

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
FEBRUARY 8, 2023

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, February 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
Judy Furgal
Charles Perry
Anthony Sieracki, Jr.
Michael Sylvester

Members of the Board absent:

Charles Anglin

Also present:

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

1. CALL TO ORDER

Chairman Nestorowicz called the meeting to order at 7:30 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

Motion:

Chairman Nestorowicz made a motion to excuse Mr. Anglin, he just had surgery;
Supported by Board Member Clift.

Voice Vote:

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

4. ADOPTION OF THE AGENDA

Chairman Nestorowicz said since they are down one (1) member, is the applicant for item 14, applicant Dennis Krestel, representative Salvatore Randazzo. Are you here?

No response.

Secretary Jerzy said not yet.

Chairman Nestorowicz said ok, then he guesses they won't call him up.

Motion:

Secretary Jerzy made a motion to move item 8, 5565 Chicago Road, to March 8, 2023. They have to appear before the Village Historic District Commission first.

Supported by Board Member Clift.

Voice Vote:

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

Chairman Nestorowicz stated if anybody is here for item number 8, which was 5565 Chicago Road. That is going to be on the March 8th meeting. This is the notification for the date change. Just wanted everybody in the audience to be aware of that.

Motion:

Secretary Jerzy made a motion to adopt the agenda; Supported by Board Member Sophia.

Voice Vote:

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

5. APPROVAL OF THE MINUTES of the Regular Meeting December 14, 2022 and January 11, 2023.

Motion:

Secretary Jerzy made a motion to approve the minutes of December 14, 2022 minutes; Supported by Board Member Furgal.

Voice Vote:

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

Motion:

Secretary Jerzy made a motion to table the minutes of January 11, 2023 minutes to March 8, 2023; Supported by Board Member Sophia.

Voice Vote:

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

6. PUBLIC HEARING:

Andrew Falzarano

(Rescheduled from 1/11/2023)

REPRESENTATIVE:

Same as above.

COMMON DESCRIPTION:

6419 Ten Mile

LEGAL DESCRIPTION:

13-21-376-003

ZONE:

M-3

VARIANCES REQUESTED: Permission to

- 1) Allow an above ground fuel tank to be 129.7' from the east property line.
- 2) Retain 6' tall chain link fence in the front setback, near the south property line.
- 3) Allow storage and parking of 192,876 square ft. on a non-hard surface (gravel).
- 4) Retain a building no less than 44.9' from rear property line.
- 5) Allow an obscuring wall of non-masonry material and does not have a continuous concrete footing.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards: (a) Front yards: M-3 150 ft. 3. In M-3 and M-4 zones, front yards may be utilized for parking or vehicles provided that the front fifty (50) feet of a lot or tract in an M-3 district and the front seventy-five (75) feet of a lot or tract in an M-4 district shall be landscaped and the balance shall be depressed at least two (2) feet so as to have all parked vehicles therein, completely out of sign or view of the roadway. (b) Side yards, and rear yards, 60 ft. each. (p) Fire and safety hazards – bulk storage of flammable liquids, liquid petroleum gases and explosives allowed above ground 150 feet from the property line.

Section 4.32 – Off-Street Parking Requirements: (k) All off-street parking areas shall be provided with adequate ingress and egress, shall be hard surfaced with concrete or plant-mixed bituminous material (base may be stabilized gravel or equivalent), shall be maintained in a usable dustproof condition, shall be graded and drained to dispose of all surface water, provide protective bumper curbs as per Section 4.32 (i) and 16.07, and shall otherwise comply with Section 2.46 and 16.05 of this ordinance.

Section 4D.36 – Obscuring Walls: Where a non-residential land use abuts a residential district and a wall is used to obscure the non-residential property from the abutting property, the wall shall be constructed of masonry material. Standard concrete blocks are prohibited. Poured or precise concrete walls are permitted provided that they are installed on a continuous concrete footing and are eight (8) inches thick. Required walls shall be similarly finished on all sides and structurally sound.

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

Chairman Nestorowicz asked if the applicant is present. He asked the applicant to start with saying their name and address for the record, and then take the board through their request.

Andrew Falzarano, 12225 Stephens, appeared before the board stating their first request is to maintain the existing location of an above ground fuel tank. The measurement of 129.7 feet is measured from the Warren and Center Line jurisdictional line, opposed to their east property line. If it was actually measured from their east property line it would be a measurement of over 300 feet. The second variance is to retain a six (6) chain link fence on the south property line. They have revised their site plan. Currently, the chain link fence is right along the sidewalk of Ten Mile. With their new plan, it shifts it north of the landscape berms. The third variance is to maintain a existing non-hard surface on the west side of the building. The activity associated with the concrete plant will be limited to the existing proposed pavement areas only. Currently, they have no development plans for the area located west of the existing building. With no development plans, they're requesting to maintain the status quo of the gravel surface. The fourth variance is retain a building no less than 44.9 feet from the rear property line. This was how the property was initially purchased in the 70's. It was originally constructed with that rear setback. Happy to answer any questions.

Thank you.

Cecil St. Pierre said he would like to make a point. In regard to item number 2. So, they're going to move the... They're going to retain the six (6) inch tall chain link fence. It's his understanding it's going to be north of the greenbelt/berm. Is that right?

Andrew Falzarano replied that is correct.

Cecil St. Pierre said also, it's his understanding, that there is barbed wire.

Andrew Falzarano replied there is.

Cecil St. Pierre asked if he would agree to remove the barbed wire.

Andrew Falzarano replied that is correct.

Cecil St. Pierre explained that's after talking with the Planning Director and Building Director. Just so everybody knows in regard to how the motion should probably be.

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

No response.

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

Board Member Sylvester asked him to explain that 150 feet for the fuel tank.

Andrew Falzarano replied yes. He explained the property is divided down the middle of the parcel. One side is Center Line, and the other is Warren. The measurement of 129.7 feet is taken from that jurisdictional line. But their ownership carries over into the Center Line portion and the operation is continuous across both municipalities.

Board Member Sylvester said they put up that fuel tank at the beginning of the building process, right?

Andrew Falzarano said he's not sure of the timeline for the fuel tank.

Board Member Sylvester said it's been there for a long time.

Andrew Falzarano said agreed. He's not sure of the exact date it was.

Board Member Sylvester asked if there was any approval given at that time for its location.

Andrew Falzarano replied not that he's aware of.

Board Member Sylvester mentioned he also said that allow storage and parking on the 192,876 square foot area. They put storage in parking, but then said nothing was going to go there. So, what is it going to be?

Andrew Falzarano explained occasional trucks might be parked there, but there is no lease tenant. So, they don't have any plans on storing anything there for any extended period of time.

Board Member Sylvester asked what would be the maximum storage that they would put there, knowing that the board is going to approve this, that they would have there. Would that be loaded with twenty (20) trailers or sixty (60) tractors or what would be the limit?

Andrew Falzarano stated this would just be...

Edward Girodat, 12225 Stephens, appeared before the board explaining it's going to continue it's historic usage. So, it will have occasional tractor parking, trailer parking. Nothing continuous, nothing frequent. It's just continuing the status quo. The change is the fence now will be up to keep the current tenant operating the concrete plant off of that site. So, they'll go back to the historic norm of what's happened the past twenty (20) years on that site as it sits.

Board Member Sylvester asked at most how many vehicles or trailers would they have parked there.

Edward Girodat said he can't give him a number. He can't...

Board Member Sylvester asked if they have a limit they're not going above.

Edward Girodat stated he doesn't have a limit. He knows that they haven't packed it in years. But to give a number that it's never going to be more then ten (10), he can't do that.

Board Member Sylvester asked if they looked at Section 4D.36 on obscuring walls.

Chairman Nestorowicz said number 5 is no longer part of this.

Board Member Sylvester said ok. If it's no longer part of it, that's fine. What are they going to be doing there. Maybe he didn't hear it correctly.

Cecil St. Pierre said it's his understanding it's already been resolved with the Planning Commission and with the Building Department in regards to the wall and how it's going to be installed. Its made part of the site plan already. So, they don't need a variance.

Board Member Sylvester asked if it's been approved by Planning though.

Cecil St. Pierre replied yes. That's straight from Mr. Wuerth.

Board Member Sylvester said ok. He apologized and thanked them.

Chairman Nestorowicz asked for any other questions or discussion, or any motions.

Board Member Furgal said last time they had a few residences here. Have those issues been resolved?

Edward Girodat said he thinks the major issue with residence is the dust. The solution to that is going to be continuing with their plan, which is going to pave the site, fence the site, keep the concrete operation on the paved area. With that, they won't have gravel trains going across the gravel. They will be steered towards the wash pits to do everything they need to do to keep the dust down.

Board Member Furgal thanked them.

Board Member Sylvester said those entrances which are to the west of the main entrance. They already put blocks up there, parking blocks so you can't even get through that fence, right?

Andrew Falzarano said that is correct.

Board Member Sylvester asked if they don't plan on using that anymore. Everything is going to be towards the east.

Andrew Falzarano replied yes.

Edward Girodat explained there is going to be a fence bisecting the property. That's going to keep the activity on the paved side.

Board Member Sylvester asked all the concrete operations are going to be basically on one side.

Edward Girodat said yes, correct.

Board Member Sylvester asked if they're still street sweeping. Keeping the dust levels down.

Edward Girodat replied the tenant is doing street sweeping, yes.

Board Member Sylvester asked how often is that being done.

Edward Girodat said they're doing it daily. He thinks they have been doing it several times a day when need be. They have the street sweeper on site that they're operating.

Board Member Sylvester asked if they have a company doing it.

Edward Girodat replied no. He stated again that they actually have a sweeper that they have acquired to do it themselves.

Board Member Sylvester said oh, ok. Thank you very much.

Board Member Sophiea said if he could throw his 2 cents in. The five items here. The first item to allow the fuel tank, he personally has no problem with that. That just seems like a technicality where the property line is drawn. Item 2, the six (6) foot tall chain link fence. He doesn't really have a problem with that, especially with the requirement their city attorney has mentioned removing the

barbed wire. Item 3, the outdoor storage. This is where he's teetering on. The 192,000 square foot of open storage, it seems awfully large. So, they'll come back to item 3. Item 4, personally, he doesn't have a problem with the building from the rear property line. It's a large site and he doesn't remember that being one of the complaints of the neighbors from last week. It was more so of a concern of dust on the property. The last item, item 5, it's his understanding, that's been resolved with Planning. So that really, in his mind, just leaves him with item 3 about this storage and parking. They're not getting a straight answer with how much stuff is going to be stored on that property and for how long. That's his thought process on this and will be curious to hear what other members think on this item. Thank you.

(Inaudible)

Board Member Sylvester said what Mr. Sophiea says, he agrees. They have been through this before when somebody says their only going to do something and then it explodes. Then they have nobody able to take a look and seeing a bunch of trailers and storage or so. With that amount, that amount of square footage, it does concern him. Thank you.

Board Member Clift said sir, the bisection of the property or lot with the fence. He asked him to help him just a little bit. Give him an idea of where that's going to be on the property in relation to the existing building.

Edward Girodat replied it lines up with the building.

Board Member Clift repeated it lines up with the building. West wall of the building?

Andrew Falzarano said west wall of the building, correct.

Board Member Clift thanked him.

(Inaudible)

Chairman Nestorowicz asked for any other questions or discussions, or any motions.

Board Member Clift said it was his understanding, and he doesn't have any proof of it and he didn't ask the questions when he had an opportunity to some people who may know. Are there any current environmental concerns or issues on that property outstanding now with any local or state agency?

(Inaudible)

Andrew Falzarano explained they had an EGLE violation this last month. It has been addressed.

Board Member Clift asked him to detail that just a little bit for him what the violation was and what the remedy was.

Andrew Falzarano explained it was fugitive dust. Remedies included washing the trucks as they exit the property. They're doing their best to limit the activities on the current concrete surface to the best that they can. There was added personal that are hosing down the yard as need be. There is

a additive they're putting down during freezing temperatures to ensure that water doesn't freeze and cause an ice rink on the property. There's sprinklers installed and implemented to spray on the surfaces to keep the dust down as well.

Board Member Cliff said those were some of his concerns at the last meeting, those outstanding issues. He had a couple close calls, personal close calls, out on Ten Mile because of that dust issue. He just wanted to make sure that some of that was being addressed. He appreciates them outlining everything and letting him know how they're going to address that moving forward.

Andrew Falzarano said they feel very confident that paving the remainder of the yard is the solution to mitigate the dust.

Board Member Cliff said keeping the traffic on the paved side as opposed to running all over the opposite end. He likes the idea of bisection with that fence, kind of cutting that whole west side off from regular traffic or possibly unattended traffic. He appreciates it, sir. Thank you.

Board Member Sylvester said the berm they put up west of the main entrance. Ok, the last time they were here they were asking for approval of that. Unfortunately, it was already up. So, his concern is right now is that it is up and the shrubs are up there and what have you. He believes that there was some discussion about taking down that fence and having that berm as part of the front of the property. Is he correct in that or is that fence going to stay up?

Edward Girodat replied that's correct. That's part of what was approved by Planning. The fence is moving to the opposite side of the berm.

Board Member Sylvester thanked them.

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

Motion:

Secretary Jerzy made a motion to grant the petitioner:

- 1) Allow an above ground fuel tank to be 129.7' from the east property line.
- 2) Retain 6' tall chain link fence in the front setback, **north of the greenbelt** near the south property line. **Remove any barbed wire on said fence.**
- 3) Allow storage and parking of 192,876 square ft. on a non-hard surface (gravel).
- 4) Retain a building no less than 44.9' from rear property line.
- 5) ~~Allow an obscuring wall of non-masonry material and does not have a continuous concrete footing.~~

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

Board Member Perry supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Jerzy, support by Mr. Perry.

Roll Call:

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

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, to deny for the reasons stated in the motion.
Board Member Sophiea	No, it's a detriment to the area.
Board Member Clift	No, detriment to the area relative to the open storage issue.
Board Member Furgal	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner's request was **APPROVED** with the above-mentioned changes.

7. PUBLIC HEARING:	Dawn Gafa-Davis
REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	25420 Curie
LEGAL DESCRIPTION:	13-20-404-039
ZONE:	R-1-C

VARIANCES REQUESTED: Permission to

- 1) Erect an oversized accessory structure (shed) 12' x 20' = 240 square ft.
- 2) Allow 1,146 square ft. of accessory structures; 586 square ft. attached garage, 320 square ft. gazebo, and a 240 square ft. shed.
- 3) Allow two detached accessory structures (gazebo and shed).
- 4) Allow two detached accessory structures more than 3 ft. apart.

ORDINANCES and REQUIREMENTS:

Section 4.20 – Detached Accessory Buildings (A): All detached accessory buildings shall not exceed one (1) story or ten (10) feet in height measured to the eaves and shall not occupy more than thirty (30) percent of the rear yard. Such buildings shall conform to, and shall not project beyond, the existing side building lines of the principal building on the lot and shall be one (1) foot from the edge of any easement. The construction of all such accessory structures shall be subject to the following conditions: 3. That the accessory building be placed against any other accessory structure, such as a detached garage, that may exist in the yard. Only one (1) detached accessory structure shall be permitted in the yard. 5. That all accessory structures, excluding garages, will not exceed a total of 120 square feet.

Section 7.01 – Uses Permitted: (I) Accessory buildings or uses customarily incident to any of the above permitted uses, when located on the same or an adjoining lot and which do not involve any business, profession, trade or occupation. One (1) private garage for each residential lot in which there is housed not more than three (3) vehicles, not more than one (1) of which may be commercial vehicle, shall be considered a legal accessory use, provided, however, any such commercial vehicle shall not exceed one (1) ton capacity, and shall be kept housed within a garage when not in use; and provided, further, that no moving vans shall be housed in private garages. All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

Dawn Gafa, 25420 Currie, appeared before the board stating that she would like to ask for a variance to allow for more than one (1) structure in the backyard and to have an oversized shed of

12 x 20, bring her total square footage to 560 square feet, plus the garage of 586 square feet that's attached. There are several reasons why she would request a shed. Number 1, she was desperate to get her screen addicted kid off of screens so she put a pool in 2019 and she was very ill prepared for the amount of equipment that a pool requires. She also updated the landscaping to include flower beds. The equipment to maintain the area also needs storage space. Then they have wood working saws as hobby, and those are also taking up a lot of space. With the addition of the pool and landscape equipment, she has been un able to park in the garage. She would like to avoid theft of her vehicle and/or it's components by parking in the garage, as there have been reports of catalytic converter theft in her neighborhood. Her partner sometimes works 16 hour days and arrives home in the middle of the night. His job has expensive specialized equipment that needs to be unloaded to avoid a significant loss. She would like to be able to park 2 cars in the garage, so if he does come home late at night, he has a layer of security if he's too tired to unpack his vehicle. She understands that she is requesting a larger shed than the ordinance allows. However, the pool equipment, lawn equipment and saws take up a significant amount of space. She doesn't want to have to pack and unpack the shed if she needs something. The ordinance says no more than thirty (30) percent of the yard. Her request for a shed and the previously approved gazebo will take up less than seven (7) percent of the backyard. The ordinance also says only one (1) exterior structure. However, the number 1 trend in homes is to create an outdoor living space. She would like to be able to have two (2) structures. One to store equipment and one to utilize her backyard as family space. As she walks in her neighborhood, she sees precedence with two (2) exterior structures. She's not saying they are following the code or they got a variance. She is just saying that she sees them. She attached six (6) properties. She went and took satellite images and/or photographs to show that, and this is within a half a mile of her house, but there are other properties that have two (2) covered areas. She is guessing that most people don't even realize that they need a variance for the gazebos, since you can buy them at Lowe's and Costco and don't need a builder to erect them. She respectfully asking for a variance to allow two (2) exterior structure and to allow her total square footage to exceed the allotted limit. Thank you.

Chairman Nestorowicz thanked her very much for that explanation. This is a public hearing, anybody 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 he understands that she is coming to this board for a variance. He is familiar with her property. She has been working on it for roughly two (2) years. Or longer than that. He doesn't recall her ever coming before this board for any variances.

Dawn Gafa said she was here for the gazebo.

Board Member Sylvester said wait a minute. So, now the shed that she's asking for is already up. It's on blocks.

Dawn Gafa said that's right.

Board Member Sylvester said there is a pad underneath it. It wasn't approved about where it could be located and what have you. She also has a pool that is in the north east corner that's been moved, and that's on blocks. She asked for the shed, the board granted her that. She has the fence up around there, which he believes she didn't have to come in front of the board, but she did put up a privacy fence.

Dawn Gafa said she pulled a permit for that fence.

Board Member Sylvester said ok.

Dawn Gafa said and she pulled a permit for the pool.

Board Member Sylvester said here's his point with that. She's been doing this for two (2) years. Why, and he'll go with the shed. Also, now, outside where the shed is, she's now put gravel down there between the sidewalk and the fence and have the truck parked over there. He doesn't know whose truck, but it's parked over there.

Dawn Gafa said it's hers.

Board Member Sylvester said he doesn't recall that ever coming in front of the board for putting gravel down there and using that as a parking space or what have you. He's trying to figure out. She's coming to ask for things, but already done some things, and want an approval, so.

Dawn Gafa said right. Mr. Sylvester...

Board Member Sylvester said let him know where he's not getting this.

Dawn Gafa stated he is correct in the shed. And she does have a contractor. The contractor started in the fall with the fence and then the gazebo, the pool, moving the pool. It was above ground; it's going to get reset. It's going to be better looking backyard when it's done. The contractor told her that she already had a shed previously, it was blighted. She took it down, and he said she doesn't need a permit because she already had one. She believed him, that was her mistake. She was a fool.

Board Member Sylvester said she has a much bigger shed now.

Dawn Gafa said well, no. It was like 12 x 14 and then it had a dog pen on the back of it that was attached. So, it's pretty comparable. Yes, the shed is bigger, but the property is really, really big too.

Board Member Sylvester said you know...

Dawn Gafa asked what she's done, is it not an upgrade?

Board Member Sylvester said he's not denying that it's not an upgrade. He knows some of the neighbors in the area believe also that it's an upgrade. The area that she's in, and he knows she has all these pictures, but you have to go looking for these. There's a lot of this stuff you can't see. You don't even know it's there. But she went to go find it, she found it. Ok, so, fine and dandy, but

he doesn't know. It seems like she is trying to put a whole bunch on that piece of property. She's been doing it; she's been doing it over the years. She is adding more to it. It's like he... there are rules to be followed.

Dawn Gafa said she gets that. She is trying to follow the rules.

Board Member Sylvester said again there are rules that need to be followed. She can't do something and then come to the board after it's already three quarters of the way up and ask for approval, because most of the people here are going to say yeah it's already up, finish it off and be done with it. That's not how things are supposed to work.

Dawn Gafa said she agrees. She was... She's a rule follower. If she is breaking a rule, she wants to fix it. She was misled and she was naive. She apologized. She doesn't know what to say except she hopes she is never coming back in front of him. She is done with this project.

Board Member Sylvester asked if she has any approval for that gravel and that truck parked between the fence.

Dawn Gafa said she wasn't aware that she needed it. She can move the truck.

Board Member Sylvester asked Steve if that is something of a concern. Between the sidewalk and the privacy fence they put gravel on there, and now they're parking a truck over there. Steve Watripont explained the ordinance says that any parking in the city must be on hard surface.

Dawn Gafa said ok. She's out of compliance.

Board Member Sylvester said they need a permit for concrete and then they can park it there.

Steve Watripont said they would not need a permit for concrete on their parcel. If it is in a side or rear yard.

Board Member Sylvester said well, it's between the sidewalk and the fence.

(Inaudible)

Steve Watripont said he believes she is on a corner, so he would have to look at it in person and go from there.

(Inaudible)

Board Member Sylvester thanked the Chair.

Chairman Nestorowicz asked if there are any other questions from any other board members, or any discussion.

Board Member Cliff said when she erected her shed, did the contractor erect it to what would be considered codified standards for the City of Warren.

Dawn Gafa stated he said he did.

Board Member Clift said he has a problem with putting a cart before the horse in a lot of instances, but he can also empathize with people being told things by people that they hire and trust. His concern is... If it were to be permitted and constructed the way it sits today, would it pass a final inspection through their inspections.

Dawn Gafa stated it's not attached to the pad. So, there is a rat wall. It was built to code for the rat wall, what she was told. She is willing to have it inspected when it becomes a permanent structure.

Board Member Clift called for Mr. Watripont. He's understanding there is no permit on file for the construction of this shed as it stands right now.

Steve Watripont explained no, they would not have permitted being oversized without Zoning Board approval.

Board Member Clift asked if it's approved by the board to go there.

Steve Watripont said a permit must be obtained and inspections will be obtained.

Board Member Clift said ok. He knows they'll make sure that was done properly.

Steve Watripont said yes, they would.

Board Member Clift said he's hoping that it is, if it does move forward. Is there a permit on file for the construction of this gazebo.

Steve Watripont explained he believes one was obtained after the last ZBA meeting. He was off medically; he did not check in to a lot of this stuff that's on the agenda today.

Board Member Clift asked her if she can tell him if there was a permit pulled for that gazebo construction.

Dawn Gafa replied yeah, there is one that's pulled.

Board Member Clift said he remembers her being here, but doesn't remember the specifics. That's going to be a permanent structure. It's not a pop-up take down kind of a thing.

Dawn Gafa said exactly.

Board Member Clift said it's going to go up and it's going to be there.

Dawn Gafa said that's right.

Board Member Clift yields' the floor. Thank you.

Board Member Sylvester said to Mr. Watripont as the lady said the pool has been there for quite

some time, but right now it's moved against the northeast of the property on blocks. Is there a permitting procedure for that pool. He would imagine it's not going in the same place and it's going to be somewhat underground.

Dawn Gafa said the exact same place, it's just recessed. So that when...

Board Member Sylvester said it's not in the same place now.

Chairman Nestorowicz asked the applicant to step to the microphone. It's hard to hear her.

Board Member Sylvester also stated step to the mic.

Dawn Gafa explained no, it is not in the same place right now. They built the retaining wall. But you can't get a pool contractor to come off season. So, it will probably be March before a pool contractor comes and puts a new lining in and recesses the pool into the retaining wall area.

Board Member Sylvester asked if it will be placed back into the same spot that...

Dawn Gafa repeated the exact same spot.

Board Member Sylvester asked Steve if that has to have approval.

Steve Watripont said he would have to check with the building inspectors on that. As far as zoning, it would not need additional approval as far as that goes.

Board Member Sylvester said if it's already been removed and disconnected and everything. He would have to believe it has to be looked at again.

Steve Watripont said quite possible.

Board Member Sylvester said ok.

Steve Watripont said he will check with building inspector tomorrow.

Board Member Sylvester said he appreciates it, thank you.

Board Member Sophiea said the petitioner seems genuine here. In his eyes, this is an upgrade from her last shed. They're here for the shed tonight. He's going to make a motion on this if there are no other comments. The caveat is that his motion for this shed is going to be she applies for a permit, and it's inspected and up to all city ordinances, the gold requirements.

Motion:

Board Member Sophiea made a motion to grant permission to:

- 1) Erect an oversized accessory structure (shed) 12' x 20' = 240 square ft.
- 2) Allow 1,146 square ft. of accessory structures; 586 square ft. attached garage, 320 square ft. gazebo, and a 240 square ft. shed.
- 3) Allow two detached accessory structures (gazebo and shed).

4) Allow two detached accessory structures more than 3 ft. apart.
Provided that all structures are up to City of Warren building requirement and code.

Reasons being: Property is unique; Not a detriment to the area.

Secretary Jerzy supported the motion.

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

Board Member Sylvester said he has a question. They brought up some other topics. Are they going to be looked at prior to all this.

Chairman Nestorowicz explained there is a motion on the table. Vote on that first.

Board Member Sylvester said ok.

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.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Board Member Sylvester	No, he has to have an understanding that these other things are going to be taken care of first.
Board Member Perry	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.

Board Member Sylvester said he would like to add to this, he's not exactly sure he's supposed to say it, but to make sure that these other items are looked at and approved by the city.

Chairman Nestorowicz asked him if that's the stuff he referred to Mr. Watripont.

Board Member Sylvester said yes.

Chairman Nestorowicz said so, that's where that is.

Board Member Sylvester asked if that's all part of that. It's all under the motion.

Chairman Nestorowicz said yeah.

8. PUBLIC HEARING:	APPLICANT: Italy American Construction
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: (I) Accessory buildings or uses customarily incident to any of the above permitted uses, when located on the same or an adjoining lot and which do not involve any business, profession, trade or occupation. One (1) private garage for each residential lot in which there is housed not more than three (3) vehicles, not more than one (1) of which may be commercial vehicle, shall be considered a legal accessory use, provided, however, any such commercial vehicle shall not exceed one (1) ton capacity, and shall be kept housed within a garage when not in use; and provided, further, that no moving vans shall be housed in private garages. All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

This item was tabled during the adoption of the agenda.

9. PUBLIC HEARING: **APPLICANT: Robert Ross**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 21072 Behrendt
LEGAL DESCRIPTION: 13-32-354-010
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Erect a 4 ft. high chain-link fence that extends 32 ft. past the front building line to no closer than 1 ft. from the public sidewalk along the north property line.

ORDINANCES and REQUIREMENTS:

Section 4D.08 – Fences, Walls and Landscape Screens In Front Yard Between Building Line and Front Property Line: No fence, wall or landscape screen shall be constructed between the established building line and the front property line, except as follows: A. corner lot. On a corner lot abutting a street, a fence may be installed not exceeding thirty (30) inches in height between the established front setback line to the front property line and shall be of a non-sight obscuring fence material.

Robert Ross said correct. It's a simple request.

Chairman Nestorowicz asked him to start with his name and address for the record.

Robert Ross, 21072 Behrendt, appeared before the board.

Chairman Nestorowicz said ok, now just the request.

Robert Ross explained it's a simple request. He lives on a double wide corner lot. On the south side of his property, he has a cyclone fence. There is not one on the north side of the property separating him from his neighbor, which, unfortunately, makes his neighbor thinks he can use his yard as he sees fit. It has been an ongoing issue for about eight (8) years. He just wants to put up

a fence, a simple fence, to stop him, his garbage, his car parts, his weekend mechanics from not using his property and he sees fit. He can't think of any other way to do this. In his area, all the houses are older and most of them are kept up pretty well. This wouldn't be an eyesore in his neighborhood. One out of every four (4) houses in his neighborhood has a cyclone fence all the way around the perimeter. He doesn't want that. He just wants one on each side. One is there, one is not. He keeps encroaching on his property. He has had the police involved. He keeps saying he won't do it anymore. He says he'll repair the fence that he destroyed, but he never does. So, he's hoping this will stop him. He doesn't know how else to explain it.

Chairman Nestorowicz thanked him for that explanation of his request. This is a public hearing. Is there anyone in the audience here to speak for this item. If so, please approach the podium. He asked the applicant to step aside to allow them to voice their comments.

Robert Ross said oh, he's here. Good.

Chairman Nestorowicz asked him to state his name and address for the record.

Marlon Carter, 21124 Behrendt, appeared before the board stating he is the neighbor.

Ms. Jackson, 21124 Behrendt, appeared before the board.

Marlon Carter said he's the neighbor. Robert Ross has video cameras. The board would never see him on his property working on his property or nothing. He's a convicted pedophile and he has been causing havoc in their little area where all the neighbors get along. Whites, Bengalis, Chinese, all these peoples. He got a letter that all the neighbors sent a letter that was protesting against this. This dude has done nothing but create problems. Yes, he has the police involved, but when the police come out there he's wrong. This guy is being a menace. They didn't get no notification that a pedophile was moving into their neighborhood where they have kids. This guy had kids in his yard playing basketball, he's not supposed to do that. Before he knew he was a pedophile, he had his kids in his basement.

Chairman Nestorowicz asked him to stick to the items that are (inaudible).

Marlon Carter said yes, sir. They are against the fence. The neighbors are with him on this. Been in that neighborhood fifty (50) plus years. All their lives. They are against the fence. He has a letter from her, they sent emails and everything. They are totally against this. He's just doing this to keep up trouble.

Ms. Jackson stated as far as the fence goes with him, it's not going to solve the issue that they have been back and forth with this guy. Her kids understand not to go on this mans property for any reason. Nobody goes on this man's property. They even had a survey to establish where the property line is. She's wondering where he's going to put this fence, because it hasn't been established exactly where the property line is. As of now, he's put a privacy fence that closes their garage into his backyard. They can't access one side of their garage because the privacy fence goes all the way over to their garage. So, her question is, where is he going to put this fence at? When he doesn't even know where the property line is. She would prefer he put a privacy fence right there, and maybe that will keep him from over in their yard a little better, because a chain link fence is not going to do it. The police is called at least twice a month for silly stuff. She is sure the

police have other things to do than to be called about their motor home is extended or just something, every other week with this man.

Chairman Nestorowicz thanked them for those comments. The board will take them all into account and ask any follow up questions. Is there anyone else in the audience wanting to speak on this item?

Marlon Carter asked if he's allowed to give the letter from the neighbors.

Chairman Nestorowicz said they actually have it.

Secretary Jerzy said if he could, he's going to read these two (2) letters into the record. One is from a Kathy Szykula who resides at 21071 Behrendt and she says in her letter, "I'm sending this letter in regards to Robert Ross at 21072 Behrendt. This is in regard to the 4 foot fence he would like to put up around the entire property. I have lived in this neighborhood since 1953. The area all around us is very nice. Everyone keeps up their property. It's nice and open. I really don't want to look at the chain link fence across the street from me. The issue is this man is fighting with the neighbor and he's trying to do everything possible to get back at this neighbor. He constantly calls the police because the neighbors Winnebago is close to the property line. The police have more important things to do, like save lives, than to come out with silly complaints like this. This man does not have a pet. He does not have children. What would be the reason for a fence around that entire front of the property? He can put a fence around half the property. I am just sending this letter so the council does know I do not approve of this. I do not want to look at this fence across the street from me. These areas have been so beautiful and open. It's a shame that we would even think to do this. This is just another way of getting back at the neighbor next door who never bothers him, never causes a problem, tries to help everyone. I don't understand why he constantly is causing a problem. I would be very upset if the council ok's a fence around the whole property, which is really beautiful. You can contact me." She left her phone number. Second letter is from a Carol Muzyk who lives at 21090 Behrendt. She writes she can't attend the meeting in person so she's emailing this letter, "In regard to the hearing for Robert Ross 21072 Behrendt Ave. I oppose Mr. R from putting up a fence around his entire property. The fence going in the back of the yard is not bad, but to put a fence around the front of his house is preposterous. All the homes around Mr. Ross all have open and beautiful front yards. A fence around Mr. Ross's property would look hideous. I do understand that there are some homes down the street that have fences around their front yards but those are homes that were built way back in the 50's. Mr. Ross has no children, no pets, no other persons living in his home with him that would need any sort of protection from leaving the yard. To be honest, Mr. Ross is a little paranoid about his property lines. I am sure you have knowledge of all the times he has either called the city about his property lines or has called the police. I don't think that a fence around his entire yard would satisfy Mr. Ross's paranoia about his property, and it would just make the neighborhood look horrible. What is next, putting an 8-foot privacy fence around his entire property or maybe a mote. I know that sounds ridiculous but so is Mr. Ross. Please do not grant his request to put up the fence around his entire property. Our half of the street is very nice and we would like to keep it that way. Thank you for taking the time."

He stated he also has an impact letter from the Planning Department, or the Planning Director, Mr. Wuerth. He has an impact of the board not adhering to the 25-foot setback in this instance.

Chairman Nestorowicz asked if he has any letters from any other neighbors.

Marlon Carter stated she sent the same letter. She wasn't sure if they received it. It was just in case. But he does want to say, they're not bitter people. They're not opposed to him having a fence. They do just dislike, as they're saying, just all the way around the house. It just looks gawdy. Halfway, they're ok with that. Even if it's a privacy fence and something that they can help do with a privacy fence, they'll contribute to that.

Ms. Jackson said along the side of their house, because that may cut down from the problem, whatever problem he has with them. A chain link fence is not going to do it. Every time the weather breaks, the summer comes. It starts. So maybe he needs a privacy fence over there and it will keep him more over in his yard.

Marlon Carter said they're fine with it like he said. Tried to get a long with this guy. If they can contribute and come to that agreement, they will also put in cost with that privacy fence along theirs. Because he stay over there, they'll stay over here, everybody fine. He's been living in Warren, it's been wonderful. They have no issues, no nothing. Its been great, you know, until this start happening. It turned into a nightmare. He's been there 12 years; the neighbor has been there no 8 years.

Chairman Nestorowicz appreciates their comments. They will consider them. With that, he closed the public hearing portion of the meeting and turned it over to the board for questions and discussions.

Marlon Carter asked if that property does have to get surveyed, right?

(Inaudible)

Marlon Carter said ok.

Chairman Nestorowicz said he knows his personal opinion. He is not a fan of fences in the front property. They should not extend past the building line. That is just his comment.

Board Member Furgal said there is no reason why he can't put a three (3) inch in height between the established front setback like to the front property line and be a non-site obscuring fence material. There is something in the ordinance that allows him to do something so he doesn't have to, you know. What he wants to do is not fully necessary.

Steve Watripont explained that part of the ordinance is only for the corner side. It's not for the...

Board Member Furgal said it doesn't say that.

Steve Watripont said it does say that in the ordinance. Maybe not how it's written there.

Board Member Furgal said on a corner lot, but it doesn't say between the established setback to the front property line.

(Inaudible)

Board Member Furgal said it doesn't say abutting the street.

(Inaudible)

Robert Ross said the 30-inch fence was destroyed. That's why he wants to put the four (4) foot fence up. It was destroyed and now they step over it.

Chairman Nestorowicz said actually, a question has to be directed towards him.

Robert Ross apologized.

Board Member Furgal said anyway, you know, she thinks he can put a privacy fence up and solve his problems with the neighbors. She doesn't think it's a good idea.

Chairman Nestorowicz said yeah.

Board Member Furgal said she lives in that neighborhood. A couple blocks over.

Robert Ross asked that the board would allow him to put a privacy fence up to the sidewalk.

Chairman Nestorowicz said not up to the sidewalk. Nothing can go past the front of his building.

Board Member Furgal said just the back yard.

Robert Ross said if he may, that's where it needs to be. He says he has never been on his property. He can show videos where he's constantly on his property.

Chairman Nestorowicz asked Judy if she has a question for the petitioner.

Board Member Furgal said she's finished.

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

Board Member Clift said he does. He's trying to compose his thought here, because he's trying to understand. He mentioned a 30 inch fence that has been destroyed. Is that on the corner? Is that where that fence is located?

Robert Ross explained it separates him from Marlon. He put it in about eight (8) years ago. Over time...

Board Member Clift said it's on the north side of the lot.

Board Member Furgal said it's illegal.

Board Member Clift asked if he pulled a permit for that fence installation when he put it in.

Robert Ross said yep. And for the privacy fence in the backyard that he had to put up because they wouldn't remove his trampoline from the yard. He kept telling them to please move it. They never did. He put a fence up, so he had to move the trampoline. Never did. He moved it. He put it in his driveway, put up his fence and after that it started getting worse. Then he started using his side yard as his extra driveway, because he parks cars too wide all the way down the driveway. Excuse him, he's out of breath.

Board Member Cliff said that kind of paints the picture he was looking for. So, he's not a fan of fences forward of the front building line either.

Robert Ross said he isn't either. He would rather have wide open space, but when he tells the police why are you doing this. He says he needs the room.

Chairman Nestorowicz asked Mr. Cliff if he has a question for the petitioner.

Board Member Cliff said he's just trying to be patient, Mr. Chairman. As he was saying, he doesn't have an issue with a fence going in up to the front build line. He can't see his way clear on that north end to... He just can't see his way clear to justify a fence from the front build line of the property out to the sidewalk. He will relay to him that he had a very similar situation going on at his residence and he found an alternate method to address his situation and it's worked wonderfully. So, there is other things out there that they can do as opposed to putting that fence all the way out there. He heard his neighbor talk about a shared offer on a privacy fence. This is just him talking to him, he would get a survey and jump on that deal in a heartbeat.

Robert Ross said he did have a survey done. He's already exceeded his property line, widening his driveway. He brought his widen driveway.

(Inaudible)

Board Member Cliff said he puts his privacy fence on the property line as regulated by a survey and there shouldn't be any question about it, as long as he can prove it. What he guesses he's trying to relay to his colleagues, he also has an aversion to approving variances for fences forward of the front build line, on a non-corner lot, especially. Or a not corner side of a lot. He yields the floor with that.

Board Member Sylvester asked the petitioner that he had it surveyed. Has it been staked out. Does he have a fence up there now.

Robert Ross said the one that is destroyed is there, yes.

Board Member Sylvester asked if the poles are up.

Robert Ross said yes, the poles are still there.

Board Member Sylvester said so, he knows where the property line is.

Robert Ross said yeah.

Board Member Sylvester said he doesn't know what the problem is if the neighbor knows where the property line is, and he knows where the property line is, how is he on the property.

Robert Ross said he's very active. He has a lot of activity in his driveway. Because the 30-inch fence is destroyed, now he steps over it, brings the equipment into his yard.

Board Member Sylvester asked if he's ever talked to the gentleman to say...

(Inaudible)

Board Member Sylvester said excuse me.

Robert Ross said again for eight (8) years. He even had to get the police involved to ask him to fix the fence because he refused to fix it. It's on going and it.

(Inaudible)

Board Member Sylvester said hold on, hold on, hold on, hold on.

Chairman Nestorowicz said it's Mr. Sylvester is asking a question to the petitioner.

Board Member Sylvester said go ahead, sir.

Chairman Nestorowicz said the public portion of the meeting is over, that's the problem.

(Inaudible)

Board Member Sylvester said they're trying to figure it out.

Chairman Nestorowicz said he just wants clarification.

(Inaudible)

Chairman Nestorowicz said unfortunately, the public portion of the meeting is over.

(Inaudible)

Board Member Sylvester asked the petitioner that he's had it surveyed. He's got it marked out.

Robert Ross said he had it surveyed by the company he works for.

Board Member Sylvester said when this gentleman puts his trampoline or whatever cars or whatever on his property, he's asked him to go on the other side of that.

Robert Ross said ask that again.

Board Member Sylvester said he's asked him to go on his side of the property line.

Robert Ross said yes, with the trampoline. For 3, 4 months and he refused to move it.

Board Member Sylvester said he called the city and asked them if they could do anything about it?

Robert Ross said again he moved it himself.

Board Member Sylvester asked why he did that. If he was having a hard time with a neighbor, and he doesn't know if he did it or not, ok. He's not arguing for him. He's just saying that a lot of people need to understand that they have a city, they have a city hall, they have zoning, they have building, they have different departments where he can call and tell their issues. Ask if they can have something done to make sure this gentleman keeps his material, his property on his side of the property line. Why didn't he do any of that?

Robert Ross said he did. He called the police.

Board Member Sylvester said ok. Thank you.

Robert Ross said at the time they were getting along good.

Chairman Nestorowicz said he thinks that's the end of that question.

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 deny the petitioner's request to erect a 4 ft. high chain-link fence that extends 32 ft. past the front building line to no closer than 1 ft. from the public sidewalk along the north property line.

Reasons being: Detriment to the area.

Board Member Perry supported the motion.

Chairman Nestorowicz said they have a motion to deny by Mr. Jerzy, support by Board Member Perry to deny their request for the reasons stated in the motion. Reminder for all board members, a yes vote is yes to deny. Roll call please.

Roll Call:

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

Secretary Jerzy	Yes, to deny for the reasons stated in the motion.
Board Member Perry	Yes, to deny for the reasons stated in the motion.
Board Member Sieracki	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.
Board Member Sophia	Yes, to deny for the reasons stated in the motion.

Board Member Furgal
Chairman Nestorowicz

Yes, to deny for the reasons stated in the motion.
Yes, to deny for the reasons stated in the motion.

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

10. PUBLIC HEARING:	APPLICANT: Metro Detroit Signs
REPRESENTATIVE:	Kevin Deters at Metro Detroit Signs
COMMON DESCRIPTION:	4441 Eight Mile
LEGAL DESCRIPTION:	13-32-358-016
ZONE:	MZ, R-1-P, M-2

VARIANCES REQUESTED: Permission to

Allow a 3.7 ft. x 19.125 ft. (70.76 square ft.) wall sign on the south elevation.

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.

Paul Deters appeared before the board stating he is with Metro Signs and Lighting, 1444 Kaltz Avenue. With him this evening is Tom Murray.

Tom Murray, 4441 Eight Mile, appeared before the board.

Paul Deters explained Mr. Murphy recently purchased Schwartz Machine Company, which is a long standing business here in Warren, as he's sure many of the board knows. As part of that, he's made extensive effort to upgrade the property and rebrand it. The existing wall sign that he has there now is several decades old. It doesn't do justice to the branding that he's put in order to convey the image for the expensive and sophisticated type machining and prototype work that they do there. This is just part of his endeavor to upgrade the facility and to improve his brand at this location.

Chairman Nestorowicz thanked Mr. Deters for that explanation. This is a public hearing, 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 for discussion and questions.

Secretary Jerzy said ironically enough when this item came up, he drives that route quite often for work. He literally 3 or 4 months ago he was thinking to himself they could really use a new sign. That building has been in existence as long as he lived in the city, and that sign has probably been there just as long. So, thank you for reinvesting in the property and coming to Warren as well. He thinks it's a sharp looking sign. He doesn't think it's anything outside the parameters they grant on a normal basis. Obviously, he thinks it needs an upgrade. That's his opinion and his 2 cents. He'll yield the floor to that. There is an impact statement from the Planning Department from Mr. Wuerth

saying that he finds no impact on the abutting areas.

Board Member Sophiea stated with that being said, he reviewed the petition here. The new sign is actually a little bit smaller than the existing sign. He has no problems with this. He thinks it's a great improvement. He would like to make a motion.

Motion:

Board Member Sophiea made a motion to grant permission to allow a 3.7 ft. x 19.125 ft. (70.76 square ft.) wall sign on the south elevation.

Reasons being: Necessary; Property is unique.

Board Member Sieracki supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Sophiea to approve the request, with support by Mr. Sieracki. 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 Sieracki	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

11. PUBLIC HEARING:	APPLICANT: Aver Sign Company
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 ground sign.
- 2) Erect a 93.77 square ft. ground 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, appeared before the board stating she is here today to request this sign. Her customer, the station owner, purchased the old Bob Evan's restaurant on Dequindre Road; just adjacent to the 696 express way. That building sits pretty far back in a very industrial service type of zone. She doesn't remember the exact zoning, but she knows the area very well. There is very little, if any, residential. The closest residential they get is about 700 feet across the expressway. So, putting up a 28-foot sign. This guy who purchased this property is redoing that whole property to make it nice; a new station. He's offering many different environmentally friendly fuels that he would like potential customers on the expressway, off the expressway, up and down Dequindre Road to be able to know that they are working with all of these different fuels. E85, the recreational non ethanol gas. He's also offering food inside the station. So for him to be able to erect a sign that will pull in and draw in customers and be able to advertise the products a lot of people up and down 696. There is not a whole lot of fueling station signs in that area, so you don't know it's there. They'll be able to see that sign from 696 exit ramps and the expressway that it's off, so he can let potential customers know that he's offering these fuels. He's got four (4) different products that he'll offer. He has diesel and then regular, cash, regular fuel, regular grades and then the ethanol free, E85, diesel. They have to follow a brand standard as well for the BP gas stations. They require the invigorate panel on the sign, which increases their square footage. I think they're not a detriment to that area, because if they look to that area as far back as that building sits they have a hotel and a lot of manufacturing and industrial type buildings in that area, high rise type buildings. So, it's hard to see him in there. They can meet the setback and under clearance, they just want a sign that is visible by the expressway and then anybody that is going up and down Dequindre Road. By putting a smaller sign there, they feel is a safety hazard for traffic. The DMV has done many studies on stopping distances and the amount of time that they need and the amount of feet that they need to be able to safely stop. With Dequindre Road being 40 miles per hour, the DMV has a studies that shows that they need at least 125 feet of stopping distance to be able to stop safely. That sign being reduced is going to reduce their stopping time, because it's going to take a lot longer before seeing it. If on top of it, it's causing traffic problems or hazards people hitting their breaks to try to make that station and get over safely. That's it. Thank you.

Chairman Nestorowicz thanked her for that explanation. 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. He said he wanted to start by making a comment. He actually misses that Bob Evan's. He remembers eating there all the time. But the way he looks at her site plan. The sign is actually not, it's pointing towards the expressway, not towards the Dequindre sides, according to this.

Jennifer Glover explained it would be angle north and south.

Chairman Nestorowicz said anybody driving up and down Dequindre would actually be driving parallel to it.

Jennifer Glover stated the way it would be angled it would be seen going from north and south, but

the way that the angle is they would be able to see it going across the expressway.

Chairman Nestorowicz stated that's one of his issues. It's the height. The 28 feet high is taller than they allow. He understands when the client wants to be seen from the expressway. He remembers the board has had issues before regarding billboards and signs for McDonald's and all this other kinds of stuff. They want to be able to be seen from the expressway, and he honestly does think that 28 feet is too tall. It just needs to be more within the ordinance. He understands they say they have to have all those panels. The company might say they want those, but they can actually get rid of a couple of those panels and make that sign a little bit more within reason. Actually, to tell her the truth, personally, he likes monuments signs more than pole signs. He thinks this pole sign get rid of a couple panels, doesn't need to have that recreational ethanol stuff. They can downsize it to be more closer to the 75 square feet.

Jennifer Glover asked if she could ask a question.

Chairman Nestorowicz said he didn't really have a question for her on this item.

Secretary Jerzy said Planning Department included in the packet an impact statement saying they were concerned as well with the height of the sign. Planning's recommendation, which he'll go over with the petitioner, is if the bottom 3 panels, the 2 green and white are removed, then the height would be lowered to about 25 foot. Also removing the panels, the square footage is reduced approximately 77.57 square feet. Almost meets the requirement of 75 square feet. Is that something that... He guesses his first question with that is what's going to on those... He sees it says recreational ethanol free, but on the other 2 panels below, what's going to be on there?

Jennifer Glover explained there is only 1 panel below. The 1-foot cladding is what they see underneath that bottom panel. That bottom panel, he would advertise that he serves food. If he has any other specials going on, he would be able to put that on there.

Secretary Jerzy asked if the petitioner would be open to eliminating those 3 panels.

(Inaudible)

Jennifer Glover said the station owner is here.

Olly Bazzi, 30825 26 Mile, appeared before the board stating he is the developer/owner. In regard to the bottom panel. They're offering, there is going to be a Burger 1 restaurant within the facility. So, they have kind of left it blank for them to have their graphics to put that in the bottom panel they're referring to that seems blank there at the bottom underneath the rec fuel. As a business owner, as convenient store/gas station, their ID sign is really their advertisement for their customers to see what products they offer and what products they sell. E85, diesel, and rec fuel are products they're going to be offering to the public. Without having it on their ID sign, customers are not really going to know that they're offering it. He knows some stations, not necessarily in the City of Warren, but maybe in the City of Warren have those electronic message boards that flash and say pop or diesel or whatever. They're trying not to create an eyesore for the consumer. The digits are 14 inches, the LED, they're just 14 inches, so they're not big. They want to be able to, with the height, to capture the customers attention prior to getting to the station itself. So, coming up Dequindre

they would be able to see it from a safe distance and plan ahead in regard to turning, hopefully, into their store.

Secretary Jerzy said he just thinks using, not giving the public the benefit of the doubt that they're actually intelligent would see this green beacon of a brand new building on a pretty good size piece of property. He thinks just the signage is an extenuating feature for new property of that size, in his opinion. He doesn't think they'll see this sign from the freeway.

Olly Bazzi said they probably won't be able to see it from the freeway.

Secretary Jerzy said that being said, he asked if they're open to the things he outlined about the 3 panels being removed and getting the sign closer into the ordinance.

Jennifer Glover said to her client he would want him to remove those 2.

Secretary Jerzy said the bottom 2 green ones and the 1 white one.

Jennifer Glover said that's cladding. That's part of the structure. The white bottom piece of underneath it. 2 green panels. They have the recreational ethanol free and then the green panel underneath then the white, it looks like a panel, but it's actually sign cladding.

Secretary Jerzy said he said it was going to be a burger sign.

Olly Bazzi said no, the one below the rec fuel, that 1 green panel underneath the rec fuel. It looks like it's got the square in the right corner, that panel would be for the restaurant that will featured in their facility. Underneath that where they see the dotted lines, that's basically part of the sign. It's not actually any signage. It's just cladding for aesthetic perspective.

Board Member Sophiea said if he remembers correctly, they've had other BP signs that have been tabled in the last few months because they're adding additional panels to the sign. He remembers they had a problem before that the under clearance on the sign was too low. In this case, there is an extra 2 or 3 more panels than what was in the previous BP sign they had an issue with a few months ago. Now, it's taller and the under clearance is ok. But there are too many panels on it. Just because BP has standards for their signage, doesn't mean that it's necessary for the City of Warren. BP mandating certain signage, he knows it's a constraint that they have to work with, but they have to be flexible with the city here too. It's his position that usually those invigorate signs are plastered all over the pumps anyway and all sorts of additional signage and pole signs by the gas pumps. He thinks they're trying to help them out here and get this passed, but he doesn't think he's going to have the approval, the number of votes tonight to get this sign passed as it is drawn in this packet here.

Jennifer Glover explained the invigorate panel, fortunately and unfortunately, she understands exactly what they're saying, that is an absolute requirement by the BP brand if they diesel they have to have the invigorate panel on the sign. It does take away from the station owners being able to have the ability to display what they're offering. It's unfortunate, but it's not something that can be flexible with.

Board Member Sophiea said unfortunately the issue with the invigorate sign is between the owner and BP. They have a certain allowed signage they can do whatever they want with it. If BP is telling them to do so much, it's not ...

Olly Bazzi said to his point, they are technically a franchisee of BP. So, they have what they're called, brand standards. What separates BP is the invigorate and for them they want to make sure that is advertised. But in listening to the board and they can probably eliminate the recreational fuel, because it's not displaying a price. They'll try to advertise it somewhere on the pumps or something like that. It's not going to be a big seller for them, but he believes for the sake of compromise and seeing if the board would allow them to... Maybe if they eliminated rec fuel, would the board then consider to allow them to keep the other panels. More importantly, keeping the bottom panel for the restaurant that's going to be part of the facility. Eliminating that 1 panel is probably a foot and a half. It will take them to 26 feet.

Board Member Sophiea said so they're clear, the last decorative component of the sign, the white trim on the bottom. Is that counted in the square footage of the signage.

Jennifer Glover said yes.

Board Member Sophiea said they're wasting part of their signage by having that.

Olly Bazzi said if he could eliminate, he doesn't think...

Jennifer Glover said it's a manufacturing thing.

Olly Bazzi said it comes built that way. He jokingly said he could take a black marker, but if there is something they can do. He just doesn't know how it's going to affect the sign itself if they try to eliminate that white.

Board Member Sophiea said for the burger restaurant or food inside, that's going to be displayed on the bottom panel, this green panel.

Olly Bazzi said correct, yes.

Board Member Sophiea asked if it's going to be a stationary sign.

Olly Bazzi explained it's just going to be a decal vinyl sign. It's not going to be flashing.

Board Member Sophiea said no motion. He yields.

Chairman Nestorowicz said it's like, you know, it sounds like the height is one of the things that's talked about here. One of the things he saw is, he came across a BP sign that is similar to theirs but down to the ground. It's not over the height allowance. It's just something to consider.

Olly Bazzi asked if they brought this down. Like all the way down?

Jennifer Glover said they can't. they have to have an under clearance.

Chairman Nestorowicz said it's actually more of a monument sign.

Olly Bazzi said to his point, Mr. President. If they brought it down to ground level, they would consider it as a monument sign and would be ok with it.

Chairman Nestorowicz said height wise, he would be fine with it. He doesn't know what the rest of the board... he doesn't know, Steve?

Jennifer Glover said she has a question. If they were able to remove the ethanol panel and she can find out if that cladding is a structural thing that's a requirement. If they can remove the cladding and then one of those panels and get the sign to 25 feet. Would that be something the board would take into consideration?

(Inaudible)

Steve Watripont said basically, if they changed it to a monument sign, it would have to be republished and everything else and come back before the board because it would be over the 5-foot height at that point. A monument sign is a viable option, but again would have to come back before the board.

(Inaudible)

Board Member Clift said looking at four (4) different panels advertising. Well, actually, 1 grade of fuel with 2 different prices and 2 other grades of fuel. Other stations and other markets have moved to a hybrid style sign. It's electronic and LED and it will have regular grade price for a few moments and then change over their credit price. He sees them for the E85 and diesel splitting that, eliminate 2 panels off the sign.

(Inaudible)

Olly Bazzi stated there is a state law that requires whatever the size of the digits are, the wording has to be 50% percent of the size of the digits. So, if they tried to make the digits smaller, then, basically the wording would be a lot smaller trying to make it all fit into. Then where would they put; they would have to put 2 different verbiages. Those would have to flash back and forth. From a cost perspective, he thinks it would prohibitive for them in terms of what they're looking to accomplish. But he does appreciate the suggestion.

Board Member Furgal said most of the signs that she sees has the price of regular cash, and its understood if you're not paying cash you pay 10 cents more. Everybody knows that you don't even have to guess.

Olly Bazzi said he agrees.

Board Member Furgal said he could eliminate regular credit. Also, E85, she doesn't know about E85. She thinks just taking off regular credit would solve the problem.

Olly Bazzi explained the State of Michigan does require it if they're planning on posting different.

Board Member Furgal said they do not because she has seen many stations that do that.

Olly Bazzi said they're violating the state law, unfortunately. They own and operate 40 plus locations. Another one in the City of Warren, actually that's where they started business in 1989 in the City of Warren. They are very honored to do business in the City of Warren. This project here was something near and dear to them, because they wanted to continue doing business in the City of Warren. They have a location at Thirteen Mile and Hoover, which was grandfathered in with so much signage and stuff. That's where he started at 18 years old with a 2-bay garage doing full service, but being in the business for so long. To their point, they don't want to assume their customers don't know, but their customers only... If they don't know they're not selling the product, they're not going to come to the store and basically do business with them. For example, for the E85 or rec fuel, which they're willing to eliminate, but the more their consumers know, it just gives them a better advantage.

Secretary Jerzy asked the petitioner if they would be against a monument sign.

Olly Bazzi said he wouldn't be opposed to a monument sign and put it back to the board because it would be over the five (5) foot limit. Would they be able to, because this sign is 16 feet. So, they would have to come in and ask for an 11 foot variance, if he's not mistaken.

Chairman Nestorowicz said he doesn't know what the other board members opinion are.

Board Member Sophiea said he has no problem with a monument sign of this size with the variance of 11 feet if they're ok having it re-noticed or reposted and coming back.

Olly Bazzi said he would be ok with that. If he may, if he could add, if they're going to do a monument sign, what would the board allow them to brick underneath the sign a certain height. Are they ok with 2 feet, 4 feet. He doesn't want the bottom of the sign basically, if they do some kind of landscaping around the monument sign.

Chairman Nestorowicz said Mr. Watriont can answer that question.

Steve Watriont explained in order for it to be a monument sign, they usually say it has to have a 1 foot base. Anything more than that, now becomes a ground sign and is no longer a monument sign, by definition. So, they usually consider that, they have allowed a 2-foot including that as part of the variance, but he doesn't think they have gone higher than that for a monument in the city.

Board Member Sophiea said personally, he thinks a good compromise would be having a monument sign. They can have a 1-foot base and have that decorative element that is also a foot, so they're back at 2 feet.

Olly Bazzi said that would be great.

Board Member Sylvester said he had a question that came up. Steve, is their monument sign over at Eleven Mile and Dequindre, that Shell station. It's a 90-degree sign. Dequindre and on Eleven

Mile Road.

Chairman Nestorowicz said they do have a monument sign, but it's a low one.

Steve Watripont said it's not a Shell, is it.

Olly Bazzi said it's a Marathon.

(Inaudible)

Steve Watripont explained there are 2 on the corner, and yes, they came for variances.

Board Member Furgal said they did. They sent a lot of time on it.

Board Member Sylvester said so they can use on their property, correct? Something like that.

Steve Watripont said something like that.

Board Member Sylvester asked if they're familiar with that sign over there.

Olly Bazzi said he is familiar. It's a "T" shape sign, trying to get both traffic. He thinks it got hit the other day, but yeah he's familiar with that sign. Ideally, what they're trying to do is just go with 1 sign, unless the board is going to allow them to have 2 signs.

Board Member Sylvester said he's just looking at the options.

Steve Watripont said it would require another variance multiple signs.

Olly Bazzi said keep it simple with the 1 sign, if it's possible.

Board Member Sylvester said just options. He said restaurants, is that just going to be fast food type thing or seating.

Olly Bazzi said no seating, it's just carry out. It's a Burger 1. They're out of Ann Arbor, they're small business owners and they invited them to be part of their organization. They're going to try them out in one store and if things go well, they'll go onto the next.

Board Member Sylvester explained how carry out restaurants are. He lived in that area a long time and they're going to be the only gas station in the radius of a mile, and they're going to be right off the freeway, and it was a Bob Evan's restaurant. Unfortunately, that's gone. So, he's going to be getting. How they're going to put up their signs and what they're going to do, they're going to get a lot of people. He's noticing it now. He knows Bob Evan's isn't there anymore, but they're going to be getting a lot people coming in and out of there, especially before getting on the freeway and getting on 696 going wherever. He feels the board can work with them, he can work with the board, and they're going to be the only game in town right there. There's no residential areas, so he thinks they have a good spot. Just make some adjustments.

Olly Bazzi said they want to work with the city and the city has been working for well with them. They want to continue that positive relationship.

Chairman Nestorowicz said he is proposing for the board to table this. They can go back and get specifications and that sort of stuff. Then they would have to get that reposted because that would be a different type of sign. So, they don't want to put a date to say because they have to get that sign information to the city and then they would have to post it out for the board to approve it. Before they do that. He thinks he's allowed to ask. Is anyone going to be opposed if they go back and do a monument sign. So, it sounds like nobody is opposed to it.

Secretary Jerzy said he would like to make a motion.

Motion:

Secretary Jerzy made a motion to table to the March 8, 2023 meeting.

(Inaudible)

Board Member Sylvester supported the motion.

Voice Vote:

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

The petitioner's request was **RESCHEUDLED** to March 8, 2023.

12. PUBLIC HEARING:

**APPLICANT: Gardner Signs Inc.
c/o Oshkosh Defense**

REPRESENTATIVE: Mia Asta
COMMON DESCRIPTION: 6123 Thirteen Mile
LEGAL DESCRIPTION: 13-04-351-017
ZONE: M-2

VARIANCES REQUESTED: Permission to

Erect a 7 ft. 4 in. monument sign.

ORDINANCES and REQUIREMENTS:

Section 4A.11 – Specific Sign Definitions: 22. Monument sign. A sign mounted directly to the ground with a maximum height not to exceed five (5) feet.

Mia Asta appeared before the board stating she is here on behalf of Oshkosh Defense. She believes they are all moved into their new building from where they were in Warren before. They put up the wall sign already because everything went great with that. Built to code and everything. Then their monument sign, there is an existing footer there that they want to reuse versus having to dig up new footer. So, with their logo and the over visibility of that divided highway, they just felt the 7.4 gave them a better visibility, because of all the mature trees that are there. With it being a divided highway. Where that existing foot sits, heading west, they'll be able to see it because it's after the driveway and its how a sign should be, like right after the driveway, so you see it from the distance. If they're heading east, they will definitely see that sign as well, being a little bit taller than the 5 foot that is allowed.

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

No response.

Chairman Nestorowicz turned it over to the board.

Board Member Sophiea said the sign is on this 2-foot base. So, really the sign is only 4 inches over the 5-foot requirement. He doesn't have any problem with this sign. He doesn't know if anybody else on the board has comments. If there is not, he would like to make a motion.

Chairman Nestorowicz said please do.

Motion:

Board Member Sophiea made a motion to grant permission to erect a 7 ft. 4 in. monument sign.

Reasons being: Property is unique; Not a detriment to the area.

Board Member Clift supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Sophiea, support by Mr. Clift to approve the requests for the reasons stated.

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 Clift	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Furgal	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: Yasser Salem
REPRESENTATIVE:	Ahmed Ahmed
COMMON DESCRIPTION:	26439 Hoover
LEGAL DESCRIPTION:	13-22-226-037
ZONE:	MZ, C-1, C-2, R-1-P, P

VARIANCES REQUESTED: Permission to
Erect a 117 square ft. wall sign.

ORDINANCES and REQUIREMENTS:

Section 4A.37 – Shopping Centers: Regardless of the zoning district, shopping centers as defined in Section 2.67 are permitted the following signage: C) One (1) wall sign of a size not to exceed forty (40) square feet shall be allowed for each business located in the shopping center.

Charlene McKinney appeared before the board stating she is with Southfield Signs & Lighting on behalf of Colosseum Beauty Supply.

Ahmed Ahmed appeared before the board stating his address is 27377 Lexington Parkway.

Charlene McKinney explained they're here tonight to ask for a variance for a wall sign located in the Hoover and Eleven, it's a landmark, in Warren, Michigan. They initially went into apply for a larger sign versus to the 40 square footage that is allowed within the city for 1 wall sign. So, they submitted a variance based on the permit as far as getting a larger sign for a beauty supply that's coming in that area. There is other businesses that's in that same plaza, which is the Harbor Freight and the Shoppers World. Of course, Kroger has been there for some time. So, for the location of the beauty supply it's actually 2 parcels. It used to be Dress Barn. The sign that is only allowed, which is 40 square footage, would not be big enough for her client that is in that location. They are here tonight to see if they can get a larger, get that approval, for 117 square footage, which is 2 signs, 2 wall signs, channel letter signs. Colosseum is 24 x 18 feet, and the beauty supply is 21 x 36.

Chairman Nestorowicz thanked her for that explanation. 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 over to the board. He just wanted to start with a comment. He has no problems with a larger sign in that area, because 40 square feet for the size of the store is too small. He just questions whether 117 is a little large for that business. He wishes they could maybe compromise it with something between there, something a little smaller than 117.

Secretary Jerzy stated like the petitioner said, she's combining 2 business there. There are 2 businesses in 1 there. In essence, the wall sign would probably be necessary. He thinks 117 is probably borderline to being reasonable. If he doesn't have anything else to say, he has a question to the petitioner. The wall sign how they have it illustrated in the picture on the building versus the one that's in the packet. To him, it seems to be inconsistent. It looks a little bit like the beauty supply is larger than the colosseum on the picture on the photo with the store front. His concern, he would like to see some kind of uniformity of the letters as here versus on the picture. To him it looks like beauty supply is bigger than colosseum.

Charlene McKinney stated it is. It is larger than the colosseum. That would be 36 in height, which is 3 feet by the 21 feet. The colosseum would be the 2 feet by 18.

Secretary Jerzy held up an image and asked if it would look like this.

Charlene McKinney replied yes.

Board Member Sophiea said he likes to keep things easy. They combine 2 buildings together. He thinks a reasonable square footage would be double the allowed size, and if they want to have the colosseum smaller than the beauty supply, he doesn't necessarily think it's a good idea, but he doesn't have a problem with it if the sign is scaled back down. His question to her and the petitioner, if they're ok with reducing the square footage of the sign down to 80 square feet.

Charlene McKinney said 80 square feet, ok.

Ahmed Ahmed said it's a larger space compared to Harbor Freight. The store front looks a lot bigger than Harbor Freight is. It's like 110 feet wide. The size of the sign they're asking for, they're thinking it would be sufficient with the store front. As they can see, it's a large store front with a lot of glass.

Board Member Sophiea said he see's his point there with Harbor Freight but looking at the picture provided of the similar businesses. Notice the Harbor Freight sign may be large, but their store frontage is huge and there's so much more blank space on the front of their building compared to the image provided in the petition. That's where his concern is and as his fellow board member mentioned the difference in scaling of the word colosseum and beauty supply.

Charlene McKinney explained if they scale it the right way it would seem like it's no so massive on the front there. She thinks it's just a matter of that the channel letters should have been a little more tighter.

Board Member Sophiea said in his opinion, too. Shrinking the square footage of the sign, the sign is more scaled to the frontage on the top of the building. There doesn't appear to be much space on top of the building. So, that's where the sign has to go, obviously. His question is, he'll propose a motion to support this if they'll agree to the 80 square foot size.

Charlene McKinney said ok.

Board Member Sophiea yielded the floor.

Board Member Sylvester asked how many doors are they going to have in that building. He was sorry to see Dress Barn go, because he got a lot of clothes for a female friend of his, his mom. How many doors are they going to utilize on the store front?

Ahmed Ahmed explained currently there are 3 doors, but they're only using one of the doors.

Board Member Sylvester asked the one to the south.

Ahmed Ahmed said the one on the left side, facing the building, facing the store front, it's the one on the left side.

Board Member Sylvester said when looking at it, the one on the left.

Ahmed Ahmed said yes.

Board Member Sylvester said ok. What is he going to do with the other doors? Jus have them locked?

Ahmed Ahmed said they'll be open during business, but they're...

Board Member Sylvester said then he's going to have more than one door, one access to the building.

Ahmed Ahmed said they have a sign up there that says to use the left door, but the doors are open.

Board Member Sylvester said the letter they have from Ron Wuerth for the size and the sign and everything. He's in agreement with his fellow board member. Harbor Freight, Dunham's, and the Shopper's World, they're just looking at them and familiar with those areas. He personally, doesn't like the colosseum beauty supply across the whole building. So, if that can be reduced, and he would make a recommendation to table this until they get a clearer picture of what they want to do there. Then go from there. Right now, the way it sits he would not agree to it.

Chairman Nestorowicz explained the question would be, if the client wanted to, the board could agree to a size of 80 square foot like Mr. Sophiea and if the client says 80 square feet, they can bring the size under that, then...

Board Member Sylvester said don't they need to see that though.

Chairman Nestorowicz asked what.

Board Member Sylvester said he's imagining with the square footage would be. Do they need to see it.

Chairman Nestorowicz said not if they say it's 80 square feet and agree to it. Then that's what they do, because the Building Department will.

Board Member Sylvester asked if it would be the same way. Or would they have that more to the left or in the middle of the building. How would they be positioning that?

Charlene McKinney said initially it would be horizontal with the centering of the façade. Which is 110 feet is what it is by 22. The client wanted it centered within that façade there.

Board Member Sylvester asked why they think they needed to have it so big. He's not that far from Hoover.

Ahmed Ahmed said honestly the building is kind of pushed back.

Board Member Sylvester said if looking to the south there, the building wraps around, goes to the west and then there is the whole row where the Dunham's store is, that's in the back. This is closer to Hoover.

Ahmed Ahmed said that's correct. He means, honestly, a lot of it was it's a huge store front and

they needed a sign, that's why they went for this size.

Board Member Sylvester asked that they're agreeing to reduce it and center it.

Ahmed Ahmed said they can definitely work.

Board Member Clift said he's going to echo the sentiments of both of his colleagues. He can get behind this real fast at about 80 square feet. That's all he has to say, thank you.

Chairman Nestorowicz asked if they would want the board to move forward if they make a motion for 80 square feet and vote on it right now. Would they be happy with that?

Charlene McKinney said yeah, she thinks its sufficient. They're pretty much willing to work with them.

(Inaudible)

Chairman Nestorowicz said he would.

Steve Watripont said that's part of the permit process.

Chairman Nestorowicz apologized and asked what they said.

Charlene McKinney said yes, 80 square feet, he can live with that.

Chairman Nestorowicz said as long as it comes under 80, it could be 79.99 or whatever, but no more than 80. He asked Mr. Sophiae if he wanted to make that motion.

Motion:

Board Member Sophiae made a motion to grant permission to erect an **80** square ft. wall sign.

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

Board Member Clift supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Sophiae, support by Mr. Clift to approve the request as stated in the motion for 80 square feet.

Roll Call:

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

Board Member Sophiae	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Furgal	Yes, for the reasons stated in the motion.

Secretary Jerzy
Chairman Nestorowicz

Yes, for the reasons stated in the motion.
Yes, for the reasons stated in the motion.

The petitioner's request was **APPROVED** with the previously mentioned change.

14. PUBLIC HEARING: **APPLICANT: Dennis Krestel -USE-**
REPRESENTATIVE: Salvatore Randazzo
COMMON DESCRIPTION: 13441 Thirteen Mile
LEGAL DESCRIPTION: 13-02-481-020
ZONE: MZ, C-1, P

VARIANCES REQUESTED: Permission to -USE-

- 1) Retain 18 ft. long parking spaces north and east of the building.
- 2) Retain 20 ft. in long parking spaces along the east property line.
- 3) Allow a 16.6 ft. maneuvering lane.
- 4) Allow 1,783 square ft. of permanent outdoor retail sales in a "P" zone. **USE**
- 5) Allow permanent outdoor retail sales no less than 10 ft. from the front property line.

ORDINANCES and REQUIREMENTS:

Section 4.32 – Off-Street Parking Requirements: (l) All spaces that do not abut a continuous curb required in accordance with Section 16.07 or a common property line shall be laid out in the following dimensions: Type: 90 degrees, width 9 ft., length 20 ft., maneuvering lane 22 ft. All spaces that abut a continuous curb required in accordance with Section 16.07 of this ordinance or a common property line shall be laid out in the following dimensions, including off-street maneuvering lanes: Type: 90 degree, width 9 ft., length 22 ft., maneuvering lane 22 ft.

Section 13.04: Front Yard: A fifteen (15) foot front yard setback shall be provided.

Section 16.02 (A) – Limitation of the Use – Uses in (P) Parking Zone: Parking with or without charge of passenger vehicles.

Chairman Nestorowicz said before they begin, Mr. Krestel. The board looked for him at the beginning of the meeting, but he wasn't here. This is a use variance, and they are one (1) board member down. They need to get six (6) yes votes for approval. He just wanted to make sure he wanted to proceed still or if he wanted to reschedule.

Dennis Krestel explained he was advised of this after the meeting started and he is representing... He stated his name and that he's with Guido Architects, 23419 Ford Road. He was advised of that. They were, fortunately, to get ahold of Mr. Randazzo on the phone and let him know the predicament. His direction was he could go ahead and state some reasons for the variances and depending on how the meeting went, or the discussion went. He would ask to table it then and come back with the owner present.

Cecil St. Pierre said he thinks he understood what he said. He's saying that they can ask for a tabling at any time as a petitioner, but it's not guaranteed. The tabling is a not a guaranteed motion from any of these individuals on the Zoning Board of Appeals, but they can always ask for a tabling if he thinks it would help the position, but it's not something that is up to the applicant, it's up to this board.

Board Member Sylvester said he has a question for the petitioner.

Chairman Nestorowicz said he has to do his presentation first. It's not up to the board to have questions yet.

Dennis Krestel said he's trying to understand. Does he have to table now, or can he give a presentation and depending on the discussion ask for a table.

(Inaudible)

Cecil St. Pierre asked if he understood what he said.

Dennis Krestel asked him to repeat it.

Cecil St. Pierre explained he can go forward with this, and then he can always ask for a tabling. Ok? He may not get the tabling from this board. It has to come from this board, the motion. But that it something he can ask for. He asked if he understands what he is saying.

Dennis Krestel said yes.

Cecil St. Pierre explained tell the board you want to proceed, then he can proceed. But he's speaking on behalf of this board, nothing is guaranteed. Right ladies and gentlemen?

Dennis Krestel said they might not guarantee tabling it.

Cecil St. Pierre said that's right.

Dennis Krestel said if they vote on it, and it's not approved then he can't...

Cecil St. Pierre said if he doesn't get six (6) votes, it's not approved, that's right, the use variance is not granted.

Dennis Krestel said well, based on that. He thinks the best course of action is to table it. Ask to table it now and contact the Planning Department again and the commissioners.

Cecil St. Pierre said he'll speak on the legal issues here. Just ask to table it to the next meeting, that's March 8th. That's it, don't do anything else. Just come back.

(Inaudible)

Cecil St. Pierre said they can have it for February 15th.

(Inaudible)

Chairman Nestorowicz stated he said he should be here.

Board Member Cliff said it's only fair to point out to the petitioner that this board functions with a limited amount of people. They have no auxiliaries, or no stand-by people appointed at this time.

So, there is no guarantee that he'll ever have a full board seated before coming to the board here.

Dennis Krestel explained he would rather take the chance with the owner being here and understanding that.

(Inaudible)

Motion:

Secretary Jerzy made a motion to reschedule to February 15th meeting; Supported by Board Member Clift.

Voice Vote:

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

The petitioner's request was **RESCHEDULED** February 15, 2023.

15. NEW BUSINESS

None.

16. ADJOURNMENT

Motion:

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

Voice Vote:

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

The meeting adjourned at 9:23 p.m.

Paul Jerzy
Secretary of the Board