

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
APRIL 12, 2023

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, April 12, 2023 at 7:30 p.m. at the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

Roman Nestorowicz, Chairman
David Sophiea, Vice-Chairman
Paul Jerzy, Secretary
William Clift, Assistant Secretary
Charles Anglin
Kevin Higgins
Charles Perry
Anthony Sieracki, Jr.
Michael Sylvester

Members of the Board absent:

None

Also present:

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

A roll call was taken and all Board Members were present.

4. ADOPTION OF THE AGENDA

Motion:

Board Member Anglin made a motion to approve the agenda; Supported by Board Member Clift.

Voice Vote:

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

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

Motion:

Secretary Jerzy made a motion to approve the minutes of February 15, 2023 minutes; Supported by Board Member Perry.

Voice Vote:

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

Motion:

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

Voice Vote:

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

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| 6. PUBLIC HEARING:
REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE: | APPLICANT: Jeffrey Teneyck
Same as above.
28254 Besmore
13-15-280-008
R-1-C |
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VARIANCES REQUESTED: Permission to

Erect a roof over a porch no less than 18'6" from the front property line.

ORDINANCES and REQUIREMENTS:

Section 7.05 – Front Yard: Each lot in R-1-C districts shall have a front yard of not less than twenty-five (25) feet.

Chairman Nestorowicz asked if the petitioner is present. Anytime anybody approaches the podium, please make sure you state your name and address first before speaking. So, that way it's in the record.

Jeffrey Teneyck, 28254 Besmore, appeared before the board.

Chairman Nestorowicz asked him for his reason for the petition today.

Jeffrey Teneyck replied yes.

Chairman Nestorowicz asked if he wanted to explain what the request is for.

Jeffrey Teneyck stated his request is for a variance for an extended roof over an existing porch. The porch slab is already in the setback area.

Chairman Nestorowicz said 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 for discussion.

Board Member Sylvester asked the petitioner if this is in his backyard or front yard.

Jeffrey Teneyck replied his front yard.

Board Member Sylvester asked if he said there is already a pad poured.

Jeffrey Teneyck replied yes.

Board Member Sylvester explained the drawing he has does not show that. He sees a pad in the backyard.

Jeffrey Teneyck asked if it's a city drawing or is it his drawing. It was existing when he moved there seven (7) years ago.

Board Member Sylvester said none of the other neighbors have a porch that sticks out that far, right? Supposed to have twenty-five (25).

Jeffrey Teneyck stated his neighbor sits like that. His next door neighbor has one that stick out that far.

Board Member Sylvester said it must be an old picture. Are the neighbors here to say they don't have any objections?

Jeffrey Teneyck replied no. They don't object at all.

Board Member Sylvester asked he can take his word no that.

Secretary Jerzy said he noticed he has a privacy fence in the yard. Is that correct?

Jeffrey Teneyck replied he does.

Secretary Jerzy said when he drove by the property, he personally doesn't have a problem with the variances requested to do this. He thinks it's a pretty decent project where he sits in the cul-de-sac, like a dead-end street. It doesn't encroach on anybody. He was a little concerned about the privacy fence not being put up the right way when he passed by his property.

Jeffrey Teneyck asked his part of it or his neighbor's part of it.

Secretary Jerzy said it's reversed, it should be reversed.

Jeffrey Teneyck explained that was also existing when he moved in there.

Secretary Jerzy said just to let him know. That's all he's got.

Board Member Anglin mentioned he has no objections to this. So, if no other board member has anything else to make a comment on, he would like to make a motion.

Motion:

Board Member Anglin made a motion to allow the petitioner to erect a roof over a porch no less than 18'6" from the front property line.

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

Secretary Jerzy supported the motion.

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

Roll Call:

A roll call was taken on the motion. The motion carried (9 – 0).

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

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

7. PUBLIC HEARING: **APPLICANT: Michael Andrew Spina Liburdi**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 20754 Gentner
LEGAL DESCRIPTION: 13-36-451-015
ZONE: R-1-P

VARIANCES REQUESTED: Permission to

- 1) Retain a dwelling no less than 3' 8" from the side (north) property line.
- 2) Construct a porch no less than 21" from the front property line.

ORDINANCES and REQUIREMENTS:

Section 8.07 – Side Yards Abutting Upon a Street: In R-1-P districts, the width of the side yard abutting upon a street shall be not less than twenty-five (25) feet when rear yards abut side yards.

Section 8.05 – Front Yard: Each lot in R-1-P district shall have a front yard not less than twenty-five (25) feet in depth.

Michael Liburdi, 20754 Gentner, appeared before the board.

Chairman Nestorowicz asked him for the reasons for his request.

Michael Liburdi explained the house was existing there for a long time before he lived there. They had gotten through ServPro all the permits for the electrical, mechanical and plumbing, and everything else. Then the final permitting to being construction, obviously, they found out when they

tendered the drawing of the property that it was too close to the sidewalk by six (6) feet. Too close to one of the fences by, he thinks, two (2) feet four (4) inches. Something like that. So, all the other houses on the street are similarly situated. He doesn't know.

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

No response.

Chairman Nestorowicz said the board did have one (1) phone call.

Secretary Jerzy mentioned they had a phone call late by Mamoud Chowdry who lives on Gentner. She was a neighbor to the property who has no issue with the variances that are requested.

Chairman Nestorowicz not seeing any other comments, he closed the public portion of the meeting and turned it over to the board for discussion and questions.

Board Member Anglin asked if this is going to be considered a remodel. Was the fire bad enough that they're starting over from scratch?

Michael Liburdi explained the fire didn't even go in the house. The garage was totally consumed, with the exception, obviously, the brick, but the house didn't sustain any kind of significant fire damage.

Board Member Anglin said it's more of a remodel than it is a rebuild at that point, in his opinion. As a builder, he would call that a remodel. He has no objections to this.

Secretary Jerzy said real quick to the petitioner. When he went by there it looked like he's moving the garage closer to the south property line. Is that correct? Or is the garage going to be in the same spot it was.

Michael Liburdi explained same location. It's an attached garage.

Secretary Jerzy thanked him.

Board Member Sophiea said if there's no other comments, he would like to make a motion.

Motion:

Board Member Sophiea made a motion to granted permission to:

- 1) Retain a dwelling no less than 3' 8" from the side (north) property line.
- 2) Construct a porch no less than 21' from the front property line.

Reasons being: Necessary: 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 request for the reasons stated in the motion.

Roll Call:

A roll call was taken on the motion. The motion carried (9 – 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 Anglin	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 Sieracki	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

8. PUBLIC HEARING: **APPLICANT: Jennifer Mason**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 32809 Beechwood
LEGAL DESCRIPTION: 13-01-204-029
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Retain a 6 ft. high privacy fence that extends 45" past the front building 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.

Jennifer Mason, 32809 Beechwood, appeared before the board. She explained she is here for a piece of privacy fence that she installed after her original privacy fence was installed. To gain just a little bit of privacy from her neighbors that do not like her. It kind of benefits them both, but she knows they have a problem with it. Just to kind of not have a camera facing at her front door and be able to sit on her front porch and not have people staring at her. Her and her grandson can enjoy their front yard. It's only forty-five (45) inches. She called the city and asked them what she can do to have a little bit of privacy and she was told that should could extended. She had put up some arborvitaes anyways and two (2) of them died. Then suddenly the third one dies and anything she puts along that fence line dies. On that property suddenly just dies. She doesn't know why that's happening, but didn't have that problem before her neighbors. She just wants a little bit of privacy and not have a camera staring at her front door. That's all.

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

Katherine Thacker, 32821 Beechwood, appeared before the board stating she lives next door to Ms. Mason. Ms. Mason put up a fence last year. She was told it was a violation of the ordinance, which she had to remove. They came before the council and denied her appeal. Here they are again

a year later, she put up another fence. She knew it was a violation of the ordinance, and she put it up anyway. They do not have any working cameras on their property, so her reason for having that fence there is moot. If she doesn't want anyone looking at her on the porch, all they would have to do is step around the fence. It's only four (4) feet long. It looks, it's unsightly, it looks ridiculous, it affects their property, as well as hers. They have two (2) neighbors with them here who also agree that the fence doesn't look good, and it affects the entire neighborhood, not just her. Thank you.

Chairman Nestorowicz thanked her for those comments. Is there anyone else wishing to speak on this item?

No response.

Chairman Nestorowicz mentioned before closing the public portion, the board does have a letter submitted that's actually from Ms. Thacker. So, they don't need to read that into the minutes.

Secretary Jerzy said he doesn't believe so.

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

Board Member Higgins asked the neighbor if she said she had additional neighbors with her here tonight.

(Inaudible)

Chairman Nestorowicz asked if he had questions for those neighbors.

Board Member Higgins said he just wanted to make sure he heard her correctly. That they're here in person, and hearing it correctly. That was the question.

Board Member Anglin explained he always had an objection to fences being in the front of the property for several reasons. One, it's against code. Which is probably the most important, but it also catches the garbage when it's blowing. It's line of site from the sidewalk. Small kids walking by and can't see them. One of the things is the reason why they don't as a code for people to know is when emergency vehicles are going down the road, they want to see the fronts of the houses going down. Any type of fencing, whatever the size it happens to be, hinders that. So, he's always had an objection to fences in the front yard, and he still does.

Board Member Sylvester asked if he can call the petitioner back up.

Chairman Nestorowicz stated if he has a question for them, then yes.

Board Member Sylvester said he does. The petitioner made some claims here that the neighbors were spying on her, have cameras.

Jennifer Mason said they do have cameras on the front of the house and the police...

Board Member Sylvester said ok whatever they have, does she have any proof of that?

Jennifer Mason replied she does not. She can take a picture and get back to him.

Board Member Sylvester said it's kind of late. What she's asking for, and they do have ordinances, and Mr. Anglin made some valid points.

Jennifer Mason said the privacy fence does not go past her building line, and it does not. She would have to take her garage down if that's the case. If it's bothering anything, because it does not go past the forty-five (45) inches of her garage. She can see in her paperwork, it does not. You can stand on the side of her garage and can't see the privacy fence. So, how it's bothering anybody, she doesn't know. It might be bothering them, because she does have video of the neighbor standing at the sidewalk, the night she had the privacy fence put up, the neighbor is standing at her sidewalk looking in her house. She does have video of the man next door to her sleeping the lawn right next to her. Sweeping the lawn next to her staring in her windows. Constantly staring in her windows every single day. She has video of it. Yes she does.

Board Member Sylvester asked if she called the police.

Jennifer Mason replied yes, she has called the police. She had talked to the Chief of Police today.

Board Member Sylvester asked what has been their response.

Jennifer Mason said she doesn't wish to discuss it here, because they're here and it's kind of with her and the police. They ruin everything she puts outside. They run over her... She put rocks and solar lights along the driveway to keep them off, because they can't drive. They're constantly, she has pictures, of where they park in their front lawn right here, on her property line. They constantly are breaking everything she puts out there. Everything she puts on her property line they kill. She doesn't know what else to do. Leave her alone. She has lived there for ten (10) years, and she doesn't know why these other neighbors are here. She's never done anything to any of these people. She just wants to be left alone.

Board Member Sylvester asked if there would be any reason in her mind that they would want to be doing something to her or her property.

Jennifer Mason replied they started with her grandson. They started harassing her grandson. When they moved in, they called the city on her for bushes. She trimmed the bushes before they even came there, to be the kind, nice neighbor. The neighbors that were there before them, beautiful people. She wishes they didn't pass away and were still there. She said she would never move because she loved her neighbors. These people came, within three (3) weeks they called the police on her, they called the city on her, they harassed her grandson. Telling him he can't ride down the sidewalk. They tell him to stay off their lawn, he's never touched their lawn. Her mom was an evidence tech for Warren for entire... She retired from the City of Warren. He's yelling out his window at her grandson. Her mom went over there to check the grass, there wasn't even a track in the lawn. Her grandson stays on the lawn. She asked, Ms. Thacker, can you please ask your husband to stop yelling at her grandson. Next thing, she was out there doing it. Casey that's here, used to be friends with her grandson, use to buy him popsicles and all this stuff. Mr. and Mrs.

Thacker moved in, now he's not even allowed speak to her grandson. It's insane. It's forty-five (45) inches. The Police Commissioner came over to her house today. He said that's what they're complaining about? She said yeah. He said that's ridiculous. Forty-five (45) inches.

Chairman Nestorowicz said ok. He asked Mr. Sylvester if she answered his question.

Board Member Sylvester said there is a lot there. Is there anything that she's doing right now that is legal per the ordinances.

Chairman Nestorowicz said the fence is up...

Board Member Sylvester said she's looking for privacy and whatever. Is there something the board can tell her that she can do this and this, but this is violating ordinances.

Chairman Nestorowicz said the fence would have to be moved back behind the front of the house.

Board Member Sylvester said yeah. Whatever she needs to do within the ordinances, you know.

Chairman Nestorowicz said Mr. Sylvester, the ordinance does not allow a fence past the front of the property over there.

Board Member Sylvester said no, I...

Jennifer Mason asked if she could say something else. Her fence guy came to...

Chairman Nestorowicz said if somebody has a question, unfortunately.

Jennifer Mason continued to this man to get a building permit, to Steve at Building. She doesn't know if that's Steve or not, but to Steve at the Building Department. Steve told him he didn't even need a building permit. He can just put it up.

Chairman Nestorowicz thanked her for those comments, but...

Jennifer Mason continued saying so, Mr. Thacker thinks, or whoever he called on him, there was a problem.

Board Member Sylvester asked to call Steve up.

Jennifer Mason continued stating that's why they were out there again.

Chairman Nestorowicz thanked her for replying to his question. He asked Mr. Sylvester if he had a question for Steve.

Board Member Sylvester said it looks like they have a problem here that's not going to be resolved by a handshake. So, is there anything... If this lady has a specific problem, is there anything she can do within the ordinances to alleviate the problem?

Steve Watripont said he thinks she tried that with the arborvitaes.

Board Member Sylvester asked she was allowed to do that.

Steve Watripont replied yes.

Board Member Sylvester asked if he knows, has anybody checked to see if they were poisoned or anything, or?

Steve Watripont said their forensic team... Oh, no. They don't have a forensic team. So, no.

Board Member Sylvester said right. Well, he means she could have done that.

Chairman Nestorowicz explained to Mr. Sylvester that arborvitaes actually die very often.

Board Member Sylvester said he knows, he replaced a bunch of them himself.

Chairman Nestorowicz said every year he has to replace two (2) or three (3) of them.

Board Member Sylvester said the accusation was made, that's why he's asking. Is there anything she can do to...?

Steve Watripont mentioned plant life, arborvitaes.

Board Member Sylvester asked that's it.

Steve Watripont explained as far as fencing, it is the front of the house. So, it is forty-five (45) inches in front of that. So, it's just less than four (4) feet in front of that. It is equal with the garage.

Board Member Sylvester said she's where she's at right now. Can't really do anything else, except the arborvitaes.

Chairman Nestorowicz said yeah.

Steve Watripont said correct. The arborvitaes are the only option.

Board Member Sylvester thanked him.

Chairman Nestorowicz asked Mr. Sylvester if that answered his question.

Steve Watripont said depart other Planning stuff.

Secretary Jerzy said hold on, Steve.

Board Member Sylvester said right.

Secretary Jerzy said he has a question real quick.

Board Member said just jump in there.

Secretary Jerzy said the fence that's currently there, it does extend past the front building line. He knows she has it going all the way down the side. Is that correct? Into the yard?

Steve Watripont replied into the rear, yes.

Secretary Jerzy asked if that has been inspected or is that up to code.

Steve Watripont explained they don't inspect fences in the City of Warren. Unless there is a complaint about it.

Secretary Jerzy wondered that she should be ok with the stuff in the rear, correct?

Steve Watripont replied yes.

Secretary Jerzy said as long as they remove the forty-five (45) inches in the front, would she be in compliance?

Steve Watripont replied she would. That is why that is the only item before the board. Secretary Jerzy thanked him.

Board Member Sophiea said maybe the Chair or Mr. Watripont. He is a little confused here. There are two (2) pictures in the packet here. There is one (1) picture of the front of the house, and there is a yellow section circled on the right-hand side. Is that what they're talking about? Is that where the forty-five (45) inches is protruding into the front yard?

Steve Watripont replied yes.

Board Member Sophiea asked there is nothing running down to the sidewalk.

Steve Watripont explained nothing down the property line or anything. It's just strictly the forty-five (45) inches.

Board Member Sophiea said they're just talking about this one (1) section that's circled.

Steve Watripont said correct.

Board Member Sophiea exclaimed he just wanted to make sure. Thank you.

Board Member Clift said for Steve, just clarify for him. This kind of goes in contrast with two (2) other places he has worked. The front building line in Warren according to ordinances is the front of the house and doesn't count the attached garage?

Steve Watripont replied it doesn't count the attached garage.

Board Member Clift thanked him for clearing that up. Thank you. He yields.

Board Member Sophiea said one follow up, if he may. Does the overhang of the house count towards what Mr. Clift is talking about?

Steve Watripont explained it's the principal building, or the principal business if it was commercial.

Board Member Sophiea said in other words, the bricks.

Steve Watripont said the bricks of the house.

Board Member Sophiea said not the gutters.

Steve Watripont explained not the overhang or anything else.

Board Member Sophiea thanked him.

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

Board Member Anglin said he would like to make a motion. Let him get his paperwork here.

Motion:

Board Member Anglin made a motion to deny the request to retain a 6 ft. high privacy fence that extends 45" past the front building line.

Reasons being: Necessary: It's not to code; Detriment to the area.

Board Member Sieracki supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Anglin, support by Mr. Sieracki to deny the petitioner's request. Just to remind everybody, that the vote is a yes to deny is the vote. No, you're for it.

Roll Call:

A roll call was taken on the motion. The motion carried (9 – 0).

Board Member Anglin	Yes, to deny.
Board Member Sieracki	Yes, to deny.
Board Member Perry	Yes, to deny.
Board Member Clift	Yes, to deny.
Board Member Higgins	Yes, to deny.
Board Member Sophiea	Yes, to deny.
Board Member Sylvester	Yes, to deny.
Secretary Jerzy	Yes, to deny.
Chairman Nestorowicz	Yes, to deny.

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

Chairman Nestorowicz said if she has any questions, she can take it up with the Building Department or so. Move on to item #9.

9. PUBLIC HEARING: **APPLICANT: Warren Woods Tower Booster Club**
REPRESENTATIVE: Jason Chamberlin
COMMON DESCRIPTION: 13400 Twelve Mile
LEGAL DESCRIPTION: 13-14-226-023 & -024
ZONE: MZ, R-1-C, C-1

VARIANCES REQUESTED: Permission to

Conduct annual spring fair in the parking lot from Friday, May 19th to Sunday, May 21, 2023 from:

Friday 4pm to 12am
Saturday Noon to 12am
Sunday Noon to 11pm

Music to be lowered at 10pm each night.

ORDINANCES and REQUIREMENTS:

Section 4.35 – Circuses, Fairs, Carnivals and Similar Uses: Fairs require the approval of the Zoning Board of Appeals.

Jason Chamberlin, 12967 Jan Drive, appeared before the board stating he is the Vice-President of the Booster Club at Warren Woods Tower High School.

Chairman Nestorowicz asked if he has anything he wants to say to the board about his request.

Jason Chamberlin explained this is their annual spring fair that they do; they've done for years on that property. Very similar request to the one they had last year to do that. They have a great amusement company coming in, Maple Leaf, from right here in the State of Michigan to run their fair. It's a great opportunity for them and their students and really helps generate some money to give back to their communities.

Chairman Nestorowicz thanked him for the information. This is a public hearing, anyone in the audience wanting to speak on this item?

No response.

Chairman Nestorowicz closed the public portion. Basically, it's the exact same fair they have every year. Same hours, music off by ten, they got approval from Tim Horton's to use their parking lot attached. So, they have everything covered.

Board Member Sylvester said he use to go there, use to live around there. He knows it's there. But as the President just said, they have Tim Horton's there that sold off some property. Is there any problems or restrictions or has been with still having the carnival there and having those other businesses there.

Jason Chamberlin replied no. He already has the request from the property owner for that small piece of property that is vacant.

Board Member Sylvester asked north there.

Jason Chamberlin replied yeah, between the gas station and the Tim Horton's driveway to the middle school parking lot. They have already approved them to use that as they have done...

Board Member Sylvester asked they don't own that.

Jason Chamberlin explained the school district sold that off a few years ago. They get a letter every year, Ms. Denewith, Superintendent.

Board Member Sylvester said their property is basically the parking lot north and east of the school.

Jason Chamberlin explained they use the Warren Woods Middle Schools.

Board Member Sylvester asked any problems whatsoever.

Jason Chamberlin replied no, they do a very good job.

Board Member Sylvester asked if everybody has been able to park and get there.

Jason Chamberlin stated Warren PD is phenomenal, also, in helping them with support last year.

Board Member Sylvester said they are pretty good, aren't they?

Jason Chamberlin stated yeah, they are. Very nice guys.

Board Member Sylvester said he appreciates it, thank you.

Board Member Cliff said this just looks like a rinse and repeat for forever.

Jason Chamberlin said correct.

Board Member Cliff stated if nobody else has any...

Board Member Anglin said he thinks he was still in high school when they started this program. That's how long it's been on that site. So, he has no objections whatsoever.

Board Member Cliff continued to make his motion.

Motion:

Board Member Cliff made a motion to conduct annual spring fair in the parking lot from Friday, May 19th to Sunday, May 21, 2023 from:

Friday 4pm to 12am(midnight)

Saturday Noon to 12am(midnight)

Sunday Noon to 11pm

Music to be lowered at 10pm each night.

Reasons being: Not a detriment to the area; Continuation of a well liked and well deserving fair in the area.

Board Member Anglin supported the motion.

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

Roll Call:

A roll call was taken on the motion. The motion carried (9 – 0).

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

Cecil St. Pierre said best high school in Warren. He waited till the very end. He didn't want to influence in any way, shape or form.

10. PUBLIC HEARING: **APPLICANT: Family Fun Fireworks**
REPRESENTATIVE: Caren Burdi
COMMON DESCRIPTION: 30800 Hoover
LEGAL DESCRIPTION: 13-11-101-033
ZONE: MZ, C-1, P, C-2

VARIANCES REQUESTED: Permission to

- 1) Conduct a temporary outdoor retail sale without a permanent building.
- 2) Conduct a temporary outdoor sale in a 20' x 50' tent = 1,000 square ft. in a parking lot from 6/15/2023 through 7/5/2023, 9:00 a.m. to 9:00 p.m. with a 10' buffer around the tent.
- 3) Waive 54 off-street parking spaces for the outdoor sales area and retail businesses combined.

ORDINANCES and REQUIREMENTS:

Section 4.48 – Temporary Outdoor Retail Sales in Commercial and Industrial Districts:

Temporary outdoor retail sales may be permitted in conjunction with a permanent building in C-1, C-2, C-3, M-1 and M-2 zoning districts.

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

Section 4.32 (H) 22: One (1) parking space required for each 300 square ft. of floor space and

outdoor sales are combined.

Caren Burdi, 31851 Mound Road, appeared before the board stating good evening. She explained this is Family Fireworks request to hold the fireworks sales from a tent at Thirteen Mile and Hoover. All the parameters have been explained here. Although, it's a twenty (20) foot by fifty (50) foot tent; 1,000 total square feet. In addition to that, she understands the requirement that is often asked with regard to the tents that the large cement stabilizers are requested and they will comply with that requirement. She is available for any questions. This is a tent that has been put up for years at this location.

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

No response.

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

Board Member Anglin stated that's down the street from him. He never heard of any problems with that location. So, this will have his support. If there's any other members that would like to speak to it, he'll wait before he can make a motion.

Secretary Jerzy said he would like to say one thing, Mr. Chair. He's going to vote to deny this. Just for the simple fact that the petitioner didn't show any interest in taking the boards consideration last year when putting up these tents. He sticks to his guns with that because he went and saw it, didn't have it. So, if they continue he's going to continue to get a no vote from him. But for this year it's a no vote for him, because he's exemplified what he's going to do. So, if they change their ways it might persuade to change his vote next year or going forward. Until they change the operation of the tents, securing them more, not having people caught outside smoking by the tent, too, which was on one of the Warren sites from that location. It will always be a not vote for him. He just thinks they've outgrown their need in the town and they're a detriment to the community at this point. He yields the floor.

Board Member Cliff said it looks like Esco Development who owns the property is in violation of numerous zoning enforcements. Enforcement 2301247 filed 6th of March of 23. Looks like they haven't been maintaining their signage there. There are still some old signs hanging around. Cart carrells in the parking lot are smashed all over the ground. Obsolete signs scattered throughout. He just doesn't understand why her client would want to place his temporary sales business in a situation like that. Where clearly the owner of the property isn't very interested in maintaining things to the ordinance. He's just going to yield the floor with that.

Caren Burdi said she understands. Quite often her client is able to get landlords to clean up certain things and pay attention to those things. She can have her client or the landlord check with the Building Department to see what's going on. She also understands that this owner either has just recently sold it or is in the process of selling it. They might be in a transition period where this is going on, but she understands his concerns. From what she understands he is saying is that the signage isn't maintained, there is excess signage that shouldn't be there and there are cart carrells

in bad shape laying in the parking lot. Those are the three (3) things?

Board Member Clift replied yes ma'am.

Caren Burdi said ok.

Board Member Clift said thank you.

Board Member Sophiea said he personally has no problem with the temporary sale. The fireworks at that location, he thinks the parking lot is suitable for it. He does just have a hard time allowing the landlord to benefit from the rental money, but not keeping the money in good shape and up to code. For this year, he thinks he's going to give them the benefit of the doubt and support this, but next year it would be nice to see a clean slate. Especially if there is a new owner.

Caren Burdi said yes.

Secretary Jerzy said one other thing he noticed in the packet. The board didn't see from the applicant worksheet number 1 regarding why it's not self-imposed, none of the reasonable impact or burden, things of that nature. To him, could be an oversight or just thinking that they can have their way this board. So, that's all he wanted to point out. Thank you.

Board Member Sylvester said this is to the board, whoever might know. This facility has been in this parking lot for quite some time. So, he sees in front of the board they have a variance requests. Ok. The owner that is selling the fireworks isn't responsible for the rest of the property. So, his question is are they complying with the variance requests that they're asking for their square footage. If they're doing that, he doesn't...

Chairman Nestorowicz explained the petitioner is doing for what their request is, that's true. The issues of the property, like the cart carrell, is not the petitioner's responsibility.

Board Member Sylvester said right.

Chairman Nestorowicz said it's the property owner. But, you know, the board can't actually point out that it's true that property owner is benefiting from the rental of the fireworks, but they cannot ask the petitioner to take care of that building owners.

Caren Burdi explained there is a misconception that they would fill out that exhibit sheet 1. That's not applicable for temporary sales. Mr. Watripont confirmed that.

Secretary Jerzy thanked her for clarifying.

Chairman Nestorowicz asked for any other questions, or anybody want to make a motion.

Board Member Sylvester said he had one (1) more. She's complying with all the variance requests that are on this sheet right here?

Caren Burdi replied yes, sir.

Board Member Sylvester said fine and dandy. What the owner of the property does...

Caren Burdi mentioned they're still going to try to deal with the owner, because she means they want it cleaned up, too. So, they will attempt to make those efforts. They're not going to ignore it.

Board Member Sylvester said he understands, but the property she is leasing is complying with all the variance.

Board Member Anglin said if there's no other comments from the board he would like to make a motion.

Motion:

Board Member Anglin made a motion to approve:

- 1) Conduct a temporary outdoor retail sale without a permanent building.
- 2) Conduct a temporary outdoor sale in a 20' x 50' tent = 1,000 square ft. in a parking lot from 6/15/2023 through 7/5/2023, 9:00 a.m. to 9:00 p.m. with a 10' buffer around the tent.
- 3) Waive 54 off-street parking spaces for the outdoor sales area and retail businesses combined.

Reasons being: Not a detriment to the area; Size and shape of the lot; Since Oakridge is no longer in business there is more parking there anybody could use at that point.

Board Member Sophia supported the motion.

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

Roll Call:

A roll call was taken on the motion. The motion carried (6 – 3).

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Sophia	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Clift	No, he feels anybody conducting business on that site leaves the customers at risk for harm or injury; he thinks it's a detriment.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Sieracki	No.
Board Member Higgins	Yes, for the reasons stated in the motion.
Secretary Jerzy	No, it's a detriment to the area.
Chairman Nestorowicz	Yes.

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

REPRESENTATIVE: Leisa Florchuk
COMMON DESCRIPTION: 26601 Ryan
LEGAL DESCRIPTION: 13-19-228-037
ZONE: MZ, R-1-C, C-1, R-1-P

VARIANCES REQUESTED: Permission to

Add a 31.75" x 84.5" = 18.63 square ft. LED sign to an existing 12' high ground sign with a 5' setback from the property line, resulting in a new under clearance of 4' 2". (If this variance is granted it will replace the sign variance granted on June 10, 1981.)

ORDINANCES and REQUIREMENTS:

Section 4A.17 – Setbacks: The following setback regulations shall apply to signs located in all zoning districts: b) All freestanding or ground signs shall be setback from the right-of-way line a minimum distance equal to the height of the sign.

Section 4A.19 – Clearance: All freestanding, projecting, and marquee signs shall have a clearance of ten (10) feet beneath the sign structure, excluding monument signs.

Haitham Sitto, 44731 Woodward Avenue, appeared before the board thanking the board for allowing them to be here. Last time he was here was for across the street for the church. What they're asking for is just as it shows in the description. Over the years, he's sure the board noticed, they always put up these banners across the double pole there and they put up a lot of the ground signs, so on and so forth. They wanted to get away from all that and just put a display sign so they could advertise for employment or help wanted kind of things, or sponsor the phase or banquets during the week, Sunday brunch, so on and so forth. The only thing that came to mind was the under clearance. Typically, they do these, he knows under clearance is important because they want to be able to have sight view to see vehicles going passed. The particular placement of this is about seventy some feet away from the entrance, so it's no where near that triangular calculation that they typically do for safety sake. It's not an issue at that point. Aesthetically, his office actually thought about this, if aesthetically pleasing, they wouldn't mind skirting that entire bottom. So, it would look like a nice monument rather than just an ugly looking double pole look and feel. That was the concept that they were thinking about. The client, he doesn't think, they would have any issue with that either. The display conforms with everything else as far as brightness. They opted for a really premium display, ten (10) millimeter SDM chip display. So, it's very clear, there is no motion or video or any of that content that they would be displaying that might be seen around town. It's completely brightness controlled as well. These displays are accessible for amber alerts that a lot of the cities take advantage of, God for bid there is an emergency or any kind of situation. It is cloud based, they just send a message and don't need to be at the location to actually upload the content and so on. With that, he lives it to the boards hands and see if they have any questions. Thank you.

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

Leisa Florchuck, 2044 Hubble Street, appeared before the board stating she is the President of the Ukrainian Cultural Center. They really need the sign, instead of always having paper banners and other things. She feels it would look more professional and they would get more use out of it. As her representative stated, it could be used by the city in emergencies and that's all she needs to say.

Chairman Nestorowicz thanked her for those comments. Not seeing any other audience members, he closed the public portion and turned it over to the board for question and discussion.

Board Member Clift said St. Josaphat across the street just recently upgraded their monument sign. So, are they keeping up with the Joneses here? Being serious though, the one across the street is fantastic. It's a great improvement over what was there already. Full disclosure, he frequents the UCC quite often for different events. They're a very community-oriented organization and he thinks granting this request doesn't lead to any detrimental action, whatsoever, coming and going out of their driveway. Plenty of clear view. He thinks it would accentuate and enhance, not only the appearance of the sign itself, but be a boom to local community for announcements and different activities. Hopefully spring more participation at the location. He's not going to have a problem supporting this. He will yield the floor.

Board Member Anglin asked Mr. Sitto if he was from the sign company.

Haitham Sitto replied yes, sir. He's the manufacturer.

Board Member Anglin said the only thing he wants to make a suggestion for things he likes to see on the board.

Haitham Sitto asked bigger sign.

(Laughter)

Board Member Anglin said that's a possibility, but not likely. Is the fact that more information or views of what the sign is going to look like, diagrams, photos of the sign that's there. He doesn't have any backup material whatsoever showing what the signs going to look. He doesn't have an objection to it, he knows the sign.

Chairman Nestorowicz asked him to pass the photo up to the board. He doesn't think the board saw that.

Haitham Sitto said you don't have that?

Multiple Board Members replied no.

Board Member Anglin said that's what he's saying. Something they can actually... oh, that's not bad.

Chairman Nestorowicz said he had a question for Steve.

Board Member Anglin said he will yield the floor to the Chairman.

Chairman Nestorowicz apologized for making him walk up there again.

Steve Watripont said no problem.

Board Member Anglin said he wants to get his 10,000 steps in.

Steve Watirpont said it's getting up and getting down.

Secretary Jerzy said it's PT.

Chairman Nestorowicz said he knows the request is just adding the LED under the existing sign with the smaller under clearance. The individual from the sign company mentioned about skirting. Would that be a separate?

Steve Watirpont explained it would have to come back before the board.

Chairman Nestorowicz said that's what he thought. It would probably look nicer.

Steve Watirpont agrees. It was mentioned when he came in and everything. They might have talked them into it direction when they came in too.

Chairman Nestorowicz said they would just have to come back.

Secretary Jerzy said Steve is all up for new business.

Board Member Anglin said he would like to ask the petitioner a question. Steve go ahead and rest. He realizes at his age he needs to have that break, so. He has no objection to skirting that making it a monument sign. He thinks they can table this to the next meeting.

Haitham Sitto stated they would like to move forward as quickly as possible.

Board Member Anglin said he was just trying to give them an opportunity not two (2) variances.

Haitham Sitto said he understands. Thank you, sir.

Board Member Anglin said he withdraws, he's done. Thank you.

Board Member Sylvester said he doesn't know her name, Ms. Yeah, you. Please. He explained he lives in that area and he knows that hall is used quite a bit. Out of 365 days out of the year, how many days are they operating something out of there?

Leisa Florchuk replied at least three hundred and something. It changes weekly.

Board Member Sylvester said most of the year...

Leisa Florchuk said most of the year. Out of the twelve (12) months, they're working ten (10) months.

Board Member Sylvester stated as far as he's concerned, they've kept it up really good and everything. He has not heard any complaints, so he hopes they get what they're looking for.

Leisa Florchuk thanked him.

Secretary Jerzy wants to make a motion if nobody has anything else.

Motion:

Secretary Jerzy made a motion to approve permission to add a 31.75" x 84.5" = 18.63 square ft. LED sign to an existing 12' high ground sign with a 5' setback from the property line, resulting in a new under clearance of 4' 2". (If this variance is granted it will replace the sign variance granted on June 10, 1981.)

Reasons being: Not a detriment to the area; Upgrade to the property as well.

Board Member Clift supported the motion.

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

Roll Call:

A roll call was taken on the motion. The motion carried (9 – 0).

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

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

12. PUBLIC HEARING:	APPLICANT: Aver Sign Company -USE-
REPRESENTATIVE:	Jennifer Glover
COMMON DESCRIPTION:	11610 Thirteen Mile
LEGAL DESCRIPTION:	13-11-101-001
ZONE:	MZ, C-1, P

VARIANCES REQUESTED: Permission to -USE-

Allow a pylon sign in a 'P' zone with the following specifications:

- 1) Located in a 'P' zone.
 - 2) Height of 27' 2-1/2".
 - 3) Total square ft. of sign 145.79.
 - 4) Under clearance of 6' 6-1/2".
 - 5) Leading edge of sign no closer than 48" from property line.
- If approved all previous variances related to the pylon sign with be relinquished.

ORDINANCES and REQUIREMENTS:

Section 16.02 Limitation of the Use: E) No sign shall be erected upon such parking area, except not more than one (1) sign at each entrance to indicate the operator, the purpose for which it is operated and/or parking rates. All signs shall not exceed fifteen (15) square feet in area, shall not extend more than ten (10) feet in height above the nearest curb elevation and shall be located entirely upon the premises, with no part of such sign extending beyond the property line.

Section 4A.17 – Setbacks: The following setback regulations shall apply to signs located in all zoning districts: B) All freestanding or ground signs shall be set back from the right-of-way line a minimum distance equal to the height of the sign.

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.19 – Clearance: All freestanding, projecting, and marquee signs shall have a clearance of ten (10) feet beneath the sign structure, excluding monument signs.

Jennifer Glover, 359 Livernois Street, appeared before the board thanking the board for having her tonight. They are here asking for twenty-seven (27) foot Citgo gas price sign with an electronic message center. The placement on this sign after looking at the property and the layout of the property, there is no where for that sign to go. The setback is important as it is. The under clearance is just as important. Having where the current sign is located, it's a single pole sign, the Citgo signs require a double pole sign. So, they would like to dig an additional footing and place the double pole sign using the existing footing and then dig another one. The second footing would go back. So, the sign would not gain any further distance towards the street. It actually would sit where the existing sign is and then digging the hole for the second pole goes right there at the curb. There is a Chillbox and a Mobil. She knows that Chillbox came to ZBA for them to have the signage that they have on their canopy. They also have a very large price sign right on the corner within corner clearance. They also have two (2) additional price signs on their property. So, they have three (3) pole signs. They're just trying to give the Citgo a new fresh look. They have been there for many years, and they're trying to enhance and refresh the property. Putting up a brand new sign, making it look nicer and being able to give the Citgo the same competitive edge as the Mobil and the Chillbox across the street. Thank you.

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

Brandon Kastaw, 42450 Flis, appeared before the board stating he is here today as the attorney for the applicant entity, but before that he was the owner's son. So, he's still his son and here actually in a personal capacity, not in a representative capacity. He just wants to give a brief background and history with the location. His family purchased the gas station in 2010. When they had purchased it, it was closed down for about four (4) or five (5) years. They came in putting a significant amount of money into the building, into the property, made improvements. They took out the auto repair and the car wash that was beside the building. There is a 2,500 approximately square foot convenient store in there now. The aesthetic appeals of the building have been improved when they went in there. As of recently, they recently put five (5) new gasoline dispensers in the station, really nice ones with the big thirty-six (36) inch touch screens on them. Customers have seemed to appreciate them so far. It definitely adds to the aesthetic appeal of the gas station. They recently secured a liquor license for the property, showing more of their intent and trying to

improve, not only the business, but the City of Warren. This request before the Council today is consistent with everything else they have been doing since 2010. They have been there now for thirteen (13) years. They have seen businesses come and go. They have been able to stay around by keeping their prices competitive, by making improvements to the business and the building. Today, he guesses, he would ask that those facts and circumstances are taken into account when the Council makes its decision. He would defer Ms. Glover for any questions regarding the actual variance.

Chairman Nestorowicz thanked him for those comments. Is there anyone else wishing to speak on this item?

No response.

Chairman Nestorowicz closed the public portion and turned it over to the board for discussion. He will start with a comment. He has no problem where the sign is located, he has no problems with the under clearance, the distance from the property line. He does have a problem... The existing sign is twenty-three (23) feet, which is already awfully tall enough. He thinks taking it up to the twenty-seven (27) feet is four (4) feet higher than it needs to be. He really has a problem with the total square footage of the sign. The existing sign is seventy-eight (78) square feet, and they're basically almost doubling it to almost 146. He knows the person wants to... Even when the company says they have to have all certain things, they all know they have different versions of different signs where they don't have to have. He just doesn't feel 145 square feet of signage, he thinks its too much and too tall. That is just his comments.

Secretary Jerzy said he grew up in that neighborhood and very familiar with the property as well. He remembers (inaudible) Howard use to work on their vehicles a long time ago. So, they have enhances that property after its been turned over. He does agree with Ms. Glover that there is no other spot to put a sign on that property just the way it sits being connected with Oakridge on either side. It's kind of a concrete nightmare over there. He does also agree with the Chairman that the signage is a little bit too big for that corner. She did bring up the thing about Chillbox across the street and things of that nature. As a board, they can't take any kind of precedent based on what another property does. Every property is unique to its own individual circumstances and layout. So, with that being said, he would hope the petitioner might be open to eliminating the Tri-Clean and the color EMC on the bottom half of the sign. That would eliminate 34.88 square feet off the sign, getting them to about 110.91 square feet, if his math is correct. Somewhere in that neighborhood. If that's a livable solution to the petitioner.

Jennifer Glover asked if she can speak.

Secretary Jerzy replied yes.

Jennifer Glover explained she has already spoken with what she can compromise with on the sign. The Tri-Clean, unfortunately, she can't do anything about that; Citgo brand rule. The diesel cash and diesel credit panel above that, she can slash that in half. That would take about two (2) feet off the sign, reducing the overall height down to twenty-five and a half feet. That would also reduce the square footage 14.93, reducing it down to 130.86 square feet. That would also increase the under clearance by two (2) feet. Would that be sufficient?

Secretary Jerzy yielded the floor for a second.

Board Member Anglin said the under clearance. She said reduce the under clearance by two (2) feet?

Jennifer Glover replied no, she said it would increase the under clearance.

Board Member Anglin exclaimed the under clearance they have on there right now, seventy-eight (78) inches is high enough to see from any direction in a vehicle, especially down the road. He would rather see her reduce the height down that two (2) feet.

Jennifer Glover mentioned it would reduce the height. The overall height right now that they proposed is twenty-seven and a half feet. By taking off half that panel it would reduce the overall height by two (2) feet. Taking it down to twenty-five (25).

Board Member Anglin said she mentioned she was going to raise the height underneath.

Jennifer Glover apologized stating she was trying to do it in her head. She's not a math person.

Board Member Anglin said height underneath is going to stay the same. The clearance for underneath the sign will stay at seventy-eight and a half inches.

Jennifer Glover said yes.

Board Member Anglin stated she's going to reduce that two (2) feet, approximately, from the top of the sign to bring that down twenty-five (25) feet.

Jennifer Glover said yes.

Chairman Nestorowicz said she's splitting both of the price signs, so wouldn't they be gaining...

Board Member Anglin said she's only going to split the diesel.

Jennifer Glover said yes, splitting the diesel in half.

Chairman Nestorowicz asked the regular would stay as is.

Jennifer Glover replied yes, sir.

Board Member Anglin said his other question is... he's trying to squeeze out some inches out of here so they can kind of make an agreement. They have the sign now, they actually made it wider. Is there a reason they can't leave it at the seventy-eight (78) inches.

Jennifer Glover explained it's the way that the sign is designed. It's the manufacturing of the sign. The seventy-eight (78) inch cabinet from what's currently there, that's a BP sign. The Citgo signs are wider.

Board Member Anglin asked that Citgo cannot make a seventy-eight (78) wide sign.

Jennifer Glover explained it would require a custom build and increase everything by fifteen or sixteen thousand dollars.

Board Member Anglin said he understands. Never want to get to a custom build. If anybody else on the board has something.

Board Member Sophiea said the sign to him, doubling the size seems unreasonable. Twenty-five (25) feet still seems awfully large to him. He would like to see something else reduced or shaped. He yields the floor.

Board Member Clift said he doesn't know if it was one of her presentations before the board previously or if it was somebody else. It prompted him to do a little bit of scouting and some research. They're not the only municipality, they're not the only board that is having problem with things going up higher, higher, higher. The neighbors to the north had some issues, and they managed to get some of their petitioner's to, and he mentioned this to whoever it was at the time and it was kind of discounted. He quantified his thought and he knows of at least four (4) gas stations signs in existence within five (5) or six (6) mile radius of here that have cash and credits signs, they alternate in the same panel. He's just throwing that out there as a method to gain his support on this to reduce some of the height. They would cut those fifty and one half inch cabinets down to twenty-five and a quarter. If the client would consider moving toward the alternating cash credit LED signage and it would allow them to retain everything else along the bottom with no impediment. No problems and no questions. That's where they would gain his support on these signs that are just a little too far over height coming in. The technology is there, he's seen it with his own two (2) eyes. So, granite it's a different brand, but they're out there. He knows that they can be done and he thinks that it's something worth while to be considered. He yields the floor with that.

(Inaudible discussion between the petitioners'.)

Board Member Sylvester said that they have been there for quite some time. They have ordinances, rules and regulations, all that stuff. Do they look at any of that before deciding how they're going to remodel and what they're going to do, other than just making it a larger size and then asking for variances.

Jennifer Glover explained they provide the ordinance to their customers, and then that information is then with the customer. There is a lot of people involved. They've got the customer, then they have the jobber, customer being station owner, the jobber, the brand. All of those people have to come together to create something that is to code. They have standards that they use. This is a Citgo standard.

Board Member Sylvester said they have to be within those ordinances and variances and codes and everything else.

Jennifer Glover stated this is why she has a job and does ZBA weekly.

Board Member Sylvester said he shouldn't see her having to go through this when something is already established. When they go far and beyond, this is like saying they want it three (3) inches taller. They are no where near that, ok. So, that's what he doesn't understand and has a hard time saying they can do that because they do it for them, then they have to do it for the next gas station or the next company. It goes on and on and on.

Jennifer Glover said she's usually the one representing all of those people, every gas station in the City of Warren.

Board Member Sylvester thanked her.

Chairman Nestorowicz said when Mr. Sylvester says they have to approve for... No, there is no precedence set ever. Every property is unique. Just because they gave a property across the street a sign, they do not have to approve anybody else.

Board Member Sylvester said they come to the board, that's all.

Chairman Nestorowicz said they can come to the board. By the same token, he doesn't know the age of some signs, but he takes a look at the Citgo station that's at Livernois and Maple and they have a much smaller sign. He doesn't know whether it's the city that only allowed.

Board Member Sylvester said that's not in their jurisdiction.

Chairman Nestorowicz knows. The thing is that nobody says any larger sign is needed. When he goes and says, seventy-eight (78) square feet is a lot of signage. They don't need 145. He personally says get rid of those. Companies like Citgo will let them have a smaller sign. They will want more and more, because that is what everybody will want to request, but they don't have to give that to them.

Secretary Jerzy asked the petitioner if they would be open to cutting the diesel sign in half, losing the two (2) feet, and then losing the colored EMC completely.

Brandon Kastaw said it would be very unfortunate to lose the color EMC completely. As he mentioned before, they recently purchased a liquor license. They're closing in on that relatively shortly. As they have seen probably driving around with larger convenient stores and selling liquor, they often use those EMC readers to advertise what they have.

Secretary Jerzy asked if they have a liquor thing on the side of the building already.

Brandon Kastaw said they currently have beer and wine sign on the corner of the building on the front. It's kind of oddly shaped. They have that.

Secretary Jerzy said that's advertisement for it already.

Brandon Kastaw plans on removing or keeping it. They don't want to put a big liquor sign like they see at some stations. They would rather use that EMC reader to advertise that. Liquor and beer

and wine are different.

Secretary Jerzy said the answer to the initial question would be no then.

Brandon Kastaw said correct.
Secretary Jerzy thanked him.

Board Member Clift asked if they have given any consideration to his proposal. He'll repeat it again. They will change both of those diesel and regular gasoline pricing signs to alternating changing LED signs. That will bring their overall height down to twenty-three (23) feet. Well, 22 and some change. He's willing to read twenty-three (23) feet.

Brandon Kastaw explained there are three (3) things that they tried when discussing with his jobber at Citgo and trying to get this sign together. One option they proposed was reducing the size of the top cabinet, which is the Citgo brand. They said recently Citgo has gone through some rebranding, change their image up. They said that cannot be reduced. The other option he proposed was the removal of the Tri-Clean gasoline. Again, branding standards. They would not allow that. The third suggestion he did make was that inter-changing between credit and debit on one panel. They also said that they wouldn't allow that. He did ask and he would be open to...

(Inaudible)

Brandon Kastaw apologized.

Board Member Clift asked if he would want to go back.

Brandon Kastaw said he would be happy to go back.

Board Member Clift said to tell them this isn't going to work they want it to work, but this is what they proposed. He would be more than willing to make a motion to table this for them to recalculate and bring it back later.

Brandon Kastaw would be happy to do that. If he may, he would just like to make one more point that he didn't make in his initial comments. If the board can see the sign that's up right now. They're at twenty-three (23) feet and eight (8) inches. Removing one half of the diesel portion would reduce it about twenty-five (25) inches. That would put them just twenty-five (25) feet. Less than a foot and a half above what they already have there, which is again outside of what the code would allow. He doesn't think the foot and a half is much taller in the grand scheme of things. The other point he would make is to the square footage. It is a lot larger in terms of square footage, but that's because they're going from the single pole into the double pole. The aesthetics going from the single pole to the double pole, even though it's required, he actually prefers it because it's a lot more aesthetically pleasing. Everything is more linear. It's more modern. They don't have a pole with a box sticking out and looking funky. He thinks overall the sign as proposed with removing one half of the diesel cabinet wouldn't be a detriment to the city. He thinks it's aesthetically appealing. He thinks it would attract business to the city. They do already attract a fair number of business to the city by keeping their prices low. He thinks overall the Council should consider the aesthetic appeal as well.

Board Member Clift said to that, sir. The technology exists to bring his idea to fruition, which only puts him at about three (3) feet over what the ordinance commands, which is twenty (20) feet. He doesn't feel that's an unreasonable compromise to make.

Brandon Kastaw said not at all.

Board Member Clift said again, he'll make the offer if they want.

Brandon Kastaw said he certainly would take it to his jobber and hope they approve it for them.

Board Member Clift appreciates that.

Chairman Nestorowicz said they could table this to April 26th. Is that enough time or is it too soon? That's two (2) weeks.

Jennifer Glover said they'll take the 26th. She'll make it work.

Chairman Nestorowicz said he thinks they heard. It's the height and square footage. When they come back to actually have a proposal that takes the comments they've heard on the board here into...

(Inaudible)

Chairman Nestorowicz said to submit it through the Building Department. As long as it's less than...

(Inaudible)

Board Member Sophiea said his only comment is he understands the brand has their own regulations and standards. Like other board members pointed out, the city also has their ordinances and standards. He would just like to point out as the Chairman mentioned. When going into Troy and see a gas station in Birmingham, Rochester, do you see a sign that's this tall or this big? Hardly ever. Smaller signs are possible if they fight with the brand. That's his only comment. He thinks they're going to table this now.

Board Member Clift asked for any other comments. He'll make a motion to table.

Motion:

Board Member Clift made a motion to table item #12 to April 26, 2023; Supported by Board Member Sylvester.

Voice Vote:

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

The petitioner's request was **RESCHEULED** to April 26, 2023.

REPRESENTATIVE: Paul Weisberger
COMMON DESCRIPTION: 32800 Mound
LEGAL DESCRIPTION: 13-04-102-007
ZONE: C-1

VARIANCES REQUESTED: Permission to -USE-

Allow indoor storage in a C-1 property.

ORDINANCES and REQUIREMENTS:

Section 1301 – Uses Permitted: Warehouse and storage buildings are not a permitted use in a C-1 zone.

Paul Weisberger appeared before the board stating on behalf of the owner of the property. The owner of the property is Wild Bill's Tobacco, the principals of Wild Bill's Tobacco. They have outgrown their location in Troy and are actually looking for additional space in the Metropolitan area. They're looking for a very narrow variance. They're not looking for all uses within the C-3 District. They're just looking for the indoor storage component. This is for personal effects and fixtures of Wild Bill's Tobacco. The number of times the site would be visited would be extremely lower than if the property were actually being used. He wants to point out that the storage is not for compensation. This is not a U-Haul self-storage place, this is for the personal effects or business fixtures of the owner of the property. His understanding was this was occupied years ago and has been vacant for more than a decade, maybe even two (2). The former user was Warren Alloy. Obviously, the board is familiar with the building, because it's almost across the street as exiting this complex. It's industrial in nature. As far as property maintenance goes, there is some old rusty equipment that's out there. They have a scrapper coming to take away. They have to cut some of it up and haul it off. They did have a violation for one of the trucks out there had a flat tire. That has sense been removed and they're in the process of hiring a fence contractor to fix one of the fences they ran into and tilted over on the north side of the property. They're going to take care of that. They're simply looking for the owner of the property be able to store items in there. Again, not for compensation. Traffic would be, probably, two (2) visits a month by a cube truck. If the board has any questions, he would be happy to answer them.

Chairman Nestorowicz thanked him for that explanation. Is there anyone in the audience wishing to speak on this item? Please approach.

Pat Topski, 5973 Peck, appeared before the board stating she lives down the street from Warren Alloy. It has been an eyesore for probably a hundred years. She has lived on Peck for sixty (60) years, and it's just horrible. When pulling in down Mound Road from Sterling Heights, the first thing you see is that ugly building with broken windows. Like this gentleman said, there is a broken down truck in there. There is rusty old exhaust fans that have been sitting there since they bought it. The place was bad before, but since they bought it it's worse. She's called the city. They have given them tickets. They can't even clean up the yard. Her neighbors are worried sick what the heck they're going to put in that building and how they're going to maintain it. They can't even clean up the yard now. The truck is still there. Unless they moved it since they came here. She just need some help. They don't care. She's afraid whatever they put... She want's to know what kind of fixtures are they putting in this building. Another thing is, when they make this facility to what it is, the neighbors don't want an entrance coming off Peck; off the residential street. They need to come in and off out of Mound. Are there any plans here for this building? She talked to a gentleman not too long ago that was emptying pallets in that building. He said he was not the owner. He said the building was going to look beautiful, they're going to pave the parking lot, they're going to put

executive offices upstairs. Well, she wants to see these plans. When are they going to start this? They can't even clean up the garbage in the yard. Can somebody help her with this?

Chairman Nestorowicz thanked her for those comments. The board can address and ask the owner after the public portion is closed.

Pat Topski mentioned she talked to Steve. They have given them tickets to clean it up. She thinks they have a court date. What are they waiting for? Do they not have the money to get somebody to come and clean up the yard?

Chairman Nestorowicz explained the board can ask him that question.

Pat Topski said that's all she has to say. She's speaking for several of her neighbors. Another thing, if they do this. Their property line that runs from the first house on Peck to Mound, there is no sidewalk there. What are these people going to have to do to improve that property? Are they grandfathered in or will there have to be a sidewalk put in there? There is no sidewalks, well they stop and go all along the street. The kids if they don't want to walk in the street, have to walk in the mud along their property line. Are they going to have to do that? Are they going to have to put a cement wall between their property and the first house? Like the gas station across the street did. Does anybody know? Are they going to have to do those things?

Chairman Nestorowicz said he will have Steve answer those questions in a moment after the public portion is closed. Is there another comment from the audience?

Lori Harris, 4047 Hillcrest, appeared before the board explaining when she was looking up this item and she's looking at... When they change the zoning, that zoning change stays with that building. Correct? So, it would be changed from... Oh, they want indoor storage in a C-1. She heard this man comment about it being a C-3. This is a C-1 property. She also... Wild Bill Tobacco store sells a lot of things other than tobacco. They sell CBD, they sell... what's the new drug that starts with a 'K'? Kratom. Things like that. She is wondering storage wise if there is going to be an issue with safety and guarding of the property. Honestly, she doesn't know why they don't just get storage units some place. Why are they going to take this building to store property in and then only be there twice a month? It doesn't make sense. So, she hopes that the board doesn't approve this. She noticed that in the past the taxes have not been paid. She's sorry to hear from this neighbor that they've had to tolerate such a mess since this company bought it. Thank you.

Chairman Nestorowicz asked if there are any other comments from the audience.

No response.

Chairman Nestorowicz closed the public portion. He turned it over to the board for discussion. He wants to start by bringing some of the questions he heard from the neighbors up. So, first the question for the petitioner. Just for clarification, he said they will be storing fixtures and stuff like that. Are they storing product in there also?

Paul Weisberger replied no. These would be like cabinets, glass cabinets, things like that. It would be an occupied building. As they know, unoccupied buildings tend to fall into disrepair, and has been vacant for years. They would be occupying it. Obviously, security would be there foremost

priority.

Chairman Nestorowicz asked how long they have owned that building.

Paul Weisberger believes they have owned it for within eighteen (18) months. Something like that. April 2021, about two (2) years then.

Chairman Nestorowicz said he does see they do have some violations that were issued. Some were completed out, they have the court date scheduled for April 19th, next week. So, what is the plan about getting that property cleaned up. That stuff that is there is from the previous owner. Is that what it is?

Steve Watripont said he doesn't know who he's asking. He believes they pulled stuff out of the existing building when they did some of the preliminary cleaning. He doesn't know that for sure, but he believes that's what, possibly, some of that might be. He doesn't know if the applicant knows that.

Paul Weisberger said to be honest, he doesn't know what their guys did out there. Whether it was existing or not. He's not privy to that information.

Chairman Nestorowicz said a question for Steve. The one neighbor asked about how property improvement like no sidewalk along the street there.

Steve Watripont explained basically, if they get approved, they're going to have to go to site plan to hard surface the whole parking lot. Everything would go to Planning, so a site plan would be required. He believes Planning would require that sidewalk by Charter and everything else. He doesn't know if the City Attorney knows more on that or not. He believes that Mr. Ron Wuerth has requested that and gotten it on any property that didn't have a sidewalk in the past. To answer the question about the wall as well. That is a requirement for a lesser neighborhood. Everything else, it's a new business so they would have to do something there. They may have to come back before the board if they wanted to remove that requirement. So, it would be a requirement and the board would have the ultimate control if it didn't go up.

Chairman Nestorowicz stated he just wanted to be clear so everybody on the board has an understanding. If the board approves the storage of the store fixtures and stuff inside the building, they still have to go to site plan, to move forward with this they have to get site plan approval and then at site plan review they will have to put in a sidewalk. They will have to do something in terms of a wall. They could come back to the board in the future if Ron Wuerth in Planning says they have to do A, B, and C but they don't want to do one of those items, they will have to come back to the board to get a variance for that.

(Inaudible)

Steve Watripont said one correction he would like to make before there's any other comments. It is not a rezoning, that is done through Planning. So, it still maintains its C-1 status. The board has the authority if they wanted to put conditions on what was stored there because they're asking for a use variance where they would also need the six (6) members to approve it.

Chairman Nestorowicz stated that's why he asked the question about what's being stored there. He asked the question if there is product. When he says product, whether it's the tobacco, cigars, CBD or any of that kind of product. He wanted to make sure, that's why he asked that question.

Board Member Anglin said his feeling on this, they're kind of putting the cart before the horse. Should go to Planning and things and they spell out what's going to be done there. Then they come to the board and say they want to use it as storage. Well, ok, Planning said they had to put this wall up. The board could say they really want to see a wall before approving storage. He'd really like to see a sidewalk before approving storage. Planning might have ten (10) other items in there that the board is not educated enough to realize they need to have a site plan. He really thinks they're putting the car before the horse. He also thinks they should have some type of guidelines on what can be stored. Not extreme, but no hazardous materials, no flammable materials, and whatever else might be to that hazardous situation. He thinks this needs to be sent back to Planning to get things set up.

Chairman Nestorowicz asked Steve if they knew why this didn't go to Planning first.

Steve Watripont explained use variances usually will come to the board first because Planning doesn't want to go through the whole process and everything there until they know the Zoning Board is on board with that use there.

Chairman Nestorowicz said that actually makes sense, because going through the whole Planning process and then it comes for a use and the board says they don't like that use. Then everything they just did.

Board Member Anglin said he has no problem with the use under these type of guidelines. Parking lot is paved, sidewalk is put in, a six (6) foot cement wall is put in the back of the property, that there is something in this agreement that they can't have any hazardous material.

Steve Watripont explained it is a requirement within the ordinance where they have a change in use, that it has to be brought up to code. So, that will all have to happen by the ordinance. Otherwise, they will not be issued their occupancy.

Board Member Anglin said he's bringing that up so the people that came here today knows that there is a much more involved procedure in this other than saying yes they're allowing it. He can't use it for that until he brings it up to where it should be.

Steve Watripont stated correct. There will be public notices for that site plan too. They would have another opportunity to talk to a different board and everything else and voice their concerns as well.

Board Member Anglin said he's voicing his. He has no objection to that. He has lived on Arden there for forty-two (42) years. That building has been vacant, probably, for the forty-two (42) years. It's been a founder before that. He doesn't see any other use for it; he really doesn't. There is no way it can be remodeled. The only other use for it is to tear it down. So, that's the only other real use for it and he doesn't think the board is here to promote tearing buildings down. So, he came up with a use that he can live with and he's hoping the neighbors can as long as he brings it to the point it needs to be brought with. That's all. He yields.

Board Member Sophiea said his only comment on this, in the petition its saying just as long as they own the property. But there is no condition they can put on the use variance just for one (1) owner, it runs with the property forever.

Steve Watripont said that is correct. That is where the board can put a limit of what is stored there.

Board Member Sophiea asked but not a time limit.

Steve Watripont said right. They can't put a limit for ownership limit, but they can put a condition on what is stored.

Board Member Sophiea thanked him.

Board Member Cliff said to Mr. Weisberger, if the board was to put forth a motion to allow indoor storage in a C-1 property and it's only going to be fixtures, equipment and not for any type of product or anything else. It's intended for regular retail sales. He would be ok with that?

Paul Weisberger explained that is what he's been told. Instead of... It's important, so if it's appropriate maybe he would request and the board can grant a tabling. For a couple reasons, one, to show they are a good corporate neighbor and clean the site up. He feels that's hanging over this board meeting. And also...

Board Member Cliff said he feels that's a fair response to his question.

Paul Weisberger continued to say that is what he's been told by the owner. He wants to store there fixtures, equipment, not product. He can also come up with a more comprehensive list, because it's been asked for exactly what they would store there in case that is a condition for approval. Also, they have no problem with a conditional approval that they're not able to at this point sell rental spaces. It's not a for profit rental self-storage place. It's for the owners equipment. If a tabling is in order for them to come back with a definitive clear list, he's fine with that. He knows its in the boards discretion, as well as take care some of the items that are out there. So, the neighbors know they are committed to keep that property.

Board Member Cliff said he wouldn't have a problem putting forth something with the nature of what he described, but if that doesn't seem to work for him at this particular moment, then he thinks they need to communicate.

Chairman Nestorowicz said he thinks that makes sense. That way he can go back and make sure with the owner, because if they provide a list of what. They were talking about fixtures and stuff like that. If the owner was thinking about something else, then they want to make sure it's on the list. Or they could say no they don't approve.

Board Member Cliff understands, but that's why he posed the question just making it no retail product or anything else. It's intended for regular retail sale. If they're storing shelving and fixtures and hi-lo's and alley jacks and pallets and pallet boxes, it's a whole different thing from moving or migrating towards storing. Next thing you know they have people showing up to pick up stuff from remote sales or whatever. That's what he's trying to address.

Chairman Nestorowicz said that would be part of the conditions they put on it. If they had a list they could provide the list and state that it's only for their storage, it's not for them to do any kind of other storage there.

Board Member Clift asked if they want to pursue, maybe... There's one more, he'll yield.

Board Member Higgins said a couple of things that come to his mind. One, it looks like it has been caused by the fact that the first intended use for the building did not work out correctly. He doesn't know if he's crazy about storing stuff there. There are other means to store equipment besides this facility. He would propose possibly, show the good neighbor that they are and start cleaning the place up and get some neighbors to testify on how much better it is. Then bring it back here and get that kind of endorsement, then it could be something they consider. At this point, it doesn't have his support until they show the good neighbor policy. Again, that's not what it is zoned for and there are other places they could put the stuff. That's his two cents.

Chairman Nestorowicz thanked him.

Board Member Clift said he just wanted to make the point that he appreciates Wild Bill's Tobacco trying to bring some sort of a use to the property and he understands the investment there is going to be reflective of what they're actually use it for. He gets all of that. It's just some of the neighbor concerns that did come up have to be kind of addressed, and he thinks they need to make some pointed commentary on the decisions when they post the motion forward. But, he wants to reiterate that he appreciates him trying to bring a use to this long forgetting dilapidated piece of property that sat for so many years empty and it's got a little bit of a glimmer of coming back to life of some sort with some reinvestment. If they can address the issues with some of the neighbors and smooth that out, he appreciates their effort in revitalizing that property. He yields.

Board Member Sylvester said this neighborhood here and the citizens that are in it. He knows what they want, they live there, they want a nice neighborhood, they want it safe, they want it clean, and they don't want to see something that has been there for who knows how long. So far from everything he has listened to, he doesn't know what they're going to be sticking in that building. He doesn't know how they're going to be putting it in. He doesn't know how they're going to be taking it out. He doesn't know how many people are going to work there. These people right here are going to have to live there and the building has been empty. So, they've been dealing with that. But, not knowing how it's going to operate, that's a concern to him. Now, also, they are in the middle of renovating the city under the master plan. They also have renovate Mound. He's sorry, seeing that building and knowing that building is there and everything, he doesn't see how that fits in. That should be a nice neighborhood area or whatever, and he thinks that building has outlived its usefulness. Thank you.

Secretary Jerzy said to the petitioner, he also wants to echo Mr. Clift's sentiment about trying to reinvest in the property. That property has been vacant and a mess for as long as he can remember. He has been in this city thirty some odd years. He thinks they should definitely allow this applicant to try to bring this property up to par, give them the opportunity to do so. He does think they need to put conditions on what can be stored there for the property itself going forward. In the event that Wild Bill's does leave the property. He would like to make a point to Planning and to the petitioner,

they take into consideration the things said by the neighbors regarding the sidewalk and all that nature. To his fellow board members, he doesn't think they can ever get this property to a proper place and visibly aesthetically pleasing place without somebody being in there and giving them the opportunity to do so. Finally, somebody has come forward to try and give that opportunity to do so. Granite, he's had it two (2) years, but its been a real mess. God only knows what the heck he had to poll out of the inside of the building as well. Again, thank you for taking the time to invest in the property. He's for this project, just so everybody knows, but he would like to see, make sure they're doing things right and not storing hazardous things in that building causing a detriment to the area or hazardous situation to the neighborhood adjacent to it. He thinks the board needs to give him the opportunity to try and bring that thing up to code, bring it up to... throw some paint on the outside of it so it doesn't look like a rusty nail. See what happens of it. Nothing has come of this property in twenty (20) years it's been vacant, at least twenty (20) years.

Board Member Anglin asked if that means he wants to make a motion.

Secretary Jerzy said with that he would like to make a motion to table.

Chairman Nestorowicz wondered if he wanted to ask the petitioner to when he might want to table it.

Secretary Jerzy asked if April 26th meeting or May 10th meeting.

Paul Weisberger replied May 10th would be better. He just wants to make sure they accomplish what they said they were going to do.

Motion:

Secretary Jerzy made a motion to table item #13 to the May 10, 2023 meeting to allow the petitioner to meet with his property owner to come up with a plan of action to what's actually going to be stored on the property and go from there.

Chairman Nestorowicz explained that gives them the opportunity to clean up the property.

Secretary Jerzy said and address the code enforcement issues.

Board Member Clift supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Jerzy, support by Mr. Clift to table this to May 10th to allow the representative to provide a list of what's going to be stored and to give the property owner a chance to clean up the property prior to coming back.

Voice Vote:

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

The petitioner's request was **RESCHEDULED** to May 10, 2023 for the reasons previously mentioned.

14. PUBLIC HEARING:
REPRESENTATIVE:

APPLICANT: Steve Elturk
Hisham Turk

COMMON DESCRIPTION: 28630 Ryan
LEGAL DESCRIPTION: 13-17-101-040
ZONE: C-1

VARIANCES REQUESTED: Permission to

Erect a building addition no less than 12' 4" from the side (south) property line.

ORDINANCES and REQUIREMENTS:

Section 5.11 – Churches, Schools, Libraries and Civic Clubs: 9) Every building shall have two (2) side yards of not less than twenty (20) feet each.

Hisham Turk, 6340 Peacock Drive, appeared before the board stating he is the architect. The owner, Mr. Steve Elturk, is the Director of the IONA, which is Islamic Organization of North America. He's here also. So, they are requesting, the property has an existing building on it and it's already twelve (12) feet four (4) inches from the south property line. They are trying to add a new addition to the building because of the expansion that the organization needs. They are asking for the same variance for the new addition to align with the existing building, which is no less than twelve (12) feet four (4) inches from the side south property line.

Steve Elturk, 28630 Ryan, appeared before the board stating he is the Imam and President of the Islam Organization of North America. So, they're here representing the community in the hope that the board will approve this dimension of a variance so they can go ahead and continue with the expansion project. The site plan had been approved, and they're hoping that hopefully the board will continue the existing variance that was granted to them back in 2006.

Chairman Nestorowicz thanked them for that explanation. This is a public hearing, is there anyone in the audience wishing to speak on this item? If so, please approach the podium. Just step aside and let her give her comments.

Lori Harris said she was at the Planning meeting when the plan got approved. It was a pretty confusing Planning meeting because it appeared that the discussion about, it's already been approved and she understands that, but it was a confusing meeting. The discussion about how they are going to add another building on the property and not expect anymore parking spaces. Then the discussion about water drainage and things was pretty much not understood by the people that were being talked to. So, it was a little bit of a concern. Now, she's wondering, because she didn't see the plans, she apologizes. It sounds like they want to put an addition on the building that's in the same dimension as what they already have. Like a second story? It doesn't appear, it doesn't look like this variance request is suggesting that they already had a variance to twelve (12) feet four (4) inches from the south property line. He also has a concern about, she believes the property south of them is empty, there may be one (1) house, but she knows there has been debate about building on that property on Parent where a project got turned down. So, maybe the board can ask questions that will clarify what this really means, because the picture she saw at Planning didn't, and the description, was not expanding south. So, it was building into the parking lot, which will take up parking spaces. What she will still say is it was confusing. Thank you and ask a lot of good questions. She wants to tell the board, they're doing a great job. This group of people is doing a great job. Thank you.

Chairman Nestorowicz thanked her for those comments. Is there anyone else from the audience wishing to speak?

No response.

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

Board Member Clift said Mr. Chairman.

Chairman Nestorowicz asked if he could make a comment. Is that ok with you? He just wanted to address one of the questions that the citizen had. According to the plan that the board has, is that the requirements for that space is they're required to have 135 parking spaces based on the calculations of the square footage and all that. They are actually providing 171, so they're actually still over, they're providing enough based on the calculations that the city has for parking. Just to answer that question. The petitioner can correct him if he's wrong, but basically what they're requesting, they're adding onto the building on the south side going towards Ryan Road. The variance they're asking for about no less than twelve (12) feet four (4) inches from the south property line, that's the existing. They have an existing variance for that old strip mall type building that's there, that's the distance that building has to the south property line. So, this addition would just be continuing that line.

Hisham Turk said that is correct.

Chairman Nestorowicz said he hopes that answers her question.

Steve Elturk stated they are building westwards, they're not going south.

Chairman Nestorowicz said the addition they're building to the west will be twelve (12) feet four (4) inches from the property line, which is the same distance the existing building is from the property line.

Steve Elturk said correct.

Board Member Clift stated overlooking the drawing, he just wanted to make the point that those have already basically been made. This is building out west on the existing building which already has the variance to be within that amount of distance from the south property line. He just wanted Ms. Harris to understand that parking is good and they weren't building south, they were building westward. He thinks it's going to be a beautiful addition when it gets done. He kind of welcomes some of the expansion of his Muslim neighbors in the neighborhood, he always has. He thinks this is going to add a pretty good face lift to their complex down there. That's all, he has no problem with supporting this as it stands. That's all he wanted to say.

Hisham Turk said they have a new 3D rendering for the building. He has it on his phone if they want to watch it or if they want to see how the building will look like.

(Inaudible)

Board Member Anglin said it's the south property line that they're requesting the zoning variance, but they are actually building west from the addition that is there, but the south property line of that

new building is where they have the distance from the property line that they need to have a variance for.

(Inaudible)

Board Member Clift asked if they had a site plan to show her.

Chairman Nestorowicz asked Mr. Anglin if he wanted to make a motion.

Board Member Anglin said he would love to make a motion if everybody on the board is done.

(Inaudible)

Board Member Anglin said ok.

(Inaudible)

Chairman Nestorowicz said to Mr. Sylvester no, ask the question. Call the person he wants the question to up to the podium.

(Inaudible)

Chairman Nestorowicz asked Mr. Sylvester who is the question directed towards.

(Inaudible)

Steve Elturk said he is there from dawn until ten or eleven in the evening, yes.

(Inaudible)

Multiple board members told Mr. Sylvester to turn his microphone on.

Board Member Sylvester apologized. He goes there most of the time before his congregation or religion took over. There was a Chinese restaurant there and other things. Getting out onto Ryan was not hard thing to do. When they have services and everybody leaves, everybody wants to leave at the same time. Has there been any discussion with Macomb County Road Commission or anybody at a period of time when they have services to have a light there or something, because he's surprised... He doesn't know if there's been any accidents, but he's surprised there hasn't been any accidents.

Steve Elturk said there have been one (1) accident to his comment, here. Yes, they have talked to the County about putting a light over there only during times of services. Just like some churches have it in front of them. The flashing yellow all the time except for Sunday. In their case it would be during the times of Friday congregation. However, their Friday congregation is in the middle of the day. It's not early in the morning or late in the afternoon where they have heavy traffic. Still, never the less, yes they do have three (3) exits actually. So, they have one (1) exit from the building that they occupy, another exit from the other plaza where the Chinese restaurant used to be, then they have one from the very back towards the plaza behind the plaza he mentioned.

Board Member Sylvester said sometimes it's hard to see those people coming in and out of there. It really is.

Steve Elturk said they're doing their very best to. Actually, one thing they did to improve that is they're requiring all of the congregates to turn right when they exit the building. You understand what he's talking about?

Board Member Sylvester said yeah.

Steve Elturk explained turning right would ease the traffic and will help with the traffic.

Board Member Sylvester said when they enter Ryan, everybody that is on Ryan and his congregation pulling out of there, they all have their own ideas.

Steve Elturk said yeah, well, they monitor that and they keep hammering that on the congregation to turn right. They're doing a pretty good job. Even himself, when he has to go south. He will turn right and then make a U-turn and so, they try to abide by that.

Board Member Sylvester said he knows during the time change, he said during the day, but there are some times during the time change that they have at night there is some sort of service.

Steve Elturk exclaimed that's Ramadan, this is the season right now as a matter of fact. That typically is in the evening...

Board Member Anglin asked if they can call a motion.

Chairman Nestorowicz said he wants to make sure Mr. Sylvester's questions are answered.

Board Member Sylvester said he's just making sure. He lives in the area, he drives through there. He just wants to make sure everybody is safe, that's all.

Steve Elturk said very valid question. In the evening hardly any traffic. So, their prayers during that month of Ramadan occurs anywhere between 9:30 and 11:00. Ryan Road is empty.

Chairman Nestorowicz thanked them. Mr. Anglin?

Steve Watripont said the way this was posted it's the west property line on the south building, is it what it is. He doesn't know if it needs to be reposted or if that's sufficient, but it's actually the west property line on the south building.

Chairman Nestorowicz said now he's confused.

Steve Watripont said it says to erect a building to the south property line. The south property line would be behind that building.

Chairman Nestorowicz said yes.

Steve Watripont said no, it's to the street to Ryan side. It's to the west.

Steve Elturk so no, no, no.

Board Member Anglin said it's to the south.

Chairman Nestorowicz said it's south. That's where the existing building has that to the south.

Board Member Anglin said this is worded correctly.

Steve Watripont said ok.

(Inaudible)

Chairman Nestorowicz said Mr. Anglin, you're making a motion?

Board Member Anglin said he would like to yield to the Secretary to make the motion.

Motion:

Secretary Jerzy made a motion to approve the variances requested. Permission to erect a building addition no less than 12' 4" from the side (south) property line.

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

Board Member Anglin supported the motion.

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

Roll Call:

A roll call was taken on the motion. The motion carried (9 – 0).

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

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

15. PUBLIC HEARING:

APPLICANT: Kemp Building and Development

REPRESENTATIVE: Thomas R Kemp
COMMON DESCRIPTION: 27650 Dequindre
LEGAL DESCRIPTION: 13-18-302-007
ZONE: C-2

VARIANCES REQUESTED: Permission to

- 1) Waive 162 off-street parking spaces when 518 spaces are required and 356 are provided.
- 2) Waive the required greenbelt/decorative wall along the east property line.

ORDINANCES and REQUIREMENTS:

Section 4.32 – Off-Street Parking Requirements: H) The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing building as specified above shall be determined in accordance with the following table, and the space, so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use. (18) Medical or dental clinics. One (1) parking space for each one hundred fifty (150) square feet of gross floor area.

Section 14.04 – Greenbelt: All non-residential uses, when adjacent to an existing residence or residential district or adjacent to an alley which abuts an existing residence or residential district, shall provide and maintain a twenty (20) foot greenbelt, or decorative wall, in compliance with Section 2.26 of this ordinance.

Secretary Jerzy thanked the petitioner for their patience and sitting through this long meeting.

Danny Plantis appeared before the board stating no problem. He is with Kemp Building and Development. The project, they're the design builder for the customer that's purchased the building, which is a sub-entity of a group called Michigan Health Professionals. It's a very large doctor owned network of doctors in the area. They purchased this building to facilitate a new medical office building where they can bring various groups of their doctors that are scattered in other areas, including across the street in Madison Heights, currently in leased buildings. They want to own their own building. This is a third facility of this type for them. One is in Farmington Hills, one is Rochester Hills and now this one is in Warren. The building as they may know originally started out as the Volkswagen North American headquarters. He believes it was built in the early 70's. He was a young boy and lived behind there. He doesn't know how long Volkswagen was in it, quite a time. It might have become something else after that, but then eventually ended up in Davenport University, they used it as a school. So, it was repurposed from an office building into a school. Now, Davenport has downsized, they moved out of that facility, and they are going into the building to the south where they're currently located as well. This will be the third adaptive reuse of that facility into a new medical office building. The process of buying this building started last summer. As part of their due diligence, the design team as well as them, have met with the City of Warren Planning Department. They discussed the use, they discussed the ordinance. At that time, the ordinance was being revised with new parking standards and there was generally a support from the Planning Department for the amount of parking that they thought they needed. That basis is based on a 1 per 150 to net area. The ordinance reads 1 per 150 gross. Between gross and net, as they know, is a big fluctuation because there is a lot of corridors, there is a lot of central spaces that aren't just pure medical space. They came up with this amount of parking based on two (2) other facilities that have similar parking count, the one in Farming and the one in Rochester Hills. So, there is a track record, there's a history that they don't have a parking problem. With the money being invested between the purchase and the remodeling of the building, they wouldn't leave it to

chance that they would have a parking problem. So, the customer or the client or the owner of the building believes that this parking is adequate. That's why they're asking for the variance. That addresses parking. As far as the other variance, which is considers minor. Is over a greenbelt or screen wall that abuts the apartments to the east. Parkview has been there just about as long as the original building has. There is a nice established tree line there of evergreen trees on the Parkview property. The parking lot abuts it. It's existed there for almost fifty (50) years. They intend in putting a small hedge row at the edge of the parking lot. If they were to put a wall it would just destroy those trees. He thinks it would be unsightly. If they were to put a greenbelt, they would have to put it on their side, would have to wipe out a bunch of parking spaces there. Again, adding to the increase in the parking variance. So, they're asking for that variance as well. What he can tell the board about their plans for the building. They're not changing the outside perimeter of the building. There is not going to be an addition or expansion. The parking lot is going to be used pretty much the way it is. They're not asking for a big addition that would kick off other things that would increase the footprint of the building. They are making a change to the site, by putting a drive lane on the south side. It will facilitate an MRI trailer that will go through there on occasion; a couple times a week, once or twice a week as needed. So, they are here before the board to ask them to consider and hopefully approve their request for the variance for the parking and the landscaping. He welcomes to entertain any questions they will have.

Chairman Nestorowicz thanked him for that explanation. This is a public hearing, is there anyone from the audience wishing to speak on this item? Please approach the podium.

No response.

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

Board Member Sylvester said one question. The medical office building, who are you serving?

Danny Plantis said this is a private doctor group. They're going to have eight (8) to ten (10) different offices consisting of neurology, internal medicine, podiatry, dermatology, cardiology. They're not affiliated with a hospital. Now, the doctors themselves may have affiliations with different hospitals, but this is not a hospital facility. This is a private group of doctors.

Board Member Cliff said he wants to clarify something on the print. The mobile MRI units that come in and out of there. Power to the building, no generators or anything like that?

Danny Plantis said it will be powered off the building. They're doing electrical upgrades to the building, because it's original equipment. They'll have a small generator that will power critical infrastructure of the building. They have medicine in refrigerators, things like that.

Board Member Cliff asked in the event of a power failure. He was just concerned. Some places have a large diesel generator that powers their MRI units and they're noisy. He wanted to make sure they're not something that was going in there. Thank you.

Board Member Anglin said the parking no problems. He understand that its not necessary. But whenever abutting up to a residential or apartment complex, he likes to see that wall there. It's part of their code. He understands why it's there. He would vote no on this unless that wall was going up. Now, if the apartment complex, the neighbors came in and said they don't want that wall, that

might hinder him a little bit. Or help the applicant a little bit. Without seeing that, he wants the wall.

Chairman Nestorowicz wants to follow up with that comment. He lives one street behind Parkview apartments. His evening walks are through that complex.

Danny Plantis asked James Street.

Chairman Nestorowicz said he lives on St. Louise Drive. The thing is, he takes walks. That area how it's all landscaped with the trees and all the stuff, a wall would be unsightly. Right now, it's more open. That's just his opinion.

Danny Plantis has seen circumstances, but if he was to physically go look at the property, that parking is on the far east end of their property and to the south where they developed some commercial building a couple drives down, they put in a wall. It's hideous. He has the same sentiment.

Secretary Jerzy said if anybody else doesn't have anything to say he would like to make a motion.

Board Member Sylvester asked if they do emergency services.

Danny Plantis said they don't have it on board yet, but they are preparing to have an Urgent Care on the south side of the building. That would be during regular hours, it's not a 24 hour urgent care.

Motion:

Secretary Jerzy made a motion to grant the petitioner permission to:

- 1) Waive 162 off-street parking spaces when 518 spaces are required and 356 are provided.
- 2) Waive the required greenbelt/decorative wall along the east property line.

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

Board Member Perry supported the motion.

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

Roll Call:

A roll call was taken on the motion. The motion carried (9 – 0).

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

Board Member Higgins
Chairman Nestorowicz

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

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

16. NEW BUSINESS

Chairman Nestorowicz said one of the board members wanted to bring something up. Mr. Sylvester?

Board Member Sylvester said he'll leave it up to him.

Chairman Nestorowicz explained him and Mr. Sylvester had a conversation. He wanted to see if the Zoning Board should have a request for police presence like the Council does at the meetings. He told him they can discuss it at the meeting.

Board Member Anglin said he never had a problem in all the time he has been on the board. He never had anybody talk angry towards him. He's had a few give him a dirty look, but he can walk down the street and get them.

Secretary Jerzy said half the time they have ten (10) people or the applicants. To him, he doesn't think there is enough people here to warrant police protection or waste police resources for ten (10) people that might be here.

Board Member Anglin said if somebody jumps him in the parking lot, he'll come to his aid.

Board Member Clift said he can take care of himself.

Board Member Anglin said if somebody jumps him in the parking lot, he will come to his aid.

(Inaudible)

Multiple members said to turn on his microphone.

Board Member Sylvester explained they talked this afternoon and he agrees with almost what everybody is saying. But just the way things are going, they all know each other, they all realize that probably none of them is going to pull a gun out or kill one of them. But the people that come out here and seem them. As he told the Chair, there was just a gun battle here at Thirteen Mile and Mound last night. He hopes nothing happens to one of them and never a problem, but the problem with that is now a days they never know when something is going to happen. They're doing something that aggravates some people. They think they should get something, the board says no, or this or that or whatever. It doesn't take much. He thinks most of the board knows that. It just takes a little thing to get under somebodies skin and don't know what they're going to do.

Board Member Anglin said all they have to do is get approval and he'll carry his CCW.

Cecil St. Pierre said he has his.

(Inaudible)

Board feels they do not need police presence.

Secretary Jerzy said if you feel you are at jeopardy, stay at home.

Chairman Nestorowicz asked to call a vote.

Board Member Sylvester said absolutely.

Motion:

Board Member Sylvester made a motion to have at future meetings a police officer just as they do at City Council, not sure if Planning has it, just to make sure everybody in the audience is safe and the board is safe. Board Member Perry supported the motion.

Board Member Anglin doesn't feel it's necessary. He doesn't see having the extra expense. When they put an officer here if it was needed, yes, but they're on time and a half, and double time. That gets very expensive having an officer at one of these meetings, or any type of meeting outside the normal duties.

Board Member Sylvester realizes that, but lately they had three (3) officers at City Council meetings.

Board Member Anglin said shame on the City Council.

Board Member Sylvester said that's all he's saying. They're part of city government.

Board Member Higgins thinks it a little bit different dynamic than Council. He thinks Council is a little bit different. It brings a wider audience and with some polarized views about the society in which they live in. Here, they have a bunch of people making requests, they follow the law, they put into writing, they got it in front of the board. He doesn't think they have the same kind of likely hood of something happening with people who are coming before the board, as opposed to Council. He thinks it's different.

Board Member Sylvester understands what he's saying, but in the last few months they've had people in this country killed in churches, schools, bunch of children killed. He understands what he's saying and he wish it were like that, but times have changed.

Chairman Nestorowicz said they have a motion and support. Lets vote. Roll call vote.

Roll Call:

A roll call was taken on the motion. The motion failed (2 – 7).

Board Member Sylvester	Yes.
Board Member Perry	Yes.
Board Member Sieracki	No.

Board Member Sophiea	No, at this time.
Board Member Higgins	No.
Board Member Anglin	No.
Board Member Clift	No.
Secretary Jerzy	No.
Chairman Nestorowicz	No.

17. ADJOURNMENT

Motion:

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

Voice Vote:

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

The meeting adjourned at 9:40 p.m.

Paul Jerzy
Secretary of the Board

APPROVED