained there's one (1) on parcel A in the shaded area.

Paul Weisberger said correct.

Secretary Jerzy said closer to Groesbeck, but he does not see one on parcel B at all.

Paul Weisberger said he doesn't know if that wasn't depicted because... he's not sure. He knows this has gone through site plan review in terms of the handicapped parking requirements and parking requirements. It actually went through the site plan review process, there was no variance needed as part of the project. But if the city administration in the review requires to strip a handicapped, they can certainly stripe a handicap.

Secretary Jerzy yielded the floor.

Chairman Nestorowicz asked if Mr. Anglin had a question.

Board Member Anglin said his question was going to answer what he was saying. It will come up, and they will require it to have a handicapped spot for that front building, but again, at that point, it will be to stripe one of the spots. So, he doesn't really feel it's an issue.

Board Member Furgal said her thing shows that the handicap spot is on parcel A, not parcel B.

(Inaudible)

Board Member Furgal asked where is it?

(Inaudible)

Board Member Furgal said that's B. A is the one that they're talking about.

Chairman Nestorowicz said he asked about the one for parcel B.

Board Member Furgal said oh. That's not his though.

(Inaudible)

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

Motion:

Board Member Anglin made a motion to approve:

- 1) Parcel A retain a building no less than 39 ft. from the front (east) property line.
- 2) Parcel A retain a building to the side (west) property line.
- 3) Parcel A waive 5 required off-street parking spaces.
- 4) Parcel B retain a building to the side (east) property line.
- 5) Parcel B retain a building no less than .9 ft. to the side (west) property line.
- 6) Parcel B waive 49 required off-street parking spaces.

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

Board Member Perry supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Anglin, 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 – 2).

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Secretary Jerzy	No, not ADA compliant.
Chairman Nestorowicz	No, he doesn't like the idea creating a case where you have a building going from property line to property line. It's a detriment, he thinks.

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

8. NEW BUSINESS

None.

9. 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 (9 – 0).

The meeting adjourned at 7:42 p.m.

Paul Jerzy
Secretary of the Board

APPROVED