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Zoning Board of Appeals
Office of the City Council
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**A Regular Meeting of the Zoning Board of Appeals
Wednesday, June 14, 2023 at 7:30 p.m. in the Warren Community Center
Auditorium, 5460 Arden, Warren, Michigan 48092.**

Site plans are available for viewing in the Building Department of
City Hall at 1 City Square, 3rd Floor, Warren, 48093.
Please call: (586) 574 - 4504

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPTION OF THE AGENDA
5. APPROVAL OF THE MINUTES of the **Regular Meetings of May 10, 2023 and May 24, 2023.**

6. PUBLIC HEARING: **APPLICANT: Lucretia Ross**
(Rescheduled from 5/11/2022)
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 11129 Chapp
LEGAL DESCRIPTION: 13-27-401-030
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Operate a state licensed group daycare for up to twelve (12) children, having a caregiver ratio to children of one (1) for six (6) and two (2) for twelve (12) children.

ORDINANCES and REQUIREMENTS:

Section 4C.07 – Group Child Care Homes; Districts Allowed with Approval: Paragraph (A) Special exception approval required. A state licensed group child care home which meets all the standards listed below and receives approval of the Zoning Board of Appeals as a special exception pursuant to article 20, division 6, special exceptions upon approval of the Zoning Board of Appeals, shall be permitted in one family residential districts, R-1-A, R-1-B, R-1-C. Item 1: A mortgage survey, Item 2: Residency, Item 3: Locational criteria, Item 4: Off-street parking requirements.

Section 20.35 – Special Exceptions Defined: A special exception is where the Zoning Ordinance permits certain uses that are authorized by the ordinance upon the Zoning Board of Appeals determining that the use meets the stated conditions for the specified use of the property. Outdoor retail sales, circuses, fairs and carnivals are examples of special exceptions. Special

exceptions are not variances and may be temporary, seasonal or permanent in nature as provided by the applicable ordinance provision.

- 7. PUBLIC HEARING: **APPLICANT: Damon Jones -USE-**
- REPRESENTATIVE: Same as above.
(Rescheduled from 5/24/2023)
- COMMON DESCRIPTION: 31731 Schoenherr
- LEGAL DESCRIPTION: 13-02-427-035
- ZONE: R-1-C

VARIANCES REQUESTED: Permission to -USE-

Allow a childcare and preschool to be operated out of the building at this address. (This is a separate business not related to the church that owns the property.)

ORDINANCES and REQUIREMENTS:

Section 7.01 – Uses Permitted: A childcare center is not permitted use in an R-1-C district.

Section 4C.09 – Child Care Centers: Permitted zoning districts. A. Districts. A state licensed child care center generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center shall be a permitted use in the following districts: C-1, Local Business District, SS, Special Service District, C-2, General Business District, C-3, Wholesale and Intensive Business District, the non-residential uses within a PUD, Planned Unit Development District, DD, Downtown District.

- 8. PUBLIC HEARING: **APPLICANT: 32800 Mound LLC -USE-**
- REPRESENTATIVE: *(Rescheduled from 4/12/23, 5/10/23, 5/24/23)*
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.

- 9. PUBLIC HEARING: **APPLICANT: John P Barr**
- REPRESENTATIVE: Same as above.
- COMMON DESCRIPTION: 27264 Gilbert
- LEGAL DESCRIPTION: 13-15-476-008
- ZONE: R-1-C

VARIANCES REQUESTED: Permission to

- 1) Erect a 25' x 33' = 825 square ft. garage.
 - 2) Erect a 9' x 11' = 99 square ft. shed.
- Total of 924 square ft. of accessory structures.

ORDINANCES and REQUIREMENTS:

Section 5.01 – Uses Permitted: (l) Accessory buildings or uses customarily incident to any of the above permitted uses... all garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

- 10. PUBLIC HEARING: **APPLICANT: Nagender v Chekka, Vasa V Homes LLC**
- REPRESENTATIVE: Nagender v Chekka
- COMMON DESCRIPTION: 23230 Wellington
- LEGAL DESCRIPTION: 13-25-376-007
- ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Split an existing parcel of land into six (6) parcels, with one (1) parcel, lot 22, being 50’ wide and 302.8’ deep with the purpose of building a single-family dwelling on each.

ORDINANCES and REQUIREMENTS:

Section 7.03 – Lot Area: A one (1) family dwelling in R-1-C Districts, together with accessory buildings, hereafter erected, shall be located on a lot having an area of not less than nine thousand (9,000) square feet with a lot width of not less than sixty (60) feet; provided, however, when a community water and sewer system is provided, the lot area shall not be less than seventy-two hundred (7,200) square feet and with a width of not less than sixty (60) feet.

- 11. PUBLIC HEARING: **APPLICANT: Bazo Construction**
- REPRESENTATIVE: Sarah Mheisen
- COMMON DESCRIPTION: 5245 Eight Mile
- LEGAL DESCRIPTION: 13-32-458-031
- ZONE: M-2

VARIANCES REQUESTED: Permission to

Allow the following related to signage on a gas canopy 174’ x 3’ = 522 square ft. plus 1.6 square ft. (tri-mark extending above canopy) = 523.6 total square ft.

- 1) South elevation: illuminated “Citgo” channel letters sign 21” x 88-5/8” = 12.92 square ft. and one (1) illuminated tri-mark logo at 14.31 square ft.
 - 2) East elevation: illuminated “Citgo” channel letters sign 21” x 88-5/8” = 12.92 square ft.
- Total 40.15 square of signage on canopy and the remainder 483.5 square ft. of decorative design.

ORDINANCES and REQUIREMENTS:

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

- 12. PUBLIC HEARING: **APPLICANT: Najib Atisha**
- REPRESENTATIVE: Same as above.
- COMMON DESCRIPTION: 11177 Eight Mile
- LEGAL DESCRIPTION: 13-34-401-006
- ZONE: M-3

VARIANCES REQUESTED: Permission to

- 1) Allow a decorative wall set back 20’ from the south property line which:

- a. Is 9' high, with 6' being the wall and with a 3' corrugated panel on top.
 - b. Will extend past the front building line, 20' from the front property line along Eight Mile that will extend from the east property line west for approximately 124'.
- 2) Waive the masonry wall requirement and retain the existing chain link fence along the north 135.75' of the west property line, and
- a. Attach new corrugated metal to the existing chain link fence on the park side.
- 3) Construct a directional ground sign that is 12 square ft., 7' high, with a 4' under clearance, 20' from front property line.

ORDINANCES and REQUIREMENTS:

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

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

Section 4D.39 – Location: All fences and walls constructed or installed between lots shall not exceed a height of six (6) feet above the average grade of the two (2) adjoining lots and shall not extend closer to the front lot line than the established building line or front set back line.

Section 4D.12 – Posts or Foundation: All fences shall be a self-supporting structure.

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.

13. PUBLIC HEARING:	APPLICANT: Mike Barnes
REPRESENTATIVE:	Justin Muller
COMMON DESCRIPTION:	32600 Dequindre
LEGAL DESCRIPTION:	13-06-102-006
ZONE:	M-2

VARIANCES REQUESTED: Permission to

- 1) Allow 8.43 acres of outdoor storage when 10,955 square ft. is allowed.
- 2) Allow 6.86 acres of outdoor storage on gravel.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards: (S) Open Storage Other Than Junk. The designated area shall always be hard surfaced and screened from the public street and any residentially zoned areas. The designated areas shall not be located in any area required for parking space and is necessary to meet the minimum requirements of Section 4.32 of this ordinance. Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site.

14. PUBLIC HEARING:	APPLICANT: Ivanovic Construction Inc., Dan Ivanovic -USE-
REPRESENTATIVE:	Dan Ivanovic
COMMON DESCRIPTION:	30130 Van Dyke
LEGAL DESCRIPTION:	13-10-152-009
ZONE:	UN

VARIANCES REQUESTED: Permission to -USE-

- 1) Allow the construction of ten (10) dwelling units when twenty-five (25) are required.
- 2) Allow a drive-in restaurant. **USE**
- 3) Allow a blank wall in excess of sixteen (16) linear feet.
- 4) Retain the existing north driveway located closer than 120 ft. the driveway to the property to the north.
- 5) Allow a building with a .439 FAR (building floor ratio), when the minimum required is 1 FAR.

ORDINANCES and REQUIREMENTS:

Section 21B.21 – Mixed Use Standards; Densities: (B) Urban Neighborhood: 2. Residential uses are permissible only at densities not less than eighteen (18) dwelling units per acre.

Section 21B.17 – Prohibited Uses: To promote and encourage the development of a downtown area as intended by this ordinance the following uses have been determined to be incompatible with the goals and objectives set forth for the development of this district. Therefore, the following uses are prohibited in the downtown center: drive-in restaurants.

Section 21B.31 – Building Scale and Articulation: (A) City Square and Urban Neighborhoods: The following design standards shall apply to the City Square and the Urban Neighborhoods. 3. Blank walls in excess of sixteen (16) linear feet are prohibited.

Section 21B.32 – Pedestrian and Vehicular Access Standards: Access standards are necessary to promote safe sidewalks, to minimize vehicular and pedestrian conflict points and to ensure consistent street character along primary, secondary, tertiary and greenway streets. The following access standards shall apply in the Downtown Center: 7. Vehicular curb cuts shall be located at least one hundred twenty (120) feet from any other curb cut on the same side of the street, unless a shorter distance is approved by the Planning Commission pursuant to site plan approval. Further, no vehicular curb cut shall be located closer than one hundred twenty (120) feet from any intersection.

Section 21B.30 – Mass and Height Standards: Building mass is determined by the building floor area ratio and building height. These standards seek to balance higher density development with the need for access to air and light, views to and from the downtown, safe pedestrian access and the vehicular carrying capacity of the street network. (B) Urban Neighborhoods: 1. Building floor area ratio for all development within the Urban Neighborhood must fall within 1.0 FAR.

15. PUBLIC HEARING:	APPLICANT: Ginkgo Property Group LLC -USE-
REPRESENTATIVE:	MD Haque
COMMON DESCRIPTION:	Eleven Mile
LEGAL DESCRIPTION:	13-20-227-001
ZONE:	C-2

VARIANCES REQUESTED: Permission to -USE-

- 1) Allow a multi-family dwelling, 4 units in a C-2 zone. **USE**
- 2) Allow a lot area of 12,600 square ft. when 19,200 square ft. is required.
- 3) Construct a multi-family dwelling without the required basement.

ORDINANCES and REQUIREMENTS:

Section 14.01 – Uses Permitted: In all C-2 districts no building or land, except as otherwise provided in this ordinance, shall be erected or used except for one (1) or more of the following specified uses: (A) All uses permitted in C-1 districts, except dwellings for one-family, two-family and multiple-family in which the occupants primarily make their home twelve (12) months out of each year.

Section 10.03 – Lot Area: Every lot in an R-3 district on which a multiple family dwelling is to be erected shall provide a minimum lot area of seventy-two hundred (7,200) square feet for the first

living unit, and not less than four thousand (4,000) square feet of lot area for each additional efficiency unit or dwelling unit with one (1) or two (2) bedrooms, including dens, libraries, and/or any other rooms outside kitchen, living, or dining room (except bathroom) exceeding eighty (80) square feet, not exceeding one hundred fifty (150) square feet to be counted as one (1) room, and not less than five thousand (5,000) square feet for each additional three (3) or four (4) bedroom unit.

Section 4.26 – Size of Residential Dwellings: Every principal building within a multiple-family development shall be provided with a full basement as defined in Section 2.02 of this ordinance, except high rise apartment residential buildings.

16. PUBLIC HEARING:	APPLICANT: City of Warren, DDA, Police and Court -USE-
REPRESENTATIVE:	Henry Pittner, BKV Group
COMMON DESCRIPTION:	8300 Common
LEGAL DESCRIPTION:	13-10-301-017
ZONE:	GN

VARIANCES REQUESTED: Permission to -USE-

- 1) Allow a government office in a gateway neighborhood. **USE**
- 2) Allow new construction without a residential component as required. **USE**
- 3) Waive 25% or primary frontage as there is no active ground floor use on a primary street. **USE**
- 4) Allow the following floor plates:
 - A. Lower floor plate 26,121 squ are ft.
 - B. Main floor plate 48,060 square ft.
 - C. Second floor plate 49,995 square ft.
- 5) Allow a public entrance off of a major city street (Court St.) as opposed to a primary street.
- 6) Allow driveways on Common Road to provide sally port sequencing and loading and unloading access.
- 7) Construct a building outside build-to-zone.
- 8) Construct a 6’ high decorative fence that extends past the front building line, no less than 27 ft. from the property line.
- 9) Allow a trash enclosure to be erected in the secondary frontage (Common Road side).
- 10)Waive foundation plantings.
- 11)Allow trees and existing berms in lieu of 3’ opaque screen and shrubs.

ORDINANCES and REQUIREMENTS:

Section 21B.20 – Uses Permitted in the Gateway Neighborhood: (A) Street Level. Government offices are not permitted in a gateway neighborhood. (B) Upper levels. To encourage a greater percentage of residential, the following uses shall be allowed in the upper levels of buildings in the gateway neighborhood: multiple-family housing, low rise apartments, senior housing and congregate living.

Section 21B.21 – Mixed Use Standards; Densities: Each neighborhood zone within the downtown center is unique. To ensure that differences in intensity between the neighborhoods are clearly preserved, the following mixed-use standards and densities shall apply. **(C) Gateway Neighborhood:** 1. Twenty-five (25) percent of primary frontage must contain “active ground floor uses” as defined in division 4, definitions. 3. Residential uses shall occupy at least fifty (50) percent of the building square footage.

Section 21B.30 – Mass and Height Standards: Building mass is determined by the building floor area ratio and building height. These standards seek to balance higher density development

with the need for access to air and light, views to and from the downtown, safe pedestrian access and the vehicular carrying capacity of the street network. (C) Gateway Neighborhood Standards: 4. Non-residential uses may not exceed a two thousand five hundred (2,500) square foot floor place.

Section 21B.32 – Pedestrian and Vehicular Access Standards: 2. Any building adjacent to a primary street shall locate its public entrance on the primary street. 7. Vehicular curb cuts shall be located at least one hundred twenty (120) feet from any other curb cut on the same side of the street.

Section 21B.33 – Building Placement; Build-to-Zone Standards: (C) Building placement standards for the gateway neighborhood. 1. Building walls shall be within the build-to-zone parallel to the right-of-way at a minimum of sixty (60) percent of primary frontage and forty (40) percent of secondary frontage.

Section 4D.39 – Location: All fences and walls constructed or installed between lots shall not exceed a height of six (6) feet above the average grade of the two (2) adjoining lots and shall not extend closer to the front lot line than the established building line or front set back line.

Section 4.12 – Waste Replacements: In no case shall such receptacles be stored in any front yard. Receptacles may be stored on the side or rear yard so long as they are out of sight, covered or partially shielded from view of the general public.

Section 4D.44B – Landscape Screen Required: Landscape screening shall be provided as follows: b. Foundations. Foundation plantings shall be provided along the front or sides of any building which faces a public road, or is adjacent to a parking lot or other area which provides access to the building by the general public. Foundation planting areas shall be integrated into the sidewalk system adjacent to the building. Foundation planting areas shall contain at a minimum, one (1) ornamental tree and five (5) shrubs per thirty-five (35) lineal feet of applicable building frontage. Individual planting areas shall be at least eight (8) feet in any single dimension and no less than one hundred (150) square feet in area.

Section 21B.54 – Surface Parking Lots: All surface parking lots outside of the right-of-way shall be screened using a three-foot high opaque screen wall in combination with plant materials. Trees shall be located at a minimum every thirty (30) feet. A shrub or perennial planting shall be provided with a mature height minimum of two (2) feet and appropriately spaced for fifty (50) percent opacity in front of the screen wall. Breaks in the screen wall shall be provided at a minimum of fifty-foot intervals for pedestrian cut-through.

17. NEW BUSINESS

18. ADJOURNMENT

Paul Jerzy
Secretary of the Board

Any person with a disability who needs accommodation for participation in this meeting should contact the Warren City Council Office at (586) 258-2052 – 48 hours in advance of the meeting to request assistance.