

WARREN ZONING BOARD OF APPEALS  
SPECIAL MEETING  
SEPTEMBER 12, 2022

A Special Meeting of the Warren Zoning Board of Appeals was called on Wednesday, September 12, 2022 at 7:30 p.m. at the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

**Members of the Board present:**

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:**

Roman Nestorowicz, Chairman

**Also present:**

Cecil St. Pierre, City Attorney  
Steve Watripont, Zoning Inspector  
Nicole Jones, Council Office

**1. CALL TO ORDER**

Chairwoman Furgal called the meeting to order at 7:30 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**Motion:**

Secretary Jerzy made a motion to excuse Chairman Nestorowicz; Support by Board Member Anglin.

**Voice Vote:**

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

**4. ADOPTION OF THE AGENDA**

**Motion:**

Board Member Anglin made a motion to adopt the September 12, 2022 agenda; Supported Secretary Jerzy.

**Voice Vote:**

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

**5. APPROVAL OF THE MINUTES of the Regular Meeting August 24, 2022.**

Chairwoman Furgal said approval of the minutes will be moved to September 28<sup>th</sup>.

**Motion:**

Board Member Anglin made a motion to move the minutes to September 28, 2022 minutes; Supported by Board Member Sophiea.

**Voice Vote:**

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

**6. PUBLIC HEARING:**

**APPLICANT: Cari Easterday / Larson Realty  
Group LLC**

REPRESENTATIVE: Dave Root / Giffels Webster  
COMMON DESCRIPTION: 7111 Eleven Mile  
LEGAL DESCRIPTION: 13-16-451-028  
ZONE: MZ, M-2, P

**VARIANCES REQUESTED: Permission to**

- 1) Retain an existing sign which was granted by the Zoning Board of Appeals on 9/8/1993 (which is now off-premise).
- 2) Retain an existing 156 square ft. sign which is larger than the Zoning Board of Appeals variance granted on 9/8/1993.
- 3) Retain an existing sign which is 5.3' from the front property line.

Note: If variance is granted the previous sign variance granted on 9/8/1993 will be relinquished.

**ORDINANCES and REQUIREMENTS:**

**Section 4A.14 – Prohibited Signs:** The following signs are prohibited in all districts: (J) Off-premises signs other than billboards, election and special events or activities signs as regulated in this ordinance.

**Section 4A.35 – Signs Permitted in Commercial Business and Industrial Districts (C-1, C-2, C-3, M-1 and M-2):** B) One freestanding on premise sign or advertising display of a size not to exceed seventy-five (75) square feet shall be allowed in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.

**Section 4.17 – Setbacks:** The following setback regulations shall apply to signs located in all zoning districts: B) All freestanding or ground signs shall be set back from the right-of-way line a minimum distance equal to the height of the sign.

Chairwoman Furgal asked the petitioner to please state their name and address for the record.

Dave Root appeared before the board stating he is with Giffels Webster, address is 948 Spartan Court.

Chairwoman Furgal said they were free to give their presentation.

Dave Root explained the sign in question was part of a piece on the property that Larson Realty

previously owned. When they sold the property, it was an oversight of grandfathered in document with the city that the sign would remain as part of the existing, the property down the street, which is Element. It's part of Larson Realty's other properties. The tenant there, the sign was always there for the last twenty-five (25) or thirty (30) plus years. The sign itself has remained not changed for at least sense Element has...

(Inaudible)

Cecil St. Pierre said his point is, he was just going to chime in here, because Steve and him disagree. It is his understanding that all variances run with the land. They stay with the land.

Dave Root explained there was no variance for it.

Cecil St. Pierre said oh, nevermind then. No, really. If there's not a variance...

Dave Root said he wasn't sure what he was arguing there.

Cecil St. Pierre said then he is assuming he was granted a variance when...

Steve Watripont said for the size, but now it's off premise. So, no variance has been granted for off premise.

Cecil St. Pierre asked when he says off premise... Chuck was asking the same question, too.

Board Member Anglin said that was his question.

Cecil St. Pierre asked when they say off premise, are you saying you're advertising for somebody else that's not on the premises.

Steve Watripont said that's not on that property; that sidwell.

Cecil St. Pierre said ok, but they could say anything they want on the sign, like who cares. Is that what he means by off premise or advertising for someone else.

Steve Watripont said different company, yes.

Cecil St. Pierre said now we know, Chuck.

Board Member Anglin said that's what he was saying.

Cecil St. Pierre asked if that's why he needed the variance in order to say advertise for off premise.

Steve Watripont replied yes. Variances for off premise advertising.

Cecil St. Pierre said that was a very good question. He just sort of picked up on it even more after he brought it up, brought it into sharper focus.

Chairwoman Furgal said wait a minute, this is a public hearing, so they need to hear from the public.

Nicole Jones asked Dave Root if he was done presenting.

Cecil St. Pierre joked and said they got it all explained.

(Inaudible)

Dave Root stated they are definitely open to discussion about all this.

Chairwoman Furgal turned the matter over to the board.

Board Member Sylvester said he went by there; he lived in this area all his life. There is an Element sign right on Eleven Mile Road, is that the sign they're talking about?

Multiple people replied yes.

Board Member Sylvester asked if that building is an Element building.

Dave Root said no, it was.

Cari Easterday stated no longer. Can I...

Board Member Sylvester said see, there's stuff in here. He's gone through this, and he's been at the site, and he's a little confused.

Cari Easterday appeared before the board stating she is with Larson Realty Group, 612 Lakeland. They formally owned the property, where the Element sign... Initially back in 2000's it was Detroit Testing Labs, that was purchased by Element. Element, they built the facility where they're doing the expansion today, which is why they're going through the ZBA process.

Board Member Sylvester asked if that's on the west side of Merrelli Drive.

Cari Easterday replied correct. Yes, the other other side of the large parking lot. So, when they did that, they relocated General Motors to the Eleven Mile location along with the land. At that point, they owned all that property. So, approximately forty (40) acres on that footprint. At the time, they negotiated as the landlord, because the sign couldn't be replaced under ordinance, they wanted to maintain that sign for DTL, which was then bought shortly thereafter by Element, which is Element Technologies now. Last year, they sold twenty-six (26) acres to General Motors, which has been the footprint that they have been at since 2007. But they all agreed in the transaction to keep the sign for Element. They just didn't realize at the time that because they no longer owned that property, they need to have approval to keep that sign on a location that they no longer owned.

Board Member Sylvester said but, that's not an Element business, correct?

Cari Easterday replied not where it is today. That's General Motors.

Board Member Sylvester said wouldn't they want to change the sign?

Cari Easterday said they don't want it. They're the ones that submitted it.

Board Member Sylvester asked if they don't want a sign there, period. They just want it removed.

Cari Easterday said no, they want to keep the sign, they're fine with them keeping that sign there. That's why they actually signed the affidavit, and they have an entire agreement with them to keep the sign there between Element and General Motors. They're not looking to advertise that location for General Motors. It's their sort of back of the house, CEO operations, that kind of operations.

Chairwoman Furgal said they came recently and got something about a gas tank or something.

Cari Easterday said probably solar, too. Basically, it's a big parking lot for them and then they have a small building that has service and car washes in that location. But they're not looking to sign over. All they're looking to do is keep the sign as it is today in the location that it exists today on that property.

Board Member Sylvester said he is still confused. Why would General Motors want to keep the Element sign?

Cari Easterday explained it's a deal they're apart of a legacy deal they have had with them, and they agreed to it when they sold. They don't care.

Board Member Sylvester asked if that can happen. That's new to him.

Chairwoman Furgal said they have done it before.

Board Member Sylvester asked really, we have.

Board Member Anglin said you can. When you're done, he would to...

Board Member Anglin said point one, why doesn't Element put a sign up on their property?

Cari Easterday explained one of the benefits is the frontage on 696, the visual. It's a tall sign, it's taller than, you know...

Board Member Anglin said he has seen where they don't have frontage on the main road, he has seen, he has been part of, long term leasing or whatever to put a sign up by the road. So, that's basically what this is. A long-term agreement to allow Element to have some type of recognition up on Eleven Mile Road over... If they put up a sign by them, nobody can see it.

Cari Easterday and Dave Root said correct.

Board Member Anglin said he understands it completely.

Board Member Sylvester said GM doesn't want to be seen, they have the sign there, their other

building is down Merrelli Drive.

Dave Root said right.

Board Member Sylvester said simple.

Board Member Anglin said he doesn't have any further questions. It was a little confusing first reading about it.

Chairwoman Furgal said she is glad he has been enlightened.  
Board Member Anglin said he has seen the light.

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

**Motion:**

Secretary Jerzy made a motion to grant the petitioner to:

- 1) Retain an existing sign which was granted by the Zoning Board of Appeals on 9/8/1993 (which is now off-premise).
- 2) Retain an existing 156 square ft. sign which is larger than the Zoning Board of Appeals variance granted on 9/8/1993.
- 3) Retain an existing sign which is 5.3' from the front property line.

Note: If variance is granted the previous sign variance granted on 9/8/1993 will be relinquished.

Reasons being: Not a detriment to the area; Pre-existing condition.

Board Member Anglin supported the motion.

Chairwoman Furgal said they have a motion by Mr. Jerzy, support by Mr. Anglin. They'll have a vote.

**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 Sophiea	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 Clift	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Chairwoman Furgal	Yes, for the reasons stated in the motion.

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

(Inaudible – General conversation)

7. PUBLIC HEARING:

**APPLICANT: Cari Easterday / Larson Realty  
Group LLC**

REPRESENTATIVE: Dave Root / Giffels Webster  
COMMON DESCRIPTION: 27485 George Merrelli Drive  
LEGAL DESCRIPTION: 13-16-401-008  
ZONE: AD

**VARIANCES REQUESTED: Permission to**

- 1) Retain an 8 ft. chain link fence along the north property line.
- 2) Retain a 7 ft. chain link fence along the west property line.
- 3) Retain a 6 ft. chain link fence that extends past the front building line to the front property line.

**ORDINANCES and REQUIREMENTS:**

**Section 4D.38 – Height:** Obscuring walls and fences in non-residential zones shall not exceed six (6) feet in height.

**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.

Dave Root said good evening, again. So, here the existing site has the seven (7) foot chain link fence, the eight (8) foot chain link fence on the north, seven (7) foot to the west. He thinks he actually revised to pull the six (6) foot back. We did, sorry. So, the third item is six (6) foot to extend past the fifteen (15) foot mark, they actually pulled that out of the plans after discussion with Planning in the last couple of...

Secretary Jerzy said that won't be...

Board Member Anglin asked which one is not.

Chairwoman Furgal said number 3.

Secretary Jerzy said number 3 they can strike.

Dave Root said strike number 3.

**Motion:**

Board Member Anglin made the motion to strike number 3, Supported by Board Member Clift.

**Voice Vote:**

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

Dave Root explained the fence is replaced on the north side, the eight (8) foot is there, kind of a separation to the Android building that has large trucks that come in and out. It provides an additional visual for the truckers when they're making movers back and forth between the property line and the building. The seven (7) foot along the railroad right-of-way is actually helpful for the security of the site. Prior to putting that fence up they had some issues with people coming on site, the railroad

property and dumpster diving materials. Since they put those fences up, they've done some new security systems and cameras, they haven't had issues. They would like to retain those fences the way that they currently are on the site plan.

Chairwoman Furgal said this is a public hearing, is there anyone in the audience want to speak on this item?

No response.

Chairwoman Furgal turned it over to the board.

Board Member Sylvester said he didn't ask this in the last one, but there was a zoning, since they approved it, he'll let it go. Under zone here it has AD. He's looking at his zoning legend and everything, does anybody know what AD is?

Steve Watrion explained AD stands for Arsenal District.

Chairwoman Furgal said oh, the Arsenal District.

Cecil St. Pierre explained the Arsenal District, they had a special when he was on council and they AD'd it. It was one of the first ones that the United States did for the military to take it back. Warren was one of the first ones to do, they created an AD district.

Board Member Sylvester asked with what's there, it's still and AD.

Cecil St. Pierre said yes, they approved anything that was there at the time, and it was built (snapped his fingers) almost like that.

Board Member Sylvester said ok, he understands that, but wouldn't the district designation change with what's there now.

Cecil St. Pierre said no, they continued it as an Arsenal District, because it was the Tank Arsenal, that was the district they named for it.

Board Member Sylvester asked if there is any right up or anything.

Cecil St. Pierre said he doesn't recall, that's the only thing.

Chairwoman Furgal said he's lucky he was here.

Cecil St. Pierre said he is lucky to remember all that.

Dave Root said it's essentially an industrial part.

Cecil St. Pierre said it is, it's an industrial, they just call it Arsenal District.

(Inaudible)

Board Member Sylvester said it's just a different name for what they all felt.

Cecil St. Pierre said yes.

Steve Watriont stated the Arsenal District is in the zoning ordinance as its own thing. Own entity.

Chairwoman Furgal asked that it goes to Eleven Mile to Twelve Mile. Then Van Dyke to Mound, she believes.

Cecil St. Pierre said just short of Twelve Mile.

Chairwoman Furgal said she thinks there are just a few pieces that aren't.

Cecil St. Pierre said it actually just goes to the railroad tracks.

Chairwoman Furgal said oh, it doesn't go to Mound?

Cecil St. Pierre said no.

Board Member Sylvester asked if that's an Arsenal District over there, the tank side.

Cecil St. Pierre said he doesn't know, they never dealt with it in how many years.

Board Member Sylvester said he has a couple more questions. The fencing thing that they're asking about, did they put that up without any direction whatsoever. Because he was back there and it's three (3) different types of fence.

Dave Root said yeah, it's six (6) foot, seven (7) foot and eight (8) foot.

Cari Easterday explained it was installed by multiple tenants over a period of time.

Dave Root said it's been there a long time.

Cari Easterday explained the one to the north was actually, technically, installed by Android years ago. She means, this fence has been there for, they purchased the property 21 and 23, developed it, fully was redeveloped by the other 26 and very shortly after these tenants put the fences up.

Board Member Sylvester asked if they were the ones that put the one up along the railroad tracks on the west side, right?

Cari Easterday replied the tenant did as well. Yes, her tenants went rogue on fences. To be honest, it had never come up in any discussions. She'll be honest, them as landlords never measured them. Then this came up with the city when they were working on the site plan approval, that it was not in compliance, which is why they are here. The one between GM and Element has probably been there twenty (20) odd years. The newest one would be the one on the railroad tracks.

Board Member Sylvester asked who is responsible for that fence. Right there their property is at a higher elevation than it is now.

Cari Easterday said General Motors actually maintains that fence, Android actually maintains the other fence. They both just happen to sit, technically, on the property parcel that is the Element parcel. She knows, because they don't do anything simple over there. Then Element put the fence up to protect against the railroad tracks.

Chairwoman Furgal said that's the reason there's barbed wire. There's barbed wire on the side of the railroad.

Cari Easterday explained over the course of their ownership of that property, they have had all three (3) of those tenants, General Motor's has had multiple vehicles stolen out of their lot. Android has had multiple issues with materials and break-ins to their facility. Element has also had additional, they never had anybody get into their facility, but they've had materials and dumpster diving kind of issues. So, since they've done that, they have not seen any problems. Visibly it is so dark in the back, they could come onto the property from the railroad tracks. Where it's way too lit along George Merrelli, and there's too much activity. Like General Motors has security, and they have front office for the other buildings. But in the pack was their path of least of resistance, and they were taking advantage of it.

Chairwoman Furgal said like Cecil St. Pierre, she's been involved with this for many years, and they have most of the time granted along railroad tracks, barbed wire. That's the only place they have agreed to.

Board Member Anglin said it's in the code they can have barbed wire.

Board Member Sylvester said that's his other question. He believes they have barbed wire by the railroad tracks, right?

Dave Root said by the railroad tracks.

Board Member Sylvester said Element, the previous item they were talking about, there is only about a third of the property that has barbed wire on it. The northern part, the fence, there is a tree line there and foliage. So, somebody has to go through all that. Then they have a composite wall on the east side. So, he guesses where he's going with this, Madam Chair, and he just mentioned about the barbed wire. Don't they have something that says barbed wire is... He knows they had a building once that where they had the barbed wire was in their lot, behind their building, and they said they couldn't have the barbed wire there.

Chairwoman Furgal said they don't allow it.

Board Member Sylvester said he knows, so he's a little confused.

Board Member Anglin said it's in the code that they can have it on a railroad track.

Board Member Sylvester said that he's fine with. It's just the other places they have the barbed wire.

Dave Root stated that's the only place that it is, along the railroad tracks.

Board Member Sylvester said they also have it along... Is the GM fence responsible for that barbed wire? Which would be on the south side of their property. He knows there is barbed wire and it's leaning towards their lot.

Chairwoman Furgal said it should be on the north side.

Cari Easterday said General Motor's would be to the south, and he's saying it's to the south.

Board Member Sylvester said to the south. The fence is down low and there's barbed wire.

Cari Easterday said technically that is GM's fence. That fence in its existing condition has been there since they've bought that property in 2001. Barbed wire has probably been there since 2001, but at the end of the day it sits on her property and if they say she has to take that portion of barbed wire fence down, then that's what they're going to do. Take the barbed wire off. She just needs to, you know, if it's up there, she doesn't know off the top of her head, to be honest.

Board Member Sylvester said the two (2) properties that are next to each other and there is barbed wire, don't they share that fence.

Board Member Anglin said not necessarily.  
Chairwoman Furgal said she doesn't know.

Board Member Sylvester asked where would the approval come from, for barbed wire.

Chairwoman Furgal said according to Ms. Easterday, it was there when they bought the property.

Board Member Sylvester asked if it's grand fathered then.

Board Member Anglin said the way you can tell who owns a fence, is by looking at the fence and the good side is always facing out.

Board Member Sylvester said correct.

Steve Watripont said that's not true. From 2013 on, yes.

Board Member Anglin said since he's been around.

Steve Watripont explained, as far as the barbed wire. The city has no jurisdiction when it comes to the railroad track, because it's a federal item and everything else, and it's been granted there. They have granted it as a city, they haven't granted it as board, it's just allowed because it's considered federal there. He did not go do a site check or anything, he doesn't know what barbed wire there is. If there is barbed wire on the property, he doesn't believe they have a previous variance. The only way they get permission is through a permit or variance. Now, if there was a permit in the past that indicated barbed wire was there, then yes, then it would be non-conforming at this time. If there is no permit, or no variance for it, then that must go.

Cari Easterday stated it predates their ownership; she has no idea.

Board Member Sylvester said right, so there is some barbed wire there and also on the other property as well. He knows they're passed that, but there's some barbed wire there.

Chairwoman Furgal said they were given approval, permission for a six (6) foot chain link fence with a one (1) foot barbed wire on top.

Steve Watripont said ok, so the variance was granted. He didn't look back through it.

Chairwoman Furgal said back in 1962.

Board Member Sophiea asked what address is on that parcel.

Chairwoman Furgal said 7111 East Eleven Mile.

Board Member Sophiea said so, technically that goes with item 6.

(Inaudible – general conversation)

Chairwoman Furgal said the fence is on that property.

Board Member Anglin said the fence is on their property, what they said, but they have a variance for it.

Board Member Clift said just found it.

Cari Easterday said great, thank you.

Chairwoman Furgal said she knows she read it somewhere.

Board Member Clift said he'd seen it too, was looking that she had it.

Chairwoman Furgal said she read it and then she saw it, yeah.

Board Member Clift said that quashes that question.

Chairwoman Furgal said that's why she brought it up anyway. The six (6) foot fence is seven (7) foot and has barbed wire, so that's what it is.

Board Member Anglin said no further questions from the board.

Board Member Sylvester said ok. He was out there. The fence on the north side and the railroad fence, they both meet together. In the right up they're listed as different heights, so does that make a difference? Does not make a difference?

Unknown replied no.

Board Member Sylvester said ok, then fine.

Board Member Anglin said ok, he'll try it again. Is there any other... If there is no other board member that has any questions, he would like to make a motion.

**Motion:**

Board Member Anglin made a motion to grant permission to:

- 1) Retain an 8 ft. chain link fence along the north property line.
- 2) Retain a 7 ft. chain link fence along the west property line.

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

Board Member Sieracki supported the motion.

Chairwoman Furgal said they have a motion by Mr. Anglin, support by Mr. Sieracki. Mr. Jerzy.

**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 Sieracki	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 Sophia	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.
Chairwoman Furgal	Yes, for the reasons stated in the motion.

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

**8. NEW BUSINESS**

**9. ADJOURNMENT**

**Motion:**

Board Member Clift 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 7:54 p.m.

Paul Jerzy  
Secretary of the Board