

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
JULY 12, 2023

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, July 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
Paul Jerzy, Secretary
David Sophiea, Vice-Chairman
William Clift, Assistant Secretary
Kevin Higgins
Charles Perry
Anthony Sieracki, Jr.
Michael Sylvester

Members of the Board absent:

Charles Anglin

Also present:

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

Motion:

Chairman Nestorowicz made a motion to excuse Mr. Anglin; Supported by Board Member Clift.

Voice Vote:

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

4. ADOPTION OF THE AGENDA

Motion:

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

Voice Vote:

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

5. APPROVAL OF THE MINUTES of the Regular Meetings of June 14, 2023 and June 28, 2023.

Chairman Nestorowicz said for the approval of the minutes for the June meeting, those were just sent out.

Motion:

Secretary Jerzy made a motion to table the minutes to July 26, 2023; Supported by Board Member Perry.

Voice Vote:

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

- | | |
|---------------------------|-----------------------------------|
| 6. PUBLIC HEARING: | APPLICANT: Macomb Ventures |
| REPRESENTATIVE: | Najah McCoy |
| COMMON DESCRIPTION: | 25600 Schoenherr |
| LEGAL DESCRIPTION: | 13-24-302-018 |
| ZONE: | PB |

VARIANCES REQUESTED: Permission to

Retain a 5 ft. high monument sign with 39.46 square ft. in signage, setback 4 ft. from the front property line. This is in addition to a 40 square ft. wall sign in which a variance was granted for on 5/24/2023. Total signage 79.46 square ft.

ORDINANCES and REQUIREMENTS:

Section 4A.33 – Signs Permitted in Professional Business and Special Service Districts (PB, S.S.): (B) One on-premise sign or advertising display of a size not exceeding twelve (12) square feet in area for each business on the premises shall be allowed in professional business districts and special service districts.

Section 4A.17 – Setbacks: The following setback regulations shall apply to signs located in all zoning districts: 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.

Chairman Nestorowicz asked if the petitioner to state their name and address for the record.

Najah McCoy, 25600 Schoenherr, appeared before the board.

Chairman Nestorowicz asked for the reasons of her request today.

Najah McCoy stated to retain a five (5) foot monument sign in front of the building.

Chairman Nestorowicz stated this is a public hearing. Is there anyone in the audience wanting to add to this item?

No response.

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

Secretary Jerzy explained this was brought up last time when they came before the board for the signs on the side of the building. It was brought to the board's attention that the sign on the front was not granted a variance. He believes that's what she is back before the board today. So, he really doesn't see a problem with this. It's existing, adds to the signage, it's not really an overbearing thing since it's already been there. So, if nobody else has anything else to say it's pretty straight forward. Unless somebody else has something?

Board Member Sylvester said looking at that sign in the white behind the urgent care and First Choice. How white is that? How bright is it?

Najah McCoy said it hasn't been lit up yet. So, she doesn't know. He's saying how bright is the sign?

Board Member Sylvester asked if she knows how bright it's going to be.

Najah McCoy asked the monument sign.

Board Member Sylvester replied yeah.

Najah McCoy doesn't know how bright it's going to be. They haven't had any electricity to it. They haven't lit it up yet, so they don't know how bright it's going to be.

Board Member Sylvester asked the Chair if there are any regulations with amount of (inaudible) or whatever given out by that sign.

Chairman Nestorowicz said Steve Watriont can answer that for him.

Steve Watriont replied yes. There is a candlelight requirement at the sidewalk that it has to be less than, he doesn't recall what that is at this time, but he believes this is just backlit. It's not going to be as bright as the electronic message centers.

Board Member Sylvester asked that they'll know when they start building that if they're within the limits, right.

Najah McCoy stated it's already there. They're not building anything. It's already there.

Steve Watriont said the sign exists. They're going to reface it and they have to turn (inaudible).

Board Member Sylvester asked everything as far as brightness is ok with Building.

Steve Watriont replied it has been in the past and no issues.

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

Motion:

Secretary Jerzy made a motion to grant the petitioner permission to retain a 5 ft. high

monument sign with 39.46 square ft. in signage, setback 4 ft. from the front property line. This is in addition to a 40 square ft. wall sign in which a variance was granted for on 5/24/2023. Total signage 79.46 square ft.

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

Board Member Clift supported the motion.

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

Roll Call:

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

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

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

Najah McCoy thanked the board.

7. PUBLIC HEARING: **APPLICANT: NP Mound Road Industrial, LLC –
Contact Daniel Holstein**

REPRESENTATIVE:	Marc Warner
COMMON DESCRIPTION:	23500 Mound
LEGAL DESCRIPTION:	13-28-300-018
ZONE:	MZ, M-4, M-2

VARIANCES REQUESTED: Permission to

- 1) Retain a building (bldg. #1) no less than 7.42 ft. from the east (rear) property line.
- 2) Waive 129 required off-street parking spaces for building #2.
- 3) Waive 31 required off-street parking spaces for building #4.

ORDINANCES and REQUIREMENTS:

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

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. (23) Industrial establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing and engraving shops, warehouse and storage buildings. One (1) parking space for each one thousand two hundred (1,200) square feet of gross floor area.

Dan Holstein said they have a super quick presentation to put some slides up to give the board an idea.

Board Member Sylvester asked if his microphone is on.

Dan Holstein repeated about the slides. He stated his name. He's the project manager of the Mound Road Industrial Park the last year and a half. Next slide, please. He's been here a couple of times. Just to refresh everyone's memories. The GM Transmission Plant, the board has seen it many times. Next slide. They're asking for three (3) variances today. At the top were all the previously approved variances for the board to see. The reason they're here today is because of a subdivision just getting individual parcel ID numbers for counting purposes for their four (4) separate buildings. No changes to the site plan. There are two (2) variances requesting for the parking. The parking ordinances have changed since their site plan amendment was approved and the time, they're asking for now is the reason for those (2) being on there. Building 2 is eighty-five (85) percent built right now. Building 4 they're still working on. The last variance they'll see the white line at the top right corner. That's actually the City of Centerline Parcel. When they subdivide their setback with the City of Centerline, there is only a seven (7) and a quarter foot wide, which due to the subdivision they do have to come ask for the variance. Next slide is just a thank you to the City of Warren. He loves working here. It has been a very welcoming city.

Chairman Nestorowicz thanked him for that explanation. This is a public hearing. Is there anyone from the audience wanting to speak on this item?

No response.

Chairman Nestorowicz closed the public portion of the meeting and turned it over to the board for discussion. He wanted to clarify. Basically, he is here because this is being separated into separate parcels and that's what is causing the retaining over the building.

Dan Holstein replied yeah, because they made it a smaller parcel the setback is shorter now.

Chairman Nestorowicz stated that's the only question he has then. Any other questions from the board or discussion?

Secretary Jerzy said it seems pretty straight forward. So, if nobody else has anything else he would like to make a motion.

Motion:

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

- 1) Retain a building (bldg. #1) no less than 7.42 ft. from the east (rear) property line.
- 2) Waive 129 required off-street parking spaces for building #2.
- 3) Waive 31 required off-street parking spaces for building #4.

Reasons being: Not a detriment to the area; Size and shape of the lot; Ordinances requiring off-street parking since changed since the site plan approval.

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.

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 Higgins	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 Sylvester	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.

Dan Holstein thanked the Board and Steve.

8. PUBLIC HEARING: **APPLICANT: 14 Mack LP / Ian Quint**
REPRESENTATIVE: Derek Kosicki, P.S.
COMMON DESCRIPTION: 6500 Fourteen Mile
LEGAL DESCRIPTION: 13-04-126-021
ZONE: M-2

VARIANCES REQUESTED: Permission to

Allow the following related to a lot split:

- 1) Related to parcel "A":
 - A. Retain existing parking spaces of 9' x 20' along the adjacent property line (south property line of proposed property B).
 - B. Waive the required curb along the adjacent property line (south property line of proposed property B).
- 2) Related to parcel "B":
 - A. Retain existing parking spaces, 9' x 20' along the proposed south property line.
 - B. Waive the required curb along the proposed south property line.
 - C. Retain an existing building 5' from the proposed side (west) property line.

ORDINANCES and REQUIREMENTS:

Section 4.32 – Off-street Parking Requirements: (I) All spaces that abut a continuous curb required in accordance with Section 16.07 of this ordinance or a common property line shall be laid out in the following dimensions, including off-street maneuvering lanes: type: 90-degree, width: 9', length: 22'.

Section 16.07 – Curb: Necessary curbs, or other protection against damage to adjoining properties, streets, sidewalks and greenbelts shall be provided and maintained.

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

Chairman Nestorowicz asked the petitioner to start with their name and address for the record.

Derek Kosicki, 3767 Five Mile Road, appeared before the board.

Chairman Nestorowicz asked him to explain his request and what it is that he's doing here.

Derek Kosicki explained there are two (2) buildings on the property, and they don't change anything. They would like to create two (2) parcels out of one (1) parcel. Two (2) independent buildings, two (2) independent businesses.

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

No response.

Chairman Nestorowicz closed the public portion and turned it over to the board for discussion. He just wants to understand, make it clear. They're actually looking at; he's separating the parcel that's marked in green on the drawing here with the outbuilding west of where Gardner White is.

Derek Kosicki replied correct.

Chairman Nestorowicz said that's being separated into a separate parcel.

Derek Kosicki said correct.

Chairman Nestorowicz asked if that's what is causing the...

Derek Kosicki replied yes, correct.

Chairman Nestorowicz just wanted to clarify that. Does anyone else have any questions or concerns?

Board Member Sylvester said to the petitioner he has a couple questions. Can he explain what his potential outcome is? He would imagine he owns this property, right? What is he trying to achieve?

Derek Kosicki said two (2) independent different businesses. So, they would like to get separate tax bills, independent tax bills and run them independently.

Board Member Sylvester asked what he's looking to bring into here as tenants.

Derek Kosicki said independence of each other.

Chairman Nestorowicz asked to interrupt for a second, Mr. Sylvester. It's not affecting the large building that is on the rest of the parcel. The box that's just in green, which is the

separate outline building, that's what's being separated into a separate parcel. It's not affecting anything else.

Board Member Sylvester asked if they're purchasing that and that's going to be separate from the rest of the area.

Chairman Nestorowicz said that's going to be a separate parcel.

Board Member Sylvester did not understand. He apologized.

Chairman Nestorowicz asked Steve if he wanted to add anything.

Steve Watripont wanted to state that it's the separate building that used to be the corporate offices for Art Van. So, it's not connected to the other parcel, and they want to separate it...

Board Member Sylvester said warehouse or Gardner White or anything else, right?

Steve Watripont replied right.

Board Member Sylvester thanked him.

Chairman Nestorowicz asked any other questions.

Board Member Clift said if nobody else has anything further, he'd like to propose a motion on this.

Chairman Nestorowicz said please do.

Board Member Clift said very well.

Motion:

Board Member Clift made a motion to grant permission to:

Allow the following related to a lot split:

- 1) Related to parcel "A":
 - A. Retain existing parking spaces of 9' x 20' along the adjacent property line (south property line of proposed property B).
 - B. Waive the required curb along the adjacent property line (south property line of proposed property B).
- 2) Related to parcel "B":
 - A. Retain existing parking spaces, 9' x 20' along the proposed south property line.
 - B. Waive the required curb along the proposed south property line.
 - C. Retain an existing building 5' from the proposed side (west) property line.

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

Secretary Jerzy supported the motion.

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

Roll Call:

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

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

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

9. NEW BUSINESS

Board Member Clift said Council of Commissions meeting is this coming Monday if anything has anything from the board or information he wants him to pass to those folks. Don't catch me after the meeting. He's going home to go to bed. Just send him an e-mail or give him a phone call or whatever. He'll be glad to pass info or concerns on. That's all he has, sir.

10. ADJOURNMENT

Motion:

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

Voice Vote:

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

The meeting adjourned at 7:46 p.m.

Paul Jerzy
Secretary of the Board