

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
MARCH 8, 2023

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, March 8, 2023 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
David Sophiea, Vice-Chairman
Paul Jerzy, Secretary
William Clift, Assistant Secretary
Charles Anglin
Kevin Higgins
Charles Perry
Michael Sylvester

Members of the Board absent:

Anthony Sieracki, Jr.

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 7:31 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

A roll call was taken and Board Member Sieracki was absent.

Motion:

Chairman Nestorowicz made a motion to excuse Board Member Sieracki;
Supported by Board Member Sylvester.

Voice Vote:

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

4. ADOPTION OF THE AGENDA

Motion:

Secretary Jerzy made a motion to approve the agenda; Supported by Board Member Perry.

Voice Vote:

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

5. APPROVAL OF THE MINUTES of the Regular Meeting of January 11, 2023 and February 8, 2023 and Special Meeting of February 15, 2023.

Motion:

Secretary Jerzy made a motion to approve the minutes of January 11, 2023 minutes; Supported by Board Member Clift.

Voice Vote:

A voice vote was taken. The motion carried (7 – 0). Board Member Higgins abstained.

Motion:

Secretary Jerzy made a motion to approve the minutes of February 8, 2023 minutes; Supported by Board Member Clift.

Voice Vote:

A voice vote was taken. The motion carried (6 – 0). Board Member Anglin and Board Member Higgins abstained.

Motion:

Secretary Jerzy made a motion to table the February 15, 2023 minutes; Supported by Board Member Clift.

Voice Vote:

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

6. PUBLIC HEARING:

APPLICANT: Italy American Construction

(Rescheduled from 2/8/2023)

REPRESENTATIVE:

John Cialone

COMMON DESCRIPTION:

5565 Chicago

LEGAL DESCRIPTION:

13-05-278-015

ZONE:

R-1-C

VARIANCES REQUESTED: Permission to

Erect an oversized accessory structure, attached garage 711.25 square ft. with a 60 square ft. breezeway for a total of 771.25 square ft.

ORDINANCES and REQUIREMENTS:

Section 7.01 – 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 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.

Chairman Nestorowicz asked them to start with their name and address for the record, and then take the board into their request.

John Cialone appeared before the board stating he works for Italy American Construction. The address of the company is 8401 Telegraph. They are here today, he is here on behalf of the homeowner sitting back there, Mr. Richards, who lives on Chicago Street, 5565. They are here for a waiver to build a garage and breezeway an already existing foundation pad that was poured before Mr. Richards purchased the home. Mr. Richards had them contracted back in July of 2022 to do the work. They came to a halt when they found out that it was between 70 and 75 feet oversized. So, that's why they are here today. To see if they can get approval to build this structure.

Chairman Nestorowicz thanked them. This is a public hearing, is there anyone else in the audience wanting to speak on this item.

No response.

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

Board Member Sylvester said he was going over this, and what do they want to build the breezeway and garage on is already existing, right?

John Cialone replied it's already existing. That is prior to Mr. Richards purchasing the home. They were able to pull a permit that was issued, he believes, back in either 2006 or 2008. All of that work that is there now, was approved back then.

Board Member Sylvester said ok, that was his next question. Everything has already been approved.

John Cialone explained it was approved back then, yes.

Board Member Sylvester thanked him.

Secretary Jerzy stated this came up at the Historical Society meeting as well.

John Cialone explained they were there last week and they were approved by that board.

Secretary Jerzy said that is what he was kind of getting at. So, if no other board members have anything else, he thinks this is pretty cut and dry. He would like to make a motion.

Motion:

Secretary Jerzy made a motion to approve to erect an oversized accessory structure, attached garage 711.25 square ft. with a 60 square ft. breezeway for a total of 771.25 square ft.

Reasons being: Currently existing; 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 (8 – 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 Sylvester	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Higgins	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.

7. PUBLIC HEARING:

APPLICANT: Aver Sign Company

(Rescheduled from 2/8/2023)

REPRESENTATIVE: Jennifer Glover
COMMON DESCRIPTION: 25700 Dequindre
LEGAL DESCRIPTION: 13-19-301-029
ZONE: M-2

VARIANCES REQUESTED: Permission to

- 1) Erect a 28 ft. high monument sign.
- 2) Erect a 93.77 square ft. monument sign.

ORDINANCES and REQUIREMENTS:

Section 4A.18 – Height: The height of all signs, unless provided otherwise in this ordinance, shall comply with the following: B) Freestanding signs. The height of all freestanding signs shall not exceed twenty (20) feet.

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.

Jennifer Glover, 359 Livernois Street, appeared before the board stating they were here at the last meeting and upon discussion with the board, herself, and the station owner they had compromised with reducing their request for this sign. They originally requested a twenty-eight (28) foot sign. They have now brought that sign down to 16 ½ feet with a two (2) foot base. They have also reduced the square footage of the sign from their original request of 93.77 square feet. They have managed to reduce the sign down to 89.10 square feet. She feels they brought to the

board, based on the discussion they had at the last meeting, was a good compromise for the station owner and the City of Warren. They are here to just finalize the plan. Thank you.

Chairman Nestorowicz stated this is a public hearing, is there anyone else wanting to speak on this item.

No response.

Chairman Nestorowicz closed the public portion and turned it over to the board for questions and discussions. He wanted to start, Ms. Glover, when he saw this plan, he actually really liked this a lot more than the twenty-eight (28) foot one. So, he wanted to thank her for going back and coming up with this.

Jennifer Glover thanked him for working with them.

Board Member Anglin said that they mentioned that they downsized the monument sign from 93.77, he might have some old paperwork, his says they're trying to erect a 93.77 square foot monument sign, and she stated it was going to be eighty...

Chairman Nestorowicz stated they downsized it.

Board Member Anglin said it's not on his paperwork.

Chairman Nestorowicz said correct, but it's going to be a smaller number.

Board Member Anglin said they're going to read it off... What's the new size of that sign, please?

Jennifer Glover replied 89.10 square feet.

Board Member Anglin thanked her and yielded.

Board Member Sophia stated if they remember, this was a good compromise recommended. He has no issues with this. He likes the monument sign, also, more than the pole sign. His only question is, he drove by a few days ago. He noticed there is a monument sign there now, a small monument. He assumes it's a temporary sign, but he just wanted to...

Jennifer Glover stated it is, they have a permit for it.

Board Member Sophia asked if that's where this monument will be.

Jennifer Glover replied approximately. There might be a variation after they do measurements, and once they get the Engineering and everything for the footing.

Board Member Sophia stated he has no other comments on this. If there is no other...

Board Member Cliff said he has a question. How tall is the base on the sign?

Jennifer Glover stated there is a two (2) foot base.

Board Member Clift repeated it's a two (2) foot base. So, is that where the additional two (2) foot shows up for the 16.6 plus the two (2) foot so it would be 18.6.

Jennifer Glover said yes, sir.

Board Member Clift stated he just wanted to clarify that. Thank you, ma'am.

Jennifer Glover said she wanted to add that they will be making the setback requirements for the city at that location.

Board Member Sophiea said he would like to make a motion then.

Motion:

Board Member Sophiea made a motion to granted permission to:

- 1) Erect a 16.6 ft. high monument sign.
- 2) Erect a 89.10 square ft. monument sign.

Reasons being: Not a detriment to the area; Necessary.

Board Member Anglin supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Sophiea, support by Mr. Anglin for the reasons stated in the motion. Roll call.

Roll Call:

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

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

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

8. PUBLIC HEARING:

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

ZONE:

**APPLICANT: Mike's Fruit & Flower & Family Fun
Fireworks, Michael Kanakry and Jenna Nola**

Caren M. Burdi

5821 Thirteen Mile

13-05-476-006

MZ, C-2, P

VARIANCES REQUESTED: Permission to

- 1) Conduct seasonal outdoor sales in an area 40' x 60' = 2,400 square ft. from 3/10/2023 through 12/22/2023 (flower sales and Christmas tree sales prior to Christmas.)
- 2) Conduct a second seasonal outdoor sales operation (fireworks) in an area of 40' x 60' (2,400 square ft.) from June 15, 2023 through July 5, 2023 from 10:00 a.m. to 10:00 p.m.

ORDINANCES and REQUIREMENTS:

Section 4.52 Standards for Temporary Outdoor Retail Sales Approval: (D) No sales activity or display of merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use.

Caren Burdi appeared before the board stating she is on behalf of the applicant, Mike's Fruit & Flower & Family Fun Fireworks. Her address is 31851 Mound Road. They are here to ask permission for the seasonal outdoor sales that has been conducted at this location for quite some time, except for last year. As the board recalls, there was some construction there and her client chose to forego sales there while the construction was going on. The construction has been completed and the site is, frankly, cleaned up and in good shape. At this point, they're asking, as Secretary Jerzy read. She does want to state that Secretary Jerzy has in the past indicated that cement buckets be used also as weight for the tent. Her client has done both, where he actually puts into the black top and he's used the cement buckets for reinforcement straps. They are prepared to do that again this year. Again, all compliance with regard to fireworks is number 1, licenses through the state, and then also through the fire service through the state, and if the city participates in that capacity, also through the city. If there are any questions she can answer.

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

No response.

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

Secretary Jerzy said to Ms. Burdi's comment, the firework tents he went by had no secure buckets, had no secure barrels. His opinion, she didn't take the recommendation from the board serious. There are pictures on the Warren sites a couple of days later smoking a cigarette right outside the fireworks tent. It's just, he thinks, become an absolute nightmare. There are no oversight on these things. Not taken the recommendation from this board, despite what she just said. They have driven by it, they've seen it. So, he would make a motion to deny this. He thinks it's passed it's due. That property at Thirteen and Mound is really coming along. The area that she wants to put it in is right smack dab in the middle of the parking lot. For all the new businesses that are going into that complex, he doesn't see this being a viable thing for the city anymore. So, he would like to hear from fellow board members to see what their opinions are on this matter.

Board Member Anglin said they've allowed a lot of complex's to put up tents for the fireworks section, but they're usually several weeks long and then they're gone. His objection to this is they're putting a tent up for nine (9) months out of the year, for one (1) area. And then they're putting another tent up for six (6) weeks or so. He doesn't mind the six (6) weeks.

Chairman Nestorowicz asked why he said six (6) weeks. June 15th to July 5th is not six (6) weeks.

Board Member Anglin said ok, he was taking hints from his educated partner.

Board Member Sophiea stated this drawing here shows June 2nd to July 6th for the proposed seasonal firework outdoor sales tent, that he's looking at.

Chairman Nestorowicz said ok, yes, on the drawing it does say that.

Board Member Anglin said he'll rephrase that then, but they're looking two (2) weeks, three (3) weeks. He has no objection to that tent being there for three (3) weeks. It's in, it's out, it's gone. His objection is having a tent there, if he's not wrong, it looks about nine (9) months, to put up for sale everything and his brother for the time. His theory is, he wants to have a business running like that for nine (9) months, rent one of the units. Item 1, he's in objection to, item 2 he is not objected to. They have allowed it in a lot of plaza's and he would hate to the one to start segregating something from one plaza to another.

Chairman Nestorowicz said he wanted to ask Ms. Burdi a question. So, you know, based on what is on the request and what is on the site plan here. Going by the dates on the request, not based the dates that it states here.

Caren Burdi replied that's accurate. They're going by what's on the request. She asked if she may respond to a couple other items.

Chairman Nestorowicz said it's amongst the board.

Board Member Anglin said he would like to hear what she has to say, his comments anyway.

Caren Burdi stated with regard to what is being sold there. The June 15th to the July 5th is the fireworks. The other tent is the outdoor sales. It's the bags of dirt, it's the, it's not things that are conducive to an indoor unit. It's annual flowers, it's vegetables for people's gardens, it's hanging plants. So, these are not things that are really conducive to being sold indoors. This is what they've seen in the past. This has been going on since the 80's at that corner. Although, not last year because of construction. It takes place towards Thirteen Mile. If everyone recalls, the buildings are an 'L' shape towards the north and westerly property lines. So, this is far from where anyone would park for using the buildings. Very far from where anyone would park for that. She just has to say, she went to the site and saw the cement buckets. She's at a loss.

Secretary Jerzy asked if she had pictures with her.

Caren Burdi stated she didn't take pictures.

Secretary Jerzy said that's hearsay. That's all he's got.

Caren Burdi said she literally went through to make sure he did it, and he did.

Board Member Anglin said again, just to put his cap onto that. He does understand all that, it's

three (3) or four (4) different things that he's going to be running in conjunction over nine (9) months, and he just thinks that is too long to be putting up a temporary facility. He knows he's had sales there in the summertime for plants and flowers and that, and usually ran four (4) months or five (5) months. He doesn't recall how long it used to be up there. He lived right behind there for the forty (40) years it's been going up there. But at this point, they want two (2) tents. One for fireworks and one for nine (9) months. He thinks it's just too much.

Caren Burdi said it's Easter, Mother's Day, the summer plants, then it's October for pumpkins, then it was trees for Christmas.

Board Member Anglin said he understands all that. But it's just too long to have a tent up.

Caren Burdi asked if she was to talk to him about limiting that time. She guesses from a business stand point, she doesn't want to just start spouting... She would like to have an opportunity, if she could, to talk to him. If he's going to limit something, maybe he'll take the Christmas trees off or something and she can make it a shorter period of time. She would like to consult with him if she can. Is it possible to just table this item to the end of the meeting and she'll go call him and see if she can shorten that nine (9) month period.

Motion:

Board Member Anglin made a motion to table this item to the end of the agenda;
Supported by Chairman Nestorowicz.

Board Member Sylvester said he had a question before that tabling, if he could.

Board Member Anglin said you can't.

(Inaudible)

Cecil St. Pierre said time out, time out, time out. According to Robert's Rule of Order, if there is a motion to table and there is a support for that motion, there is no discussion.

Chairman Nestorowicz said they have to vote.

Board Member Anglin said correct.

Cecil St. Pierre said he doesn't know what happened. He thought the Chair second it, but whatever they want to do fine by him. But that's what Robert's Rule of Order says.

Chairman Nestorowicz said they should vote on the tabling first.

Board Member Sylvester asked if this will come back at the end of the meeting.

Chairman Nestorowicz said yes.

Board Member Sylvester said then he can ask his question.

Chairman Nestorowicz said yes.

Cecil St. Pierre jokingly said they just violated it. Go ahead.

Board Member Sylvester said no, what is it. He doesn't want to violate anything.

(Inaudible)

Chairman Nestorowicz said he has a motion and support to table this to the end of the meeting making it item 17a.

Voice Vote:

A voice vote was taken. The motion carried (6 – 2).

Chairman Nestorowicz said it is tabled.

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| <p>9. PUBLIC HEARING:
REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:</p> | <p>APPLICANT: Family Fun Fireworks
Caren M. Burdi
26800 Dequindre
13-19-101-017
C-2</p> |
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VARIANCES REQUESTED: Permission to

Conduct a seasonal outdoor sales operation in an area of 20' x 40' (800 square ft.) with a 10' buffer around the tent, from June 17, 2023 through July 7, 2023 from 10:00 a.m. to 10:00 p.m.

ORDINANCES and REQUIREMENTS:

Section 4.52 – Standards for Temporary Outdoor Retail Sales Approval: D) No sales activity or display of merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use.

Caren Burdi said good evening, on behalf of Family Fun Fireworks. Her address 31851 Mound Road. This is an application to have fireworks sales from a twenty (20) by forty (40), eight hundred square foot tent from June 17th to July 7th. The reason the board is seeing the shift in the dates is because the other one was June 15th to July 5th. The reason they're seeing a shift in the dates is for them to be able to do, if they're setting up Thirteen Mile, they can't be setting up Dequindre. So, they're going to set up Dequindre later and so they need a couple days to clean up after the fireworks. Get everything down, sweep the lot, etc. So, it's the same amount of time, just a shift in days because of scheduling. Again, they're in compliance with the State of Michigan. They have a very good record with the State of Michigan. She has no problem, her client has no problem in complying with the cement buckets as extra and tie down, in addition to them tying into the asphalt. Given that, she asks the boards approval of the item.

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

No response.

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

Board Member Sylvester said they have been there at that location for quite some time now, haven't you?

Caren Burdi replied her client has been at this location for a very long time, yes.

Board Member Sylvester asked that there has been no problems with the police or fire or residents or any with the people coming to the shopping area.

Caren Burdi replied no, sir.

Board Member Sylvester said no problems. Ok, thank you.

Board Member Anglin said if none of the other board members have any questions to ask, he would like to make a motion. If he can read this without his glasses. Excuse him if he messes up.

Motion:

Board Member Anglin made a motion to conduct a seasonal outdoor sales operation in an area of 20' x 40' (800 square ft.) with a 10' buffer around the tent, from June 17, 2023 through July 7, 2023 from 10:00 a.m. to 10:00 p.m.

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

Secretary Jerzy said he would like to amend that motion to add cement blocks to that motion. No water barrels, no stakes, cement blocks.

Board Member Anglin added that there will be cement blocks on every one of the support ropes holding that tent up. No objections, Ms. Burdi?

Caren Burdi replied no objections. She asked when he says blocks, he doesn't mean the concrete blocks, he means cement buckets?

Secretary Jerzy said cement blocks.

Caren Burdi stated the blocks aren't heavy enough.

Secretary Jerzy explained he does events for a living, he sees this every single day, ma'am.

Caren Burdi said ok, if you want blocks she's going to get blocks. She will get blocks.

Secretary Jerzy said he doesn't want to see a tent blown over. He wants to see blocks. He's still going to deny this, because he knows how it's going roll out.

Caren Burdi asked if he means the gray blocks that are like a figure eight.

Secretary Jerzy said he means a big block, like the size of this table. From here down. That's probably two hundred pounds in weight, 250, per corner. To make sure that tent is secure. It's not going to blow down on their customers and they're not going to be spending time wasting valuable hours of the day putting the tent back up after a storm. He's trying to safe guard everybody here. That's all he's got.

Board Member Anglin said with that, he read a motion. Does he have a support?

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 (6 – 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 Sylvester	Yes, for the reasons stated in the motion.
Board Member Sophia	Yes, for the reasons stated in the motion.
Board Member Clift	No, he witnessed some things last year at a couple of these and he's not comfortable with smoking within the 50 foot limit of the tent.
Board Member Higgins	Yes, for the reasons stated in the motion.
Secretary Jerzy	No, it's a detriment to the area.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request was **APPROVED** with the stipulation that cement blocks are used to support the tent.

10. PUBLIC HEARING:	APPLICANT: 14 Mile Tent LLC
REPRESENTATIVE:	Eddie H Babbie
COMMON DESCRIPTION:	32800 Ryan
LEGAL DESCRIPTION:	13-05-101-039
ZONE:	C-1

VARIANCES REQUESTED: Permission to

- 1) Conduct a seasonal outdoor sales operation in an area of 20 x 20 = 400 square ft. from June 23, 2023 through July 5, 2023 from 10:00 a.m. to 10:00 p.m.
- 2) Waive 14 off-street parking spaces for the outdoor sale and where the tent is located.

ORDINANCES and REQUIREMENTS:

Section 4.32 – Off-street Parking Requirements: (H) 22: One (1) parking space required for each 150 square ft. of floor space and outdoor sales areas combined.

Section 4.52 – Standards for Temporary Outdoor Retail Sales Approval: D) No sales activity or display of merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use.

Eddie Babbie, 1183 Congress Drive, appeared before the board stating he is here for permission for conducting a seasonal outdoor fireworks tent. This would be his third season doing it, and they pretty much have everything in terms of, you know... They're actually only a twenty (20) by ten (10) tent this year. They downsized it a little bit, and it's going to be in the same location. They will have the water barrel and all of the caution signs, per state and city requests; they have all those. They have the three hundred feet setbacks and everything where no body can do anything in the parking lot. They also added security. They always had security, actually, and plenty of cameras around that area for security. Thank you. He's here to grant the permission for the use again.

Chairman Nestorowicz thanked him for those comments. This is a public hearing, are there any members of the audience wanting to speak on this item.

No response.

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

Board Member Anglin said he does have a (inaudible) here, and he just wants to verify when he's talking about water buckets. In weights.

Eddie Babbie replied yes, sir.

Board Member Anglin said they're probably eighty-five (85) gallon buckets or so.

Eddie Babbie said no, no. Those are bigger ones.

Board Member Anglin said yeah, that's about eighty-five (85) gallons, maybe one hundred (100).

Eddie Babbie said he's not sure.

Board Member Anglin said he's going to have one of those. So, the weight of that is... He has about five hundred (500) pounds in that bucket. So, he thinks that is sufficient to hold that tent, especially putting them on every draw like he has there. He has no further questions.

Board Member Cliff said sir, site plan states hours of operation 10am to 9pm. However, on the application, he's asking from 10 to 10.

Eddie Babbie said yes, sir. It's just for precaution, because by the time people are leaving some people are still in line wrapping up things. Not for any specific reason. Everyone starting at 11 o'clock if that's the case, but they just want to make sure they're covered and don't have any problems with the police officer's or anybody.

Board Member Cliff stated he's telling him they're closing at 9, but safe guarding himself for an hour for whine down operations.

Eddie Babbie replied yes.

Board Member Clift thanked him and said he appreciates it. He yields.

Board Member Sylvester said he has one (1) question. Has there been any concerns from any surrounding properties and/or any police and fire situations. If there has been, have they been taken care of right away?

Eddie Babbie explained they never had any issue. They have all of the safety, fire extinguishers and everything in the tent. In terms of any issues with anyone, they haven't had any.

Board Member Sylvester asked if there are any inspections before they open up and operate.

Eddie Babbie replied of course. The city comes in, the zoning and everybody comes in just like as if they were opening an indoor inside the space. Everybody comes out, inspects it, and the state comes in. They also inspect it before they officially open up.

Board Member Sylvester thanked him.

Secretary Jerzy said he likes his set up, Mr. Babbie. It's definitely a good set up to ensure the safety of his customers. As in any case, he looks at everything individually, and not as a whole. He appreciates that (inaudible) for the tent for his patrons and for himself as well.

Eddie Babbie thanked him.

Secretary Jerzy stated he doesn't have a problem with it; that's plenty of weight. He asked if he's had any problems with the tent blowing over with that set up.

Eddie Babbie replied no. As a matter of fact, they do have extra anchors on the grass area also. Thank you.

Secretary Jerzy yielded the floor.

Board Member Sophiea mentioned he just has one comment on this. Everything looks good to him; he doesn't have a problem with this. His only pet peeve he wanted to point out. When he fills out the application there are five (5) or six (6) questions he should answer on here. He sees three (3) of them are just left blank.

Eddie Babbie explained he wasn't sure how to answer those. He wasn't sure if they were the same. He could answer them if he wanted him to answer them right now, but he wasn't sure how it pertained that application. He was trying to get...

Board Member Sophiea said it's suppose to be all of them, but he thinks the board has expressed that their satisfied with what he presented here.

Eddie Babbie apologized about that.

Board Member Sophiea said he just thought he would mention that to him. With that, he would like to make a motion.

Motion:

Board Member Sophiea made a motion to grant permission to:

- 1) Conduct a seasonal outdoor sales operation in an area of 20 x 20 = 400 square ft. from June 23, 2023 through July 5, 2023 from 10:00 a.m. to 10:00 p.m.
- 2) Waive 14 off-street parking spaces for the outdoor sale and where the tent is located.

Reasons being: Not a detriment to the area; Necessary.

Board Member Anglin supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Sophiea, support by Mr. Anglin 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 – 1).

Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	No, with the condos that just got built south of that property, he thinks it's too close to the condos and is a detriment.

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

11. PUBLIC HEARING: **APPLICANT: Compass Technology Solutions LLC**
REPRESENTATIVE: Steve Bretz
COMMON DESCRIPTION: 7400 Miller
LEGAL DESCRIPTION: 13-04-428-011
ZONE: M-2

VARIANCES REQUESTED: Permission to

Erect a 52.2 square ft. wall sign.

ORDINANCES and REQUIREMENTS:

Section 4A.35 – Signs Permitted in Commercial Business and Industrial Districts (C-1, C-2, C-3, M-1, and M-2): C) Total wall signage of a size not to exceed forty (40) square feet shall be allowed for each business in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.

Chairman Nestorowicz asked him to start with his name and address first.

Steve Bretz, 17924 Autumn Lane, appeared before the board stating he is here to represent Compass Technology Solutions, he is employed by Phillips Sign & Lighting. Compass had been operating their business out Mount Clemens on 233 Church Street over the last eight (8) years. Five (5) years ago they contracted with Phillips Sign & Lighting to fabricate and install a fifty-two (52) square foot wall sign, channel letter, illuminated wall sign; which they installed about five (5) years ago. They recently bought the property at 7400 Miller in the City of Warren, and they would like to utilize the existing sign from the other building and move it over to the new building here in Warren. It has been removed from their previous building; they had to be out of that building February 1st. So, they had taken it down and storing it at the shop. Since the building sits back approximately one hundred (100) feet from the road, it would not have any impact on the aesthetics of the area since it is in industrial park. Compass Tech looks forward to many years of serving the community of Warren and they want to thank the board for their time and consideration tonight.

Chairman Nestorowicz thanked him for those comments. This is a public hearing, is there anyone from 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 stated he's looking at this on the building and on the site plan he has, he thinks that site fits the building rather well. He doesn't think it over powers anything, and he sees no reason not to allow that to be put up.

Board Member Clift echoed the sentiments of his colleague. New business coming to town, they're talking about a difference of about twelve (12) square feet. That graphic that they presented; he thinks it suits it quite well himself. He would not hesitate to vote yes for this. He yields the floor.

Chairman Nestorowicz was actually going to state, because he went on the internet and had actually found a picture of the old site in Mount Clemens. The sign actually on that building, it's a very nice sign. So, and it fits this building very well dimension wise.

Secretary Jerzy said if no other board members have anything.

Board Member Sylvester said he has a question. The sign that he has right now, that's five (5) years old according to the board's paperwork. So, right now it's installed.

Steve Bretz explained again that it has been taken down from...

Board Member Sylvester said it's been taken down, but it was installed.

Steve Bretz explained it was installed up there for over five (5) years, yes.

Board Member Sylvester said he wants to do something a little different, but he can't, so he's going to say yes to this. Welcome to Warren.

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 grant the petitioner permission to erect a 52.2 square ft. wall sign.

Reasons being: Not a detriment to the area.

Board Member Anglin supported the motion.

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

Roll Call:

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

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Board Member Sophiea	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: Bazo Construction |
| REPRESENTATIVE: | Sarah Mheisen |
| COMMON DESCRIPTION: | 1950 Fourteen Mile |
| LEGAL DESCRIPTION: | 13-06-101-016 |
| ZONE: | M-2 |

VARIANCES REQUESTED: Permission to

Allow the following signage on a gas canopy: 740 square ft. with a 3 BP helios @ 11.92 square ft. each (on three of the four elevations) and the remainder 704.24 square ft. of design element. If approved the variance granted on 4/24/2002 (#2 related to canopy signage) will be relinquished.

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.

Sarah Mheisen, 12645 Delta Street, appeared before the board stating she is here on behalf of Bazo Construction and the stations owner located at 1950 Fourteen Mile here in Warren. Currently, the site is an existing BP gas station. However, it is in terrible conditions; it is not

updated at all. So, they received a contract to refresh the gas canopy at that location. As the board can see in the drawings she submitted to the board. That's pretty much it. Everything, essentially, is staying the same. The sizes of the actual helios that are installed now are literally the same, just newer. What's really changing is the decorative design aspect of it, and that's about it.

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

No response.

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

Board Member Sylvester asked the petitioner that it's a gas station, right?

Sarah Mheisen said right.

Board Member Sylvester said he would imagine that she would have other gas stations in the area with the same design and everything.

Sarah Mheisen said yes.

Board Member Sylvester asked if she could give him at least one (1) where their might be one.

Sarah Mheisen said not off the top of her head. She thinks there is 28999 Schoenherr. She has done so many. But 28999 Schoenherr, that's one of them. That's just one.

Board Member Sylvester said this board has no problem how she's designing the gas station and the signage and everything.

Sarah Mheisen said no one has any issues.

Board Member Sylvester thanked her.

Board Member Anglin said he would like to make a motion if nobody else has any comments. Again, excuse him, he's going to try to read this from a distance here.

Motion:

Board Member Anglin made a motion to allow the following signage on a gas canopy: 740 square ft. with a 3 BP helios @ 11.92 square ft. each (on three of the four elevations) and the remainder 704.24 square ft. of design element. If approved the variance granted on 4/24/2002 (#2 related to canopy signage) will be relinquished.

Reasons being: Size and shape of the lot; Detriment to the area.

Board Member Clift supported the motion.

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

Roll Call:

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

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sophiea	No, too large. Detriment to the area.
Board Member Higgins	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

13. PUBLIC HEARING: **APPLICANT: Flame Furnace**
REPRESENTATIVE: Gary F Marowski
COMMON DESCRIPTION: 2200 Eleven Mile
LEGAL DESCRIPTION: 13-19-126-001
ZONE: M-2

VARIANCES REQUESTED: Permission to

- 1) Conduct a parking lot no less than 14' 8" from the front (southeast) property line along the I-696 service drive.
- 2) Retain a building no less than 19.7' from the side (west) property line.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards: (A) Front yards, M-2, 25 ft. (B) Side yards, and rear yards, M-2, 20' each.

Allen Erzember appeared before the board stating he is with Nowak and Fraus Engineers. Mr. Marowski, actually, had to take a last minute out of town. So, they are the civil engineers on the project that submitted the plans.

Chairman Nestorowicz said to state his name and address.

Allen Erzember repeated his name, 46777 Woodward Avenue. As the board mentioned, they're looking to maintain the existing 19.7 foot setback for the building. They are not making any changes to the building, as far as item number 2 goes. Item number 1 is the addition of fourteen (14) parking spaces where there is an encroachment into the twenty-five (25) foot required setback for the drive aisle along the 696 service drive. The actual parking space itself is going to be thirty-six (36) plus feet from the right of way, though. It is just the drive aisle that is within the twenty-five (25) foot setback requirement.

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

No response.

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

Board Member Clift asked for the reason for the expansion in the parking lot. The need for the extra fourteen (14) spaces.

Allen Erzember said he doesn't know if he's driven by that site.

Board Member Clift said he's very familiar.

Allen Erzember said they're a little over parked.

Board Member Clift asked if they're talking about, maybe, they've hired more people, they've expanded their business.

Allen Erzember said definitely. He was just talking with Mr. Marowski before he got here and they used to store inside the building, but they're actually growing within the building, too. So, they need the additional parking outside.

Board Member Clift stated that's a very, very odd shape parcel. He's glad they've elected to try to stay and remain here in town, instead of seeking another place somewhere else. He guess the short cut of it is with the express need and being familiar with that site, he believes he would be in favor of this. Thank you for the answers, sir. He yields the floor.

Board Member Sylvester said he doesn't know if the petitioner has a sheet that the board has. They have a picture of it with, the property is in an orange line. There is an angle there, it's right on the corner of 696, the service drive. Is that all the property?

Allen Erzember replied yes.

Board Member Sylvester asked again that's all the property.

Allen Erzember replied yep.

Board Member Sylvester said he would imagine there is nobody around there that even really knows what they're doing.

Allen Erzember stated that is correct.

Board Member Sylvester thanked him.

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 grant the petitioner:

- 1) Conduct a parking lot no less than 14' 8" from the front (southeast) property line along the I-696 service drive.
- 2) Retain a building no less than 19.7' from the side (west) property line.

Reasons being: Size and shape of the lot; Uniqueness of the lot; Expanding business.

Board Member Perry supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Jerzy, 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 (8 – 0).

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Higgins	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 Sylvester	Yes, for the reasons stated in the motion.
Board Member Sophia	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.

14. PUBLIC HEARING: **APPLICANT: Kalabat Engineering**
REPRESENTATIVE: Iden Kalabat
COMMON DESCRIPTION: 8737 Nine Mile
LEGAL DESCRIPTION: 13-27-385-038
ZONE: M-1

VARIANCES REQUESTED: Permission to

- 1) Waive 4 required parking spaces.
- 2) Allow a total of 13,620 square ft. of outdoor storage when 4,279.54 square ft. (50% of total square footage of primary structure) is allowed.
- 3) Retain open gravel area for maneuvering and storage purposes.

ORDINANCES and REQUIREMENTS:

Section 4.32 – Off-Street Parking Requirements: In all zoning districts, off-street parking facilities for the storage or parking of self-propelled motor vehicles for use of occupants, employees, and patrons of the buildings hereafter erected, altered or extended after the effective date of this ordinance, shall be provided and maintained as herein prescribed. (20) Furniture and appliance stores, personal service shops (not including beauty parlors and barber shops), household equipment or furniture repair shops, clothing or shoe repair or service shops, hardware stores, motor vehicle sales, wholesale stores and machinery sales. One (1) parking space for each five hundred (500) square feet of floor area.

Section 17.02 – Industrial Standards: (S) Open storage other than junk. The designated area shall always be hard surfaced and screened from the public street and any residentially zoned

areas. The designated areas shall not be located in any area required for parking space and is necessary to meet the minimum requirements of Section 4.32 of this ordinance. Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site.

I den Kalabat appeared before the board stating good evening, business address 31333 Southfield Road. They are here back again before the board with this revised request on the variances. The last time they were here, they had a much higher request on the variance for parking. The outdoor storage was shown as pretty much the entire mass area of that back portion. They got some great feedback from this board, revising that request. Just a refresher, the overall historic use of this property is always been used for outdoor storage as the arial images show. The applicant recently purchased the property over the last few years and has gone through the process of bringing it more into compliance with both building codes and rezoning ordinances. This is a result of that action. So, at the direction or request of the board, they've modified their request for outdoor storage limited to the areas where they will physically be storing vehicles. So, they kind of isolated those parking areas, stacking areas, where they would actually be storing them. Just to reiterate, the unique character of this use. The current owner's use of it. The shop is actually not open to the public. It's a private shop reserved for the repair of automobiles as purchased by a nearby dealership. They primarily servicing one of their own businesses, so they're not open to the public. But as this board pointed out with the continued use of these variances that run with the lifetime of the land. They took that into consideration and reduced the outdoor storage area requested, the number of stacking area requested, and added some more of the parking. So that in the future, if a similar use open to the public would come, there is established parking that is set aside for it. So, they revised their request from eleven (11) in the last variance request down to four (4). He's here to answer any other questions the board has and look forward to the feedback.

Chairman Nestorowicz thanked him for those comments. This is a public meeting, are there any members of the audience wishing to speak on this?

No response.

Chairman Nestorowicz closed the public portion and turned it over to the board. He has one (1) question. The variance for number 3 just says retain open gravel area. Do they have a measurement of what that gravel area is?

I den Kalabat stated if the board looks at the drawings under the legend it is 16,435 square feet.

Chairman Nestorowicz said he didn't see that originally.

I den Kalabat said that's alright.

Secretary Jerzy stated just for the record. He knows the petitioner recommended that he took advice from this board, which isn't the case. He might have the boards mixed up, because last time they were supposed to be here in December. The request was denied because he didn't attend after a reschedule. So, he doesn't know if he has the boards mixed up, if it was Planning, but he's kind of confused about the statement.

Chairman Nestorowicz explained they were here. Before starting the rescheduling process, they actually did come here and they did discuss the site.

Secretary Jerzy said ok, it must have been the meeting he wasn't at.

Chairman Nestorowicz explained they came, the board gave feedback, and then it got rescheduled, rescheduled. He forgets how many times.

Iden Kalabat stated he thinks they attended the November agenda. They were here at one of the November meetings, they got some comments and feedback. They actually went back working on those revisions. There was a little bit of a mix up between them and the offices. They had not submitted any of the revisions yet, before the next rescheduled meeting, so they were not aware that they were automatically placed on that agenda. It wasn't until they resubmitted.

Secretary Jerzy said he understands now.

Iden Kalabat stated they were absent for that one. They got denied. He spoke to the counter, because they are reducing the overall request it didn't create an issue.

Secretary Jerzy said he stands corrected and apologizes. One other quick question, sir. He's not selling any cars off that lot?

Iden Kalabat replied no they're not.

Secretary Jerzy said that's all. He yields the floor.

Board Member Sylvester said since Mr. Jerzy just answered that question, so he has a clarification. The cars come from dealers and send them back?

Iden Kalabat replied a single dealer.

Board Member Sylvester asked just a single dealer.

Iden Kalabat replied yes. The owner of this business and another business that he has, they're a used car dealership, he believes.

Board Member Sylvester said motor or used car lot or what is it?

Iden Kalabat said used car lot. Yes. He thinks their primary business, their main one is in Detroit. So, a lot of vehicles that they purchase need light maintenance, body work, painting, things like that. They bring them over here to work on this and then restore them, and then stock them back up in the yard.

Board Member Sylvester said it must be a decent size business.

Iden Kalabat replied they are doing very well.

Board Member Sylvester said this is to the Chair. He had come to the board and asked for, he said he's been doing things. Is there any inspector or anything that the board would have any of that information that he's complied with what the board asked him to do.

Chairman Nestorowicz explained the board asked him to look at their plan...

Board Member Sylvester asked the petitioner that he's done things already, right. With regard to what the board requested.

Iden Kalabat replied yeah. The last meeting, the last time they petitioned this request, the open storage area encompassed the entire back area. This body had made the suggestion that was a large area to grant permission for. That they should look at maybe reducing it and limiting it to the areas where they would physically be storing vehicles, and not include the areas where the drive aisles. Where the tow trucks are pulling in, the trucks are bringing vehicles in and out, loading and unloading them. So, they revised this plan from what was previously submitted to take into account those suggestions made by this board.

Chairman Nestorowicz said yeah.

Board Member Sylvester said he's going to go back to the President.

Chairman Nestorowicz said if he could just add. So, the original plan when they came they were waiving eleven (11) spaces. Now, they're only waiving four (4). They modified that. They were originally requesting 23,700 square feet of outdoor storage. Now, they're asking for 13,620. They revised it down based on the boards comments they had back in November.

Board Member Sylvester said he knows none of the board go out and inspect the property. So, that's why he's asking. Is there an inspector that goes back after what they've agreed with the petitioner.

Chairman Nestorowicz explained they haven't approved anything yet, so.

Cecil St. Pierre said he's saying after...

Board Member Sylvester said all he's asking is they've already done some things. He's saying right now they've already done some things, right?

Iden Kalabat asked physically.

Board Member Sylvester replied yeah.

Iden Kalabat said no.

Board Member Sylvester asked he has done nothing to the property.

Iden Kalabat replied no. He explained there's been no physical improvements that have been made to the property. This is still all plans on paper.

Board Member Sylvester said he misunderstood that. Thank you.

Board Member Clift stated he thinks they did a fantastic job coming up with revised plan for this site. He would not have an issue at all in approving what they're requesting. If nobody else has any objections, he would make a motion.

Board Member Anglin said he has no objections, because he basically just said what he was going to say. He won't double take up people's time on it. Thank you very much.

Motion:

Board Member Clift made a motion to approve:

- 1) Waive 4 required parking spaces.
- 2) Allow a total of 13,620 square ft. of outdoor storage when 4,279.54 square ft. (50% of total square footage of primary structure) is allowed.
- 3) Retain open gravel area for maneuvering and storage purposes; 16,435 square feet.

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. Clift, support by Mr. Anglin to approve the requests for the reasons stated in the motion.

Roll Call:

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

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

The petitioner's request was **APPROVED** with the addition of square footage specified for request #3.

15. PUBLIC HEARING:	APPLICANT: Jonathan Riechert
REPRESENTATIVE:	Jim Schreyer
COMMON DESCRIPTION:	25000 Guenther
LEGAL DESCRIPTION:	13-19-326-019
ZONE:	M-2

VARIANCES REQUESTED: Permission to

- 1) Construct a 6 ft. high black aluminum fence that extends past the front building line in the front setback to approximately 2 ft. from the 10 Mile (south) property line for approximately 110 ft.

parallel to 10 Mile Road and just north toward the parking lot (to approximately 54.75 ft. from the front property line) and runs parallel to the parking lot for 110 ft.

- 2) Construct a 6 ft. high black aluminum fence that extends past the building line no less than 20.5 ft. from the west property line along Guenther.

ORDINANCES and REQUIREMENTS:

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 setback line.

Section 17.02 – Industrial Standards: M-2 (A) Front yards 25 ft. 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 setback further than 50 feet. Provided, further, however, notwithstanding any provisions to the contrary, in M-2 zones, yards front 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.

Steve Currie appeared before the board stating he is the plant manager of the Bosco's Tyson Foods Plant at 25000 Guenther. John and Jim are both out of state representatives.

Chairman Nestorowicz asked him to state his address along with his name.

Steve Currie asked his personal address.

Chairman Nestorowicz stated or business address.

Steve Currie repeated 25000 Guenther. Off of Ten Mile. Essentially, they are expanding their production by about 35,000 square feet. They're going to be adding between sixty (60) and eighty (80) new positions, new team members, when this new production addition goes into effect in roughly August time frame. To accommodate that, there is an additional request for additional parking to help these team members and alleviate some congestion and some safety concerns with trucking going in and out of the facility. So, to additionally accommodate this parking in working with Mr. Wuerth, they were asked to replace the existing chain link fence, the galvanized, and replace it with an ornamental black aluminum fence. Within those dimensions they're looking to replace with the black ornamental down the property line along Ten Mile. Around the property line along Ten Mile and then around towards the west property line as well. To provide, essentially, a property break visually as well as a measured level of security for their team members going to and from their cars, and just to keep wandering people away from their people's cars. Can he answer any questions?

Chairman Nestorowicz said they'll find out in a moment. He thanked him for those comments. This is a public hearing, is there anyone in the audience wanting to speak on this item?

No response.

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

Board Member Sylvester said he has a nice building there, even before the expansion. He asked

if they had any crime problems there whatsoever with people coming in and out or cars being stolen or anything.

Steve Currie replied cars being stolen, no. They have had a couple of catalytic converters walk away.

Board Member Sylvester said that's probably almost everywhere though. The reason for the... For the President. With this fence six (6) foot high is to be located, is that within the ordinances? He means, are they allowed to have a six (6) foot fence around their property like that?

Chairman Nestorowicz explained a fence or wall cannot exceed six (6) feet.

Board Member Sylvester asked six (6) feet or four (4) feet.

Chairman Nestorowicz replied six (6) feet.

Board Member Sylvester repeated six (6) feet.

Chairman Nestorowicz said yes. Industrial type building, yes.

Board Member Sylvester asked if it's within the setbacks and everything that they're asking for.

Chairman Nestorowicz replied no. He explained the reason they're here is because it extends past the front of the building.

Board Member Sylvester said right. Is there any way that fence past the setback could be four (4) feet instead of six (6)? Or can a fence not even be there within that (inaudible)?

Chairman Nestorowicz explained he would have to ask the petitioner.

Board Member Sylvester said ok. He asked the petitioner if he heard the question.

Chairman Nestorowicz stated they want the parking to be enclosed.

Steve Currie explained there is an existing, he believes it's a seven (7) foot chain link fence along Ten Mile right now. With feedback from Mr. Wuerth, it was requested that they replace the existing chain link with an ornamental black aluminum.

Board Member Sylvester asked it's seven (7) foot.

Steve Currie replied six (6).

Board Member Sylvester repeated six (6) foot?

Steve Currie replied yes.

Board Member Sylvester said ok. So, they're basically putting a fence right back where the chain

link fence is.

Steve Currie said yep. There's significant construction and the parking will be...

Board Member Sylvester said oh he knows; he drives by there all the time. Ok, thank you.

Board Member Clift said that's going to be a great facility when they get done; he lives in the neighborhood there. He's glad they're investing here. He really, really is.

Board Member Anglin said make a motion.

Board Member Clift said if no other board members have any discussion, he would like to make a motion on this item.

Motion:

Board Member Clift made a motion to approve:

- 1) Construct a 6 ft. high black aluminum fence that extends past the front building line in the front setback to approximately 2 ft. from the 10 Mile (south) property line for approximately 110 ft. parallel to 10 Mile Road and just north toward the parking lot (to approximately 54.75 ft. from the front property line) and runs parallel to the parking lot for 110 ft.
- 2) Construct a 6 ft. high black aluminum fence that extends past the building line no less than 20.5 ft. from the west property line along Guenther.

Reasons being: Size and shape of the lot; Not a detriment to the area; It's actually going to enhance the look along Ten Mile Road for that property.

Secretary Jerzy supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Clift, 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 (8 – 0).

Board Member Clift	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 Higgins	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Sylvester	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.

16. PUBLIC HEARING:

APPLICANT: Gumma Group, John Gumma

REPRESENTATIVE: Frank Roye
COMMON DESCRIPTION: 21704 Hoover
LEGAL DESCRIPTION: 13-35-152-001
ZONE: M-3

VARIANCES REQUESTED: Permission to

- 1) Allow a permanent trailer with slide out no less than 9' 4" from the side (south) property line.
- 2) Allow a permanent trailer with slide out no less than 50' 7" from the side (north) property line.
- 3) Allow a utility trailer no less than 26' from the side (south) property line.
- 4) Allow a utility trailer no less than 38' 3" from the side (north) property line.
- 5) Allow a generator no less than 13' 10" from the side (south) property line.
- 6) Allow a generator no less than 52' 1" from the side (north) property line.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards: (B) Side yards, and rear yards. M-3, 60' each.

Chairman Nestorowicz asked him to start with his name and address, and then explain the request.

John Gumma, 7419 Middlebelt Road, appeared before the stating they are responsible for preparing these drawings. This is a very unique narrow site. The whole property is seventy-four (74) by six hundred and fifty-five (655) feet deep. The previous owner, he believes, came to this board about three (3), four (4) years ago, pre covid. They had proposed, there's an existing building that's approximately 3,000 square feet: thirty (30) by one hundred (100). They had another building approximately four hundred and thirty (430) square feet, that would have been their phase 2, and their phase 3 was approximately 4,013 square feet. They were granted all the variances for those buildings. Now, they have a new owner, and they are proposing a much less structure. They're going to keep the existing 3,000 square foot building up in the front and only propose a permanent utility trailer for the use. The building has been vacant since approximately 2015 and 2016. His client has now picked this building up and has a use for it. He's going to be the owner occupant. It is a very unique site. They are going to enhance the landscaping. They worked very diligently with Ron from the Planning. So, the site will be paved, new utilities for the storm, and enhance the landscaping, and fix the chain link fence, and secure the site. So, he is here seeking a variance for all these. He knows it may seem like a lot, but it's a very narrow site.

Chairman Nestorowicz thanked him for that presentation. This is a public hearing, anyone from 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 he'll have the petitioner answer this because maybe he's not reading it right. Permanent trailer with slide out. To him that sounds like a travel trailer with pushouts on it.

John Gumma said that is correct.

Board Member Anglin asked is that what it is.

John Gumma replied yes, but it's not going to be moveable. It's going to be permanently fixed on this site.

Board Member Anglin said then build a building, he would not agree with that. He doesn't think they have any in the City of Warren that they can put up travel trailers as a permanent structures. He doesn't think that will pass. He's not for it. He's not for putting travel trailers up as permanent structures. So, that one he would not agree with. Now, what is the utility trailer?

John Gumma explained it's a tractor trailer, like a semi-truck for example, and then they have this utility box that's probably a little bit bigger than this podium here that receives the power from the transformer. Then this utility trailer brings all the power into and then it brings it to the trailer. This trailer is not moveable. This is just how they do it. It's an approved site, it was an approved site up in northern Michigan.

Board Member Anglin stated he's a builder, he's seen that before. So, what he calls a utility trailer is something with toolboxes on the side of it and it's going to plant there forever.

John Gumma said no, no. This is a semi-truck that is totally built out kind of like an RV in a sense. It has permanent equipment in it. It needs heavy-duty power to it to operate. So, it's not moveable once it's set in place. They build skirts around it, so it's not going to move.

Board Member Anglin asked what is taking place inside that trailer.

John Gumma replied extraction. Marihuana extraction.

Board Member Anglin said ok. So, a lab basically. Instead of putting in a building they want to put in a trailer.

John Gumma stated correct.

Board Member Anglin said that's what confused him a little bit, too. The generator he has no problems with whatsoever. 1, 2, 3 and 4 he has a problem with. So, that's his comments.

Board Member Sylvester said to the petitioner, he just mentioned it. Marihuana, extraction, growing, grow house. What is it?

John Gumma explained they buy in bulk from other cultivators and by the State of Michigan Law, they have to have it transported to the facility through a secure transport and then they do pre-rolls, where they make pre-rolls in a sense. They infuse them with a rosin, package them, and then safety transport picks it up and takes it to the provisioning centers for their safety transport.

Board Member Sylvester asked if these are just in Michigan.

John Gumma asked him what he meant.

Board Member Sylvester stated he said they take the product to the provisioning centers.

John Gumma said correct. Only in Michigan. You're not allowed to sell these across state lines.

Board Member Sylvester said he has a question for the attorney. He thought he was sleeping over there.

Cecil St. Pierre said no, no. He was listening to the...

Board Member Sylvester said he had asked this months ago. Where is the city with provisioning centers and grow houses or whatever. Does the city have a number they have reached already or... (Inaudible). He asked the petitioner, about three (3) months ago he was here last time?

John Gumma replied no.

Board Member Sylvester said or three (3) years ago, rather.

John Gumma explained the previous owners were and they received all the variances to do these three (3) phases. Now, they have a new, and it sat vacant. So, now they have a new owner that's going to do the same thing. Instead of cultivation this is just strictly processing. The City of Warren has either approved provisioning centers or not, but this is not strictly for the City of Warren. They is an approved site for an approved method, it has nothing to do with provisioning centers.

Board Member Sylvester said ok, see...

Cecil St. Pierre said to answer the question. They are in the Michigan Supreme Court in regards to the provisioning center. The Court of Appeals ruled in favor of the City of Warren in regards to the ordinance, which he drafted, and so it's favorable. Now, there has been a petition or application to the Supreme Court, which is holding up the entire situation still. There are some places that are selling medical marihuana, he doesn't know how many. The City Council has given them temporary licenses in regards to selling medical marihuana. There is no recreational marihuana or recreational dispensary operating in the City of Warren.

Board Member Sylvester said this is specific, shouldn't the board as a body have a listing of where these facilities are at and how many there are here and how many are allowed.

Cecil St. Pierre said he wishes that the City of Warren Legal Department would have that as well. He'll request that from the Council Office so they can provide them with addresses and specific places which have the current medical marihuana dispensaries.

Board Member Sylvester said Mr. President, with that being said, he asked that this item be tabled till the board gets this information.

Chairman Nestorowicz asked if anybody supports that.

No response.

Cecil St. Pierre said no support.

Chairman Nestorowicz explained no support, then request for tabling did not pass.

Board Member Sylvester said bed your pardon, sir.

Chairman Nestorowicz explained without a support, then the tabling...

Board Member Sylvester said he understands, but he doesn't understand how they can keep making variance requests and everything when they don't have all the information that they need in front of them. They just heard it from the City Attorney.

Cecil St. Pierre stated just to set the record straight, there is grow facilities that can do everything he is talking about. The grow facilities are allowed, in fact, they're allowed in the industrial as well. He thinks that is where he is mainly doing his operation in regards to growing marihuana and providing products.

Board Member Sylvester asked if there can be unlimited grow houses.

Cecil St. Pierre replied yes.

Board Member Sylvester asked there can.

Cecil St. Pierre repeated yes.

Board Member Sylvester said that he doesn't know.

Cecil St. Pierre said yes and explained as long as it complies. It's in the industrial section. An ordinance was passed. The idea was to keep it out of residential and he doesn't know how successful that was, but nonetheless, they do allow grow in the industrial sites.

John Gumma asked if he can say something. It is a permitted, it is zoned properly to do what they're trying to do.

Cecil St. Pierre stated its M-3.

John Gumma said also, this has nothing to do with any provisioning center. This is just a facility that can sell anywhere they want in the State of Michigan. It's not strictly restricted to Warren.

Cecil St. Pierre explained in essence he's a wholesaler.

John Gumma said pretty much.

Cecil St. Pierre explained he answers to the State of Michigan.

Board Member Anglin said Mr. Chairman.

Board Member Sylvester asked with how the laws are right now, everything he's doing is approved.

Cecil St. Pierre said everything he is doing is approved. Legal.

John Gumma said correct.

Board Member Sophiea said he knows very little about marihuana. He does know it's a very expensive and long process to get involved in the business. Other than being purely economical, he doesn't see a reason why these structures are trailer versus permanent structures.

John Gumma explained the reason is because the trailer costs just as much as the building, it's just a faster process. It's ready to go almost immediately. The trailer is almost, by the time they get DTE involved, it's pretty much plug and play at that point. It is a state approved facility. There are several of these trailers up north. That's just because it's ready to go. Rather than six (6) months of construction. It's exactly like an RV. It's a moving house in a sense, but this is a permanent fixture. It just beats time.

Board Member Sophiea thanked him for those comments.

Board Member Anglin said he does understand these are much simpler to put in place and that, but part of the boards duties is time is not part of reason to get something passed or denied on. The cost of building is not something in the boards realm to pass or deny on. It's the fact that they have to see if it's a detriment to the area. Whenever putting up temporary trailers and utility trailers instead of permanent structures, he thinks that's a detriment to the area. So, is there anybody else that has a question to ask.

Chairman Nestorowicz said he would actually echo the same thoughts.

Board Member Anglin said he would like to make a motion to deny.

Motion:

Board Member Anglin made a motion to deny:

- 1) Allow a permanent trailer with slide out no less than 9' 4" from the side (south) property line.
- 2) Allow a permanent trailer with slide out no less than 50' 7" from the side (north) property line.
- 3) Allow a utility trailer no less than 26' from the side (south) property line.
- 4) Allow a utility trailer no less than 38' 3" from the side (north) property line.
- 5) Allow a generator no less than 13' 10" from the side (south) property line.
- 6) Allow a generator no less than 52' 1" from the side (north) property line.

Reasons being: Detriment to the area; They're trying to make things time concerned; Cost of money to do.

Board Member Sophiea supported the motion.

Chairman Nestorowicz said they have a motion to deny by Mr. Anglin, support by Mr. Sophia for the reasons they stated in terms of it's a detriment to the area, it's financial.

Board Member Anglin said time is involved in it.

Chairman Nestorowicz stated it's going to be a yes vote to deny.

Board Member Anglin said that is correct.

Roll Call:

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

Board Member Anglin	Yes to deny.
Board Member Sophia	Yes, to deny for the reasons stated in the motion.
Board Member Higgins	Yes, to decline, detriment to the area.
Board Member Perry	Yes, to deny for the reasons stated in the motion.
Board Member Sylvester	Yes, to deny for the reasons stated in the motion.
Board Member Clift	Yes, to deny for the reasons stated in the motion.
Secretary Jerzy	No.
Chairman Nestorowicz	Yes, to deny due to the fact that trailers should actually be a building.

The petitioner's request was **DENIED** as written with the previously mentioned reasons.

17. PUBLIC HEARING: **APPLICANT: Mound Property Investments LLC**
REPRESENTATIVE: Ali Ajami
COMMON DESCRIPTION: 25010 Mound & 5949 Ten Mile
LEGAL DESCRIPTION: 13-21-353-010 and -011
ZONE: M-2

VARIANCES REQUESTED: Permission to

- 1) Construct a building and adjoining parking no less than 40 ft. from the front (west) property line.
- 2) Construct a 108 ft. x 24 ft. gas canopy no less than 23 ft. from the front (west) property line.
- 3) Construct a building no less than 5 ft. from the side (north) property line.
- 4) Allow the minimum of 8 stacking spaces per bay and minimum dry off spaces equal to the stacking spaces in consideration of mechanical drying device(s).
- 5) Waive one required off-street parking space.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards: (A) Front yards 25 ft. 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, and rear yards. 20 ft. each.

Section 14.01 – Uses Permitted: (P) Auto wash uses as regulated in this section. A. Site design

requirements: 4. Parking shall be provided to accommodate require stack spaces, dry-off spaces and employee parking defined as follows: b. an automatic drive-through auto wash shall have a minimum of ten (10) stack spaces per bay or one-half (1/2) of the maximum total output per hour, whichever is greater; the minimum dry-off spaces equal to the number of spaces required for stack spaces; and one (1) employee parking space for every employee during one (1) shift, when the maximum employees are employed.

Section 4.32 – Off-street Parking Requirements: In all zoning districts, off-street parking facilities for the storage or parking of self-propelled motor vehicles for use of occupants, employees, and patrons of the buildings hereafter erected, altered or extended after the effective date of this ordinance, shall be provided and maintained as herein prescribed. (22) All retail stores, martial arts and yoga studios, except as otherwise specified herein. One (1) parking space for each three hundred (300) square feet of gross floor area.

Chairman Nestorowicz told the applicant to start with their name and address for the record.

Nash Eschar appeared before the board stating he is representing the owner from Mound Property Investments, 3241 South Telegraph.

Chairman Nestorowicz asked him to explain his request.

Nash Eschar explained this is an existing gas station, car wash at Mound and Ten Mile and they are constructing, actually, he would say, they're cleaning up the site. Using the same concept that they purchased the property with, like gas station and car wash, but the different spots they were. They combined the two (2) sites and they created, they put the gas station to the far end to have better circulation. They eliminated one of the approaches and kept two (2) on Ten Mile and one (1) on Mound. They downsized size of the car wash to a two (2) touchless bays only. This way it would create less traffic in there and it's more space, because they pushed the gas station to the back. It was floating in the center with a canopy in the front and an island, fuel gas pump island, on the side. So, they are presenting the site, he thinks it's more convenient for the customer and it's a safer site.

Chairman Nestorowicz thanked him for that presentation. This is a public hearing, is there anyone from the audience wishing to speak? If so, please approach the podium. He asked the applicant to let the gentleman speak. He asked him to also state his name and address for the record, and then whatever the comments are.

George Zivku said he has a property there, and they got...

Chairman Nestorowicz said first name and address.

George Zivku stated his name and address that he lives or the property address.

Chairman Nestorowicz said your address and then asked that he had a property there.

George Zivku replied yeah. 5956 Mound. Now, he has the property there, it's also the sister church in there, the Romanian Baptist Church. He wonders where it's going to be the car wash. He did not hear the man good what he said, and they don't have the plans to see the lots where

this car wash or driveway to build the storage.

Chairman Nestorowicz asked Steve if he had the plans that maybe he can share with him. They do have a site plan that he can see.

Steve Watripont showed and explained the site plan to George Zivku.

Chairman Nestorowicz asked to interrupt over there. There is no storage as part of this request, that's a different request isn't it, Steve?

Steve Watripont replied correct.

George Zivku said another meeting.

Chairman Nestorowicz said yeah, it's not in front of this board. They're just here about the gas station.

George Zivku thanked him.

Chairman Nestorowicz said seeing no other comments, he closed the public portion of the meeting and turned it over to the board for questions and discussion.

Board Member Clift said he's familiar with this corner. He's kind of overlooking the plan here and he thinks this will be a welcomed change. He thinks it's going to be very appealing. He thinks it's going to throw a little bit of competition to the Speedway across the road that went in there, that high tech super monstrosity that they built on the corner there. Breaking this down into a single enterprise from the appearance that it currently has as two (2) separate entities, he thinks it's going to lend a little bit of eye appeasement with the upgrade to this property. Just on the face of it, the way it sits, he would not have a problem supporting this whatsoever.

Board Member Sylvester said he agrees with Mr. Clift. It's going to be a... It's going to look good. That corner needs to be upgraded. He's gone to that station for sixty-four (64) years. A guy named Chuck and his two (2) sons, when they used to have garages there that could change tires and mufflers and everything, so he's been looking at it, looking at it and was hoping that something was going to be done and he saw this in their plans, and he wishes them all the best. It's going to look good when it's done. Thank you.

Board Member Sophiea said he has no problems with this. He's excited for the improvement. Just out of a matter of principal, he wanted to address it looks like there is an open violation on this property. He was wondering if the Chairman had any knowledge if the violation was corrected or not.

Chairman Nestorowicz said he doesn't know. He called Steve. Mr. Watripont. Their violation was for temporary signs that were up that needed to be removed.

Steve Watripont said he is unsure of this, as he wasn't the inspector on this. Mr. Schuman has been on these temporary signs and getting very good results throughout the whole city. He thinks

he's only written two (2) tickets. He thinks he's doing a great job at getting these resolved without going to court as well. So, he can't say for sure it's been resolved, but he knows he's doing a good job on that.

Chairman Nestorowicz asked the petitioner there is a thing about temporary signs that were not allowed. Are those down?

Nash Eschar said personally, himself, he's the architect, but he's not sure. He built for this company, they've been all over, and he's been with them for seven (7) years, and they take care of these violations, up to his knowledge. They won't let things like that stand.

Steve Watripont said he can also follow up with Brian tomorrow morning.

Chairman Nestorowicz said technically if this is approved, those buildings are being torn down.

Steve Watripont said right.

Board Member Clift said if nobody else has any comments, he would like to make a motion on the matter.

Motion:

Board Member Clift made a motion to approve:

- 1) Construct a building and adjoining parking no less than 40 ft. from the front (west) property line.
- 2) Construct a 108 ft. x 24 ft. gas canopy no less than 23 ft. from the front (west) property line.
- 3) Construct a building no less than 5 ft. from the side (north) property line.
- 4) Allow the minimum of 8 stacking spaces per bay and minimum dry off spaces equal to the stacking spaces in consideration of mechanical drying device(s).
- 5) Waive one required off-street parking space.

Reasons being: It's going to enhance the area; Not a detriment.

Secretary Jerzy supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Clift, 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 (8 – 0).

Board Member Clift	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 Sylvester	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.

Board Member Anglin
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.

17a. PUBLIC HEARING:

**APPLICANT: Mike's Fruit & Flower & Family Fun
Fireworks, Michael Kanakry and Jenna Nola**

REPRESENTATIVE: Caren M. Burdi
COMMON DESCRIPTION: 5821 Thirteen Mile
LEGAL DESCRIPTION: 13-05-476-006
ZONE: MZ, C-2, P

VARIANCES REQUESTED: Permission to

- 1) Conduct seasonal outdoor sales in an area 40' x 60' = 2,400 square ft. from 3/10/2023 through 12/22/2023 (flower sales and Christmas tree sales prior to Christmas.)
- 2) Conduct a second seasonal outdoor sales operation (fireworks) in an area of 40' x 60' (2,400 square ft.) from June 15, 2023 through July 5, 2023 from 10:00 a.m. to 10:00 p.m.

ORDINANCES and REQUIREMENTS:

Section 4.52 Standards for Temporary Outdoor Retail Sales Approval: (D) No sales activity or display of merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use.

Chairman Nestorowicz said just for the record, the applicant can do name and address and whatever new information she wants to share.

Caren Burdi, 31841 Mound, started off by saying that with the last exchange with Mr. Jerzy and herself here in front of the board, she now understands what he's looking for. She misinterpreted cement block as cement block. She thought that was adequate. She advised her client to do better than that, which he did, but it was not what she just heard Mr. Jerzy explain. So, she thinks that is where the confusion is, but she now has an understanding of what he's referring to, and she can advise her client accordingly. She apologized for the miscommunication. She thought they had complied based on what she understood. With regard to the request that the sales are going too long from 3/10/23 through 12/22/23. Thank you for the tabling to the end of the meeting so she can talk to her client. They have talked. He would like to cut off the Christmas trees from the one end and cut off Easter from the front end. So, here's his request. He's requesting that he be able to open for sales on May 1, 2023 and he will have the site closed down and cleaned up by November 1, 2023. But he's asking for from 4/1/2023 to set up. Meaning set up the tent, set up the tables, set up all the things that go with it, but he won't sell until May 1st. She guesses the right way to ask for it is they're asking for 4/1/2023 through November 1, 2023 with no sales until May 1, 2023.

Chairman Nestorowicz thanked her for that update. He turned it over to the board for questions and discussions. Mr. Sylvester had a question earlier.

Board Member Sylvester said they were talking earlier. He knows that site... God, how do I want to ask this? Her client does not own any of the property there or any of the buildings.

Caren Burdi explained he rents a unit. He rents a flower unit.

Board Member Sylvester said the owner of that property, the parking lot, everything.

Caren Burdi said he doesn't own it.

Board Member Sylvester asked who owns it.

Caren Burdi said she believes, but she's not positive, it's Shango Investments. Or hold on, she can tell him. Wait a minute, she can tell him. It's right in the board's paperwork.

Chairman Nestorowicz said the building is owned by Shango.

Secretary Jerzy said he's been in front of the board.

Board Member Sylvester said that's what he thought.

Caren Burdi said here it is. 13 Mile and Mound LLC.

Board Member Sylvester asked that he owns the property, the buildings, the whole match.

Caren Burdi repeated 13 Mile and Mound LLC. She doesn't know who is all a part of that. She believes that Mr. Shango may be part of that, but she doesn't know that he's one hundred (100) percent. She doesn't know.

Board Member Sylvester said with using the concrete blocks, which are a decent size. Like they said, they probably weigh around 800 pounds apiece. He asked that they're not going to be sticking any steaks into the blacktop, because they've been redoing all that parking lot making it look like a nice place the time that it's open. They're not going to be sticking steaks in the blacktop, are you?

Caren Burdi explained they have a very good relationship with this property owner. When they have stuck steaks in the blacktop, they repair it. It is very common that this occurs. They're perfectly willing to do both and the landlord is happy with that.

Board Member Sylvester asked where would the fireworks and the plants, they're not combined, they are two (2) separate.

Caren Burdi said correct. They are, they are.

Board Member Sylvester said he had a question for the President. Would it be to the boards benefit to the owner of that property to give his recommendation for this firework setup and this planting tent. It's his property, shouldn't he be the one to say that...

Chairman Nestorowicz stated he's renting to the petitioner.

Board Member Sylvester said well, yeah, but he has to get approval from the board whether he

can do that or not.

Chairman Nestorowicz said that's a landlord, tenant type issue.

Board Member Sylvester said his problem with this is that the area has been reworked. It's starting to look nice, and he thinks what has been there... What has been there, and everything is old. Ok. There is a new set up there at Thirteen and Mound is starting to look pretty nice. The chicken place there is nice. The other two (2) buildings. He knows they're working on the buildings in the back and honestly, he doesn't think this is a good fit for these two (2) facilities. Go ahead, Steve.

Chairman Nestorowicz asked if there were any other comments or questions.

Board Member Anglin said again, the board has always given the one (1) tent for the fireworks section and that. He does think the days of the flower things going in that corner when it was all vacant property are gone by the wayside and really shouldn't be allowed back in there again for the reasons that his noted scholar next to him has stated. So, he doesn't have objections to the fireworks. He does have objections to the larger tent running still for seven (7) months. That's just his opinion on it.

Caren Burdi asked if she could indicate one thing that.

Chairman Nestorowicz asked if there is a question for...

Board Member Anglin said he will make a question for Ms. Burdi because he is always interested in hearing what she says. She does a very good job on representing her client.

Caren Burdi explained with the boards applications that are filled out for the city. A petitioner may be someone who doesn't actually own the property. So, on the back of their application is what's called an Affidavit of Ownership and permission to appear before the board. So, the board has 13 Mile and Mound LLC's concurrence with them being here and with what they're requesting. So, she doesn't think that it's an issue at all with the landlord or with the owner of the property. She wanted to set that aside, if she can. Her concern is...

Steve Watripont said if he may add at this time, that is required in each and every year. That was signed January 23rd of 23 for this application. So, it was signed after the construction, and everything was there. Now, he'll let Ms. Burdi answer.

Caren Burdi said she would like to say that this is her client's sole business, sole source of income, etc. Their intent of course is to compromise and make this work so it's a win, win. There are... ok, thank you. There are a lot of people in the city who enjoy buying their flowers and etc. at this location. She thinks he has worked to limit the size of the location, worked to limit the duration of it. Meaning no tree sales, no Easter sales. There are a period of time when all of the summer sale flowers get cleaned up before the pumpkins come in. They are asking that during that time period when they clean up and he's cleaned up all the flowers and etc., then has the pumpkins come in. It is a cleaned-up site at that point except the tent is still up. It doesn't make a lot of sense to put the tent up and take the tent down for a month in there. She would ask that the

board take notice that this has been in effect, she believes, since the 80's. He has been selling flowers, etc. and things along those lines at this corner since the 1980's. She thinks the record shows that in boards paperwork that they received as part of the packet. She would ask that given he's making concessions on the trees and Easter, that the board sees their way to grant this petition.

Board Member Sylvester said he has another question. The revitalization of the area, the buildings and everything. Do they have a timeline to when, and this might be out of her purview. Does she have a timeline to when those buildings might be occupied and what type of businesses might be put into those.

Caren Burdi started to say she doesn't represent...

Board Member Sylvester said he understands that. What he's doing is, he's looking for the area. She has an additional two (2) buildings, which he thinks are going to take at least six (6) different businesses on the east side where this gentleman had their tent and everything. But the other facilities in the back to the north are also being reworked, revamped, remodeled. So, like he said, this area is being revitalized and what was there and what was sold and how this was done. They're still looking at six (6) months here, seven (7) months. Ok. He just doesn't believe that's a good fit for that corner that's trying to be revitalized. He wishes the owner was here so he could explain a little bit more other than this piece of paper what is actually going to be happening there. If he's totally out of the way, he's got a certain spot, they've talked about it, this is how it's going to work, blah, blah, blah. That's fine and dandy, but he doesn't know that. What he's seeing right now is a whole different atmosphere at that corner, which he likes.

Caren Burdi explained at this point, those buildings are not revitalized yet. The buildings that are the 'L' shape that are to the western property line and to the northern property line, those buildings are being worked on and there is very low vacancy right now. There is a sea of parking that is out in front of those buildings, behind the ones that are now on Mound, a sea of parking. He is located the farthest from every building you can be. He is the farthest from to the east, away from the westerly buildings and he's the farthest you can be from the north to the south away from those buildings. This set up will not impact any of those buildings or their parking. They will have plenty...

Board Member Sylvester stated she had on that corner previously, when turning into that driveway off of Mound. The north driveway, east driveway, and then going west, cars parked for the fireworks and flower shop would park all the way to that ingress. Ok. Then there were trucks and pallets and hi-lows and everything in the back. So, it took up a whole heck of a lot more space than he even believes is being shown here on her map. Like he said that whole area is being revitalized. If the owner, who he wishes was here, said that he does not have a problem with that, and he approves this gentleman's...

Chairman Nestorowicz said Mr. Sylvester, by renting to him and by giving the affidavit for them to represent and come here means he approves of this.

Board Member Sylvester said he understands that, but the board represents the citizens of City of Warren.

Board Member Anglin said then deny it.

Board Member Sylvester said no, no and he understands what he's saying. He just wants to make sure that it's safe and it's not the way it was. It's different now. So, that gentleman, even though he's given approval. Ok. Is not looking at everything that they should be looking at for the safety of the citizens.

Chairman Nestorowicz said if he doesn't like the set up there, he can always vote against it.

Board Member Sylvester said he understands.

Caren Burdi stated they also downsized from what it was on the corner.

Chairman Nestorowicz said she really hasn't downsized that much but is there another question by Mr. Higgins.

Board Member Higgins said he would like to make a comment, an observation. This gentleman has been there for many, many years. The property is changing, it reminds him a lot of what is happening with gentrification and people get forced out. So, if this is possibly not going to be a great fit moving forward, he would think, and he's compromised on the dates showing good faith, he thinks the board could grant his petition and maybe this serves as notice that maybe the area is changing sufficiently that he might look at a different location in the future. But he would say for this year, grant it and take a look at it and go from there. That's his position.

Michael Kanakry asked if for one second, please.

Chairman Nestorowicz said only if there's a question directed.

Board Member Anglin said he understands his philosophy on that, and he is for that type of philosophy. But there has always been one (1) tent for fruits and vegetables. They did not have a fireworks tent last year.

Chairman Nestorowicz said they did. It was approved in May of last year.

Board Member Anglin asked there was two (2) tents.

Chairman Nestorowicz replied yes.

Board Member Sylvester said not last year.

Chairman Nestorowicz said May 11th.

Board Member Sylvester said last year there was no tent.

Caren Burdi explained it was approved, but there was no tent. It was approved, but he didn't put it up, and there were two (2) tents prior to that.

Michael Kanakry told her to tell them why. He had a massive heart attack last year. He's waiting for a heart transplant right now.

Chairman Nestorowicz asked if there are any other questions.

Board Member Anglin said the other thing is, he wasn't here to vote on that, because when you start putting more than one (1) tent up for limited period of time they're really building a tent city and he's not for that in this area. Actually, he's not for that in that area because they are coming along so well with the modulization, rejuvenation of the surrounding areas. At this point, he will still be voting no on this, but again, that's his point.

Michael Kanakry asked if he may speak.

Chairman Nestorowicz said only if there is a question directed towards the petitioner. At this time, it's actually board discussion.

Board Member Higgins said he has a question for him. What do you want to say?

Michael Kanakry said he can call Matt right now, Shango. It's no problem, takes ten (10) seconds, but the area that he delegates him there is no new asphalt there. It was left for him that area that they're doing right now. In two (2) years, he plans on building a full garden center; his son and his kids are. Right now, he has three (3) kids in college. He's on a heart transplant list. He has twenty (20) percent of his heart working, twenty-three (23) pills he takes a day to survive. He has the paper in his pocket from the doctor that he's in last stages of congestive heart failure. So, he doesn't know how long he's going to be there. The area they're talking about, there is no new asphalt. It's already been taken care of with the landlord. The area in the back they're trying to get funding from the State of Michigan to put a daycare center and learning center. That whole back area, which is going to take about eighteen (18) months, they're saying. They stripped all the building. He knows everything that goes on over in that shopping center. Everything. If they want to call the landlord right now, they're welcome to do that. He can get him on the phone. That's been his whole life. He has three (3) kids in college. They got the space up front. They're in the old asphalt area. They could not put holes in the asphalt, that would make no sense at all. They plan on building a full structure within the next two (2) years. Whether he lives or don't live, it's going to be staying in his children's family. This year or possibly the next year they want to be where they've been the last twenty-five (25) years. He's not a nuisance, he has no problems in the last twenty-five (25) years. There are no problems to speak of at all. He's been good for the community; a lot of people missed that place last year. He had a heart attack, could not open up last year. Was in the hospital for three (3) months. That's all he has to say. He's sorry for taking up his time.

Chairman Nestorowicz thanked him for that answer.

Michael Kanakry said he has to sit down.

Chairman Nestorowicz asked for any other questions or comments.

Board Member Sophiea said his only comment on this. He can support one more year of the

flower stand on the corner. He thinks moving forward in the future there is going to have to be some type of permanent structure or relocation to a new area. With that he yields.

Chairman Nestorowicz said he was just going to say he agrees with Mr. Sophiea. This is similar request they approved, even though the tents didn't go up, it was approved by the board last year. The buildings in the back aren't occupied yet. So, he thinks doing one more year is not a bad idea.

Board Member Anglin said he does understand. Over the years he has employed a lot of young people. 16, 17, 18 years old to work the facilities there. He has been a great asset for the community when it comes to that type of employment, because those kids don't get employed too often. He has them pounding on his door by the hundreds and there is only like eight (8) he can employ every year at that age. It's nice to see when that happens. He doesn't want to shut this down; he just doesn't want to see two (2) tents there. If he drops the fireworks, he'll lead the charge to get the rest of it put up.

Chairman Nestorowicz asked if there are any motions.

Board Member Anglin said he wants to hear what they have to say about dropping the fireworks before he makes a motion. Big money, as far as he is concerned, is in the plants.

Michael Kanakry said what if he takes the flowers out of that tent around June 20th and go ahead and put the fireworks in, and then go ahead and take the tent down after July 15th until September 1st when the pumpkins start. That little bit of business of flowers for that month and a half is not really going to make or break it.

Board Member Anglin said great compromise, sir. He'll only have one (1) tent up.

Caren Burdi said one (1) tent.

Michael Kanakry said one (1) tent. Fireworks will go in there around June 20th.

Board Member Anglin said that was the point he was trying to make. There's a big tent there. There's room. That works for him.

Michael Kanakry asked if he can get some water.

Board Member Sylvester said he's bringing some water now.

Board Member Anglin said he would like to make a motion if nobody else has any questions. Ms. Burdi, please correct him if he doesn't spell this out exactly what the understanding is.

Motion:

Board Member Anglin made a motion to drop item #2. The fireworks are going to be incorporated into item #1.

- 4) Conduct seasonal outdoor sales and fireworks in an area 40' x 60' = 2,400 square ft. from 4/1/2023 through 7/20/2023 and 9/1/2023 through 11/1/2023 (~~flower sales and Christmas tree sales prior to Christmas.~~) from 9:00 a.m. to 10:00 p.m.

~~2) Conduct a second seasonal outdoor sales operation (fireworks) in an area of 40' x 60' (2,400 square ft.) from June 15, 2023 through July 5, 2023 from 10:00 a.m. to 10:00 p.m.~~

Reasons being: It's not a detriment to the area; Long history of being on that site; Benefits that come from that site.

Board Member Sylvester asked if he can ask a question.

Board Member Anglin said there is a motion on the floor.

Board Member Sylvester still asked if that is just for this season.

Board Member Anglin said yes.

Chairman Nestorowicz asked if there is a support.

Board Member Higgins supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Anglin, support by Mr. Higgins for the reasons stated in the motion.

Roll Call:

A roll call was taken on the motion. The motion carried (6 -2).

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Clift	No, detriment to the area.
Secretary Jerzy	No, it's a detriment to the area.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Sophia	Yes, for the reasons stated in the motion.

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

18. NEW BUSINESS

Chairman Nestorowicz said he has two (2) items under new business. First, he wants to welcome the new board member, Mr. Kevin Higgins. Welcome aboard. Great to have him here. Second, at next week's City Council meeting on the 14th, there's going to be a resolution of appreciation for Judy Furgal for her years of service on this board. So, if anybody was maybe attending. It's the 14th, next Tuesday. It starts at 7pm.

(Inaudible)

Chairman Nestorowicz said he talked to Judy, and she is going to be there.

Secretary Jerzy said more cupcakes.

Chairman Nestorowicz said those were the two (2) items he had.

19. 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 (8 – 0).

The meeting adjourned at 9:29 p.m.

Paul Jerzy
Secretary of the Board

APPROVED