

WARREN ZONING BOARD OF APPEALS  
REGULAR MEETING  
AUGUST 9, 2023

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, August 9, 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:**

Jennifer Pierce, 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 remove item 7 from the agenda and move it to August 23, 2023 and approve the agenda with the change; Supported by Board Member Clift.

**Voice Vote:**

A voice vote was taken. The motion carried (8 – 0).  
Chairman Nestorowicz noted for the audience that if anybody is here for item number 7, property at 30760 Moulin, it will be on August 23<sup>rd</sup>. This is the only notification of that date change. Just wanted to note that for everyone.

**5. APPROVAL OF THE MINUTES of the Regular Meeting of July 26, 2023.**

**Motion:**

Secretary Jerzy made a motion to table the minutes to August 23, 2023; Supported by Board Member Clift.

**Voice Vote:**

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

**6. PUBLIC HEARING:**

**APPLICANT: 11777 Eight Mile**

*(Rescheduled from 6/14/2023 and 7/26/2023)*

REPRESENTATIVE:

Same as above.

COMMON DESCRIPTION:

11177 Eight Mile

LEGAL DESCRIPTION:

13-34-401-006

ZONE:

M-3

**VARIANCES REQUESTED: Permission to**

- 1) 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.

**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.

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

Najib Atisha, 11777 East Eight Mile Road, appeared before the board stating good afternoon, everybody. This is his third time here. There has been some new development on this. He has had a number of engineers out there, one of them being a city engineer. Also, Anthony the Supervisor

from the Parks and Rec's City of Warren, as recent as Monday they had a meeting at City Hall, himself, his attorney, Caitlin Murphy, Mr. Wuerth, Jim Cummins the Building Director, and Steve who is here present. He thinks everybody that was at the meeting and everybody that has looked at that fence on the property line was in agreement that the masonry wall should be waived, and the metal decking should be waived. Leave the fencing as existing. One of the reasons was it's a park there, no residence live there. It happens to be zoned residential and because of all the vegetation, the trees, and everything that's there one person recommended that a mesh, it's like a mesh he can put on his side and the air flows through. That was Dave Wuerth from the Engineering Department at the City of Warren. That's said, he doesn't know if the board can waive the metal he had requested and just leave it as existing.

Chairman Nestorowicz thanked him for that information. The board will discuss that in a moment. 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 questions and discussion. He asked Steve to come up to the podium because he knows he was at that meeting.

Steve Watripont appeared before the board stating City of Warren.

Chairman Nestorowicz stated it sounds like the meetings they had with the city they're just now talking about waiving the masonry wall, keeping the existing chain link fence, no metal on it.

Steve Watripont replied right. Basically, from the request remove item a and waive the masonry wall and continue use of the fence. It was discussed. There is a lot of growth over there. The city is not going to go in and tear out all those trees in order to get the wall there. The trees do give a little but of a buffer already from the city side, so there was thought that it wasn't needed for the city side.

Chairman Nestorowicz said it sounds like everybody in the city from Ron Wuerth to the Parks and Rec Department everybody was in favor.

Steve Watripont explained everybody that was in the meeting he was were in total agreement with it.

Chairman Nestorowicz said that's the only question he had. Any other questions or discussion from the board?

Board Member Sophiea stated his problem with this the last time was the metal. Now that's being waived, he has no problem waiving the masonry wall. Those are his comments. He would like to hear if anybody else has a comment, otherwise he would like to make a motion to approve this.

Chairman Nestorowicz said go ahead.

**Motion:**

Board Member Sophiea made a motion to grant permission to:

- 1) 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~~ Keep the existing chain link fence on the park side.

Reasons being: Size and shape of the lot; Not self-imposed; Necessary.  
Board Member Perry supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Sophiea, support by Mr. Perry to approve the request as stated in the motion.

**Roll Call:**

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

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

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

7. PUBLIC HEARING: **APPLICANT: Kimberly Cady**  
REPRESENTATIVE: Same as above.  
COMMON DESCRIPTION: 30760 Moulin  
LEGAL DESCRIPTION: 13-11-229-011  
ZONE: R-1-C

**VARIANCES REQUESTED: Permission to**

- 1) Retain existing 100 square ft. shed, 6' and 6' 1" from property line (6' rear easement).
- 2) Allow a 2<sup>nd</sup> shed, 100 square ft., which is outside of the principle building line.

Total square footage of both sheds is 200 square ft.

**ORDINANCES and REQUIREMENTS:**

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

*This item was rescheduled to August 23, 2023 during the adoption of the agenda.*

8. PUBLIC HEARING: **APPLICANT: Christopher Schwartz**  
REPRESENTATIVE: Same as above.  
COMMON DESCRIPTION: 23524 Lauren  
LEGAL DESCRIPTION: 13-25-403-021  
ZONE: R-1-C

**VARIANCES REQUESTED: Permission to**

Allow a second garage, 18' x 25' = 450 square ft. when the existing garage is 433 square ft. and the attached breezeway is 141 square ft. for a total of 1,024 square ft. of accessory structures.

**ORDINANCES and REQUIREMENTS:**

**Section 5.01 – Uses Permitted:** (l) All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

**Section 4.20 – Detached Accessory Buildings:** 3. That the accessory building be placed against any other accessory structure, such as a detached garage, that may exist in the yard. Only one (1) detached accessory structure shall be permitted in the yard.

Christopher Schwartz appeared before the board stating he has never done anything like this before.

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

Christopher Schwartz asked the board to be patient with him, 23524 Lauren Avenue.

Chairman Nestorowicz asked him to explain to the board his request.

Christopher Schwartz explained he has an existing garage now that is only big enough for one (1) car. He restores his old cars. His son has gotten into restoring old cars also, and he has gotten a car. Unfortunately, his garage only fits one (1). He was there first, so he doesn't get his parking spot. Looking to put another building up so he can put his car in an enclosed garage also.

Chairman Nestorowicz thanked him for that explanation. This is a public hearing, is there anyone else 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 questions and discussion. It's actually going to be an actual building? When he saw the drawings.

Christopher Schwartz explained it's a steel building. They'll have a slab poured and the steel building will be put on the slab.

Secretary Jerzy asked where on the property he's going to put it.

Christopher Schwartz isn't sure if the board has a...

Secretary Jerzy said yeah he sees that.

(Inaudible)

Secretary Jerzy asked if he'll be able to access it.

Board Member Sophiea said that was his question.

Christopher Schwartz said it's tight, but yeah. It's not easy, but yes, he'll be able to get into it.

Secretary Jerzy yields the floor.

Board Member Sophiea is looking at the drawing his has. How does he plan on getting the vehicle into this building? Does he have to drive on the lawn around the house?

Christopher Schwartz explained they can back up in the driveway and turn between the garage and the house, back up alongside the house and then turn into the building.

Board Member Sophiea asked if the breezeway is enclosed.

Christopher Schwartz replied no. Not enclosed at all. The breezeway is totally open.

Board Member Sophiea asked if he can drive through the breezeway.

Christopher Schwartz replied yes. Other than a roof, the breezeway is totally open. All the way in the back, all the way on the sides. Other than just a roof over his back door. He has some pictures to explain that a little better. How the breezeway is.

Board Member Sophiea replied sure. He would like to see those please.

Board Member Sylvester said the building that's behind, he believes to be the main house with the white roof. He asked what that is.

Chairman Nestorowicz asked if his microphone is on.

Christopher Schwartz said oh the canopy.

Board Member Sylvester repeated canopy.

Christopher Schwartz said that's where the car is presently right now in the canopy. Basically, it's just a tent that doesn't keep it out of the elements or anything.

Board Member Sylvester said he doesn't know if his microphone is working and asked if he could hear him.

Chairman Nestorowicz thinks it was too close to the fan before.

Board Member Sylvester asked if the canopy is going to come down.

Christopher Schwartz replied yep.

Board Member Sylvester asked if that's approximately where the garage is going to be.

Christopher Schwartz said nope. The canopy is here, the new garage will be all the way in the back. He has a drawing here that shows.

Board Member Sylvester asked him to give it to Mary, please.

(Inaudible)

Christopher Schwartz has more copies, too, if they need them.

Board Member Sylvester thanked her.

Christopher Schwartz hopes it makes sense. It's his first drawing.

Board Member Sylvester said he asks this question of other petitioners. He's going to have two (2) garages, basically. Is any of the neighbors... Has he mentioned it to any of the neighbors?

Christopher Schwartz talked to all of his neighbors. They said they were fine.

Board Member Sylvester asked no problem.

Christopher Schwartz replied no problem at all.

Board Member Sylvester thanked him.

Secretary Jerzy asked the petitioner if he owned the property.

Christopher Schwartz replied yes, he's been there for twenty-five (25) years.

Board Member Clift is just curious as to a whole new building versus working with what he already has by way of expansion. Can he run him through that thought process just a little bit? On to the back, or maybe to the side, or just changing the footprint of what he already had existing there?

Christopher Schwartz said the cost was the major thing. The steel building is much cheaper than building. He had somebody give him a quote on tearing down the whole garage and just building a whole other one. It was like \$55,000.

Board Member Sylvester asked from the breezeway to the front of the garage doors. Is there going to be concrete there? Are they going to have a new drive?

Christopher Schwartz wasn't sure how the concrete had to be. If it needs to touch or needed to... he's going to have it come out from the new building, come out from it, probably go...

Board Member Sylvester said right, he believes to the north, underneath the breezeway to the driveway.

Steve Watripont explained he will be required to have a driveway to the garage. It will only have to be the size of the drive, but yes, he will be required. He's not asking to waive anything; he will have to have hard surface to the new garage.

Christopher Schwartz said that will be fine.

Board Member Sylvester thanked him.

Board Member Sophiea said looking at this, it does look a bit choppy. None of the neighbors are here expressing any concerns. He personally doesn't find it to be the best idea in the world, but if this is what he wants to do he doesn't have any problems with it and giving him the variance. If there is not any other comments.

Secretary Jerzy has one more that came to mind. With the steel structure, is he going to be redoing cars obviously and a lot of loud work. Is he going to insulate that from noise? With the steel structure, won't everything just echo off of that? Some kind of insulation? Some kind of...

Christopher Schwartz said if anything is done, it's usually done in the main garage. The new building would be just to store his car. So, it's not in the weather, it's not out in the winter. There won't be wires, it won't have electricity. It's a permanent building so the wind doesn't have to worry about the snow getting too heavy on the roof. He doesn't have to worry about...

Secretary Jerzy said just a thought when he heard steel structure. He yields the floor.

Board Member Sophiea said that was his other concern, too. Looking at the photographs, it does look tight. They'll be able to drive a car between the pillars?

Christopher Schwartz said it's tight, but yes, he'll be able to get it in there. Yep.

Board Member Sophiea said with that being said...

(Inaudible and laughter.)

Board Member Sophiea started to make a motion.

Board Member Sylvester said he had one more question. Looking at these pictures, is he going to be doing any upgrades to the property?

Christopher Schwartz said the breezeway needs to be painted, the garage needs to be painted.

Board Member Sylvester said yeah.

Christopher Schwartz said all that needs to be done before it gets cold. He plans on doing all that also.

Board Member Sylvester asked before he does any construction that's going to be updated and cleaned up and everything.

Christopher Schwartz replied yep.

Board Member Sylvester asked Steve to come up for a minute.

Board Member Sylvester said the petitioner just said... he's looking at these pictures and the yard and what have you. There needs to be some upkeep. He asked if Steve is going to be looking at any of that before the new construction starts?

Steve Watripont said not usually, but he can send the zoning inspector out there to look for property maintenance issues.

Board Member Sylvester said he would appreciate that.

Chairman Nestorowicz said Mr. Sophiea.

**Motion:**

Board Member Sophiea made a motion to allow a second garage, 18' x 25' = 450 square ft. when the existing garage is 433 square ft. and the attached breezeway is 141 square ft. for a total of 1,024 square ft. of accessory structures.

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

Board Member Higgins supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Sophiea, support by Mr. Higgins 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 Sophiea  
Board Member Higgins  
Board Member Clift

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

Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sylvester	Support with the conditions expressed to Mr. Watripont.
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.

9. PUBLIC HEARING: **APPLICANT: Signs & More**  
REPRESENTATIVE: Molly Smith  
COMMON DESCRIPTION: 29440 Ryan  
LEGAL DESCRIPTION: 13-13-08-351-042  
ZONE: SS

**VARIANCES REQUESTED: Permission to**

- 1) Erect a 5.5 ft. high monument sign.
- 2) Erect a monument sign setback 5 ft. from property line.
- 3) Erect a 46.75 square ft. monument sign.

If approved the wall sign will be removed.

**ORDINANCES and REQUIREMENTS:**

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

**Section 4A.17 – Setbacks:** 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.33 – Signs Permitted in Professional Business and Special Service Districts (PB, SS):** B) One on-premise sign or advertising display of a size not to exceeding twelve (12) square feet in area for each business on the premises shall be allowed in Professional Business Districts and Special Service Districts.

Molly Smith appeared before the board stating she works at Signs & More. She is here on behalf of John Wilk. They are talking about signage at 29440 Ryan Road.

John Wilk appeared before the board stating he owns the property.

Chairman Nestorowicz asked him to speak closer to the microphone.

John Wilk apologized and repeated himself.

Chairman Nestorowicz asked for his address. He can give the property address as his address.

John Wilk said 29940 Ryan Road.

Chairman Nestorowicz thanked him and asked if they wanted to explain to the board their request and.

Molly Smith explained their request is to have a sign that is larger than what the ordinance permits. This area 29440 Ryan Road is classified as a Service District. Under that classification is allowed

twelve (12) square feet in a sign. This funeral, the building is positioned far from the road. It is a four (4) lane busy highway and the sign, if they were to design it at a twelve (12) square foot height, would have two-and-a-half-inch letter for the word funeral home. It needs to be larger for visibility. They actually are requesting something that is modest, appropriate. They created a sign and started with the word funeral home and designed it so it would be about five (5) inches tall. She thinks five and a half inches tall. They actually printed the sign that size, held it out, took it to the sight, did some visual analysis from the road. It looked like a reasonable request and the sign is also higher than the ordinance allows. The five and half feet, it should be no higher than five (5) feet. They want to elevate the sign area so it's two (2) feet above the ground.

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

No response.

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

Board Member Clift can absolutely get behind this. It looks appropriate, looking at their mockups. He wants to throw something out at them, though. As far as the over height portion. Instead of the address letters at the bottom, he was wondering if they can maintain that five (5) foot height without having to go overboard on that part of this variance, maybe they can move those address letters up towards the top of the sign somewhere. Is that an option that they could possibly look at?

John Wilk doesn't know where. It would certainly take away from the name of the funeral home and everything. So, it would be awfully crowded. Or the number would be so small, nobody would be able to read it.

Board Member Clift yields the floor.

Secretary Jerzy thinks this is a nice addition to the property. He understands what his colleague is saying with the address number, but with the design of the arch and all that, it would be hard to incorporate it towards the top. Maybe he could do it on the side, but then it would just kind of take away from the entire sign kind of altogether. When looking up things on Google, they'll find the sign before the address. That's just his opinion. He thinks it's definitely an uptick for the property.

Board Member Clift interjected on that, since they're having a discussion. If the request is because of concern about snowfall according to height, why are they putting the numbers at the very bottom of the pillar. That was... they appear to him to kind of... Make a request about because they need the extra five (5) inches because of snowfall, but they're putting the lettering for the address at the bottom twelve (12) inches of the sign. So, he was merely making a little observation there, but he understands the petitioner's concern and definitely may have a negative impact with the reduction of the lettering or the number size if they incorporated into that upward arch. He was just wanting to express his concern on that. Again, he'll yield to his colleague.

Chairman Nestorowicz thanked Mr. Clift.

Secretary Jerzy yields the floor. That's all he had.

Board Member Sophiea is a big proponent of the monument signs. He thinks they're much more elegant than a building sign or pole sign. His only concern is he doesn't know the name of the side street that his business is on. Pulling out from that side street going west bound.

John Wilk replied it doesn't affect it. It won't affect it at all.

Board Member Sophiea said that's his only concern. Does he have any idea how wide the easement is?

John Wilk said it's pretty big. He doesn't know exactly the footage.

Chairman Nestorowicz asked him to speak closer to the microphone, Mr. Wilk?

John Wilk repeated he doesn't know what the footage is from the road and everything, but it won't block traffic whatsoever. It won't block that at all.

Board Member Sophiea thanked him.

Chairman Nestorowicz asked if he had a motion from anyone on the board.

Board Member Clift said yes, Mr. Chairman, they have a motion if nobody else has anything he'll make it.

**Motion:**

Board Member Clift made a motion to:

- 1) Erect a 5.5 ft. high monument sign.
- 2) Erect a monument sign setback 5 ft. from property line.
- 3) Erect a 46.75 square ft. monument sign.

If approved the wall sign will be removed.

Board Member Perry supported the motion.

Reasons being: Size and shape of the lot; Necessity; It is a nicer looking sign, and he understands the petitioner's concern about having adequate visibility from the roadway. He doesn't think it's going to be a problem for the traffic off that side street. It is a few feet behind the sidewalk limit there. So, that's where he's at with it. It's a necessity.

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

**Roll Call:**

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

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

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.
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.

<b>10. PUBLIC HEARING:</b>	<b>APPLICANT: 25855 Groesbeck LLC</b>
REPRESENTATIVE:	Brittany Murad
COMMON DESCRIPTION:	25855 Groesbeck
LEGAL DESCRIPTION:	13-24-401-007
ZONE:	M-2

**VARIANCES REQUESTED: Permission to**

- 1) Construct a 6 ft. tall aluminum picket fence that extends past the front building line no less than 19.5 feet from the front property line.
- 2) Allow hard surface for parking no less than 25 ft. from the front property line.

**ORDINANCES and REQUIREMENTS:**

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

**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 17.02 – Industrial Standards:** M-2: 2. In an M-2 zone where a front yard has been established by the majority of the existing buildings in a block, all buildings hereinafter erected or altered shall conform to the building line thus established, provided no building in an M-2 zone shall be required to set back further than 50 feet. Provided, further, however, notwithstanding any provisions to the contrary, in M-2 zones, yards fronting on a major thoroughfare as defined by the master thoroughfare plan for the City of Warren or front yards facing a residential district shall be fifty (50) feet.

Brian Barringer appeared before the board stating he is the CFO, CPA for this property as well as the representative Brittany Murad, who stands next to her for 25855 Groesbeck LLC, 25855 Groesbeck. They're in front of the board requesting the two (2) variances for the property. They've already gone through Planning, had all the plans approved, and the changes they wanted made. These would be two (2) things additionally they would need so they can increase the parking, beautification, the fencing that's required, all that kind of stuff for a twenty-five (25) foot variance from Groesbeck versus, he thinks, it's a fifty (50) foot variance. So, they're asking for that setback. The reason is they need the larger parking spaces. As they went through Planning, they needed larger parking spaces, sidewalks for employee's safety, they needed parking traffic mobility, parking curbs, and handicapped access spaces. They're taking a production area, manufacturing Groesbeck area and beautifying it and making it a bigger facility and they need the extra parking that wasn't there in the existing building. They're going to repave it, they're going to restripe it, they're going to give it a handicapped spot, they're going to give it sidewalks for employees. The employees that will need in the manufacturing facility will be over the number of parking spaces that they have, so they're asking for more. The other thing, they went through this with Ron Wuerth,

he wanted an entrance redone from the original manufacturing facility, so it was perpendicular directly into the parking area and how the set up is. So, it required them to lose some spaces once they had to get that entrance to come straight in. So, it will absolutely make it look more beautiful, black fence, parking, repaved, redone and it'll just bring everything together. This is the only extra thing they needed to do beyond Planning and Ron Wuerth suggested they come before the board to request this to get those additional spaces.

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

No response.

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

Board Member Clift said this is an old truck's part building or something, isn't it? He's thinking of the right place, right?

Brian Barringer replied yeah it was a tier one supplier.

Board Member Clift understands. So, he kind of looked over his site plan. For the assorted nonconformities on that lot, he thinks they did an awful good job putting a good plan together.

Brian Barringer thanked him. They worked hard.

Board Member Clift wouldn't imagine the fencing being a picket kind of open is going to affect anything when it comes to visibility.

Brian Barringer stated there is an existing one now that they're going to take down and rebuild a nice fence that's black in color that Ron wanted. It would go around the property.

Board Member Clift thinks the addition of what's going on in the parking lot and the general upgrades he's talking about that's going to enhance that. That area has been kind of rough for the last few years over there. He just wanted to make those few general comments. He doesn't think he'll have a problem getting behind just about anything these guys have asked for on their plan. It's tight in there anyway. The building, he thinks the one corner comes almost right to the setback already anyway.

Brian Barringer said that's correct.

Board Member Clift said on the front. So, with those comments he's going to go ahead and yield the floor to his colleagues. Thank you, sir.

Chairman Nestorowicz said he will actually chime in and agree with Mr. Clift, because that's a challenging property being that triangular shape and with that building. When he saw the plans, they did a very good job fitting all the parking spaces and everything and that. He thinks it's going to be a good improvement to the property.

Secretary Jerzy agrees with the two (2) said. Anywhere on Groesbeck is a challenge to try and

deal with property wise, just with the way Groesbeck runs. It seems everything is triangular, trapezoid, there's not even square lots on Groesbeck. He thinks that this is definitely going to enhance the property. It's just a dull property. What kind of business are they going to be?

Brian Barringer replied it's manufacturing of cannabis.

Secretary Jerzy said manufacturing. Ok, great. Ok. Very nice plan, put together. They can definitely tell the depth of the work involved with it. With that he'll yield the floor to Mr. Sylvester.

Board Member Sylvester asked what type of business this is going to be.

Brian Barringer repeated it's a manufacturing for cannabis.

Board Member Sylvester said for cannabis. Ok.

Brian Barringer explained it's not retail. So, it's only production of cannabis. It's not retail.

Board Member Sylvester said right. He understands that. He has a question for the city attorney. Where are they with all these places?

Jennifer Pierce asked him what he means where are they.

Board Member Sylvester explained he means how many grow houses, how many dispensing, are they at a limit, is there a number that is allowed within their boundaries. Where are they right now? The latest number he heard was just astronomical. He's not going to say what the number was, but it was astronomical. So, he's just wondering how they keep approving buildings either for growth houses or dispensaries. He doesn't even know where all these places are. He thinks he absolutely has one in his neighborhood. Nobody lives at the house and the house is, well, it's there. Chairman Nestorowicz said maybe Steve can answer his question.

Steve Watripont said he will defer to the city attorney if she wants to. He can tell them the city ordinance has only a limit on provisioning centers. It does not have limits on anything else. It does not allow the micro, whatever they call those, business. Basically, the retail stuff other than provisioning centers. As far as the ordinance goes, it's allowed in certain zones and at least five hundred (500) feet from residential for commercial grow. From everything he has seen, and he has not look at everything in this regard, but it meets every other aspect of the ordinance as it moves forward.

Board Member Sylvester just has a problem with... He doesn't care whether their provisioning centers or grow houses or dispensaries. He's just having a problem with all these in the City of Warren. He doesn't care what the property looks, he doesn't care of the striping, the handicapped spots. To him, it's just getting out of hand. This isn't the city he grew up in, it's not the city he lives in, and he doesn't understand why every time somebody comes... He means, they have somebody come up at least once or twice at every meeting that wants to do something with this. He doesn't use it, he never will, he honestly believes if it's for medical purposes it should be going through Rite Aid or through Wal-Mart or somebody, Walgreens, somebody for dispensing this stuff. Letting those people grow it. He doesn't know after the board gets done giving an approval what the heck

happens. He doesn't know. He doesn't think this city or any of the law enforcement or anything really knows what the heck is going on either. He just knows down through his neighborhood alone; his neighborhood has changed. Whether it's because of this or not, he doesn't know, but nobody follows the law, can't find a police officer, can't get anybody to come out and take a look. If they do, they just drive down the street and say everything is ok. He knows he's trying to run a business and do it but understand what he's saying.

Brian Barringer agrees with what he's saying. At a certain point, they're trying to take those out of the city of the streets of the neighborhoods and pull them into a manufacturing facility.

Board Member Sylvester said they're only one person. He doesn't know who else he's talking to and if he's even expressing what he's saying to those people and they're saying they have to do better.

Board Member Higgins said Mr. Chairman.

Chairman Nestorowicz said actually Mr. Sylvester.

Board Member Higgins said they're off topic. This is not a question.

Chairman Nestorowicz said it's getting off topic. They're here talking about, you know, the topic here has to do about their parking, hard surfacing. The stuff that they're coming to talk to the board about. It has nothing to do with their business and whether a person's feelings about a business one way or another. They're here talking about hard surfacing of their parking lot.

Brian Barringer wanted to add one thing to the parking that they need is for those state officials that come in on a regular basis weekly and verify what they're doing every day. So, they're and verifying and they're there doing what they're supposed to be doing. That is why the additional parking is required, just so they know.

Board Member Sylvester said alright, thank you.

Board Member Clift said he had one other question. In and out transportation, cargo vans, small vehicles, things like that, they're not expecting any larger truck traffic with their current layout, right?

Brian Barringer replied that's correct. They're small vans.

Board Member Clift said ok.

Brian Barringer explained that facility always housed large trucks for the tier one suppliers and even improved the access way, but they're still only going to have small vans.

Board Member Clift said ok. Their single big overhead door in the back, what would be the north corner of the building, he guesses, right?

Brian Barringer replied yep.

Board Member Clift appreciates that and thanked him.

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

**Motion:**

Secretary Jerzy made a motion to approve:

- 1) Construct a 6 ft. tall aluminum picket fence that extends past the front building line no less than 19.5 feet from the front property line.
- 2) Allow hard surface for parking no less than 25 ft. from the front property line.

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

Board Member Clift supported the motion.

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

**Roll Call:**

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

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sylvester	No, for the reasons stated in the motion. He thinks... just no, we have enough.
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.

11. PUBLIC HEARING: **APPLICANT: Ryan Halder / Kum & Go, L.C.**  
REPRESENTATIVE: Jamie Antoniewicz / Atwell, LLC  
COMMON DESCRIPTION: 15150, 15050 Fourteen Mile & Hayes Ingress/Egress  
LEGAL DESCRIPTION: 13-01-228-011, -021 and -022  
ZONE: C-1

**VARIANCES REQUESTED: Permission to**

Allow hard surfacing no less than 7.2 ft. from the side setback of a corner lot.

(Contingent upon approval of lot combination from the Planning Department for parcels: 13-01-228-011, 0-21 and -022.)

**ORDINANCES and REQUIREMENTS:**

**Section 13.06 – Side Yards on the Street Side of Corner Lots:** The width of a side yard abutting upon a street shall be not less than fifteen (15) feet when rear yards abut rear yards. However, in the case of a rear yard abutting a side yard of an adjacent residential lot, the side yard abutting upon a street shall be not less than twenty-five (25) feet.

Jamie Antoniewicz appeared before the board stating good evening and he's with Atwell, 12745 23 Mile. As stated, they're requesting a reduction in the setback, that's recommendation from Planning as part of their site plan review and approval. There will be no structures in that area, it's just to allow the drive aisle on the north side on the Fourteen Mile to be within that area. Otherwise, it will be green space. Which is an improvement over existing conditions which has pavement right up to the sidewalk in that area.

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

No response.

Chairman Nestorowicz turned it over to the board.

Secretary Jerzy asked the petitioner if they got the approval from Planning for the lot combination.

Jamie Antoniewicz explained that will be part of their steps as they move forward to the final engineering review and the property transaction. So, that will coincide with that.

Secretary Jerzy yields the floor.

Chairman Nestorowicz said looking at the plans for this, it will be an improvement to that corner having it redeveloped in this aspect. He personally sees no issues with the hard surfacing needed on that side of the corner lot.

Secretary Jerzy said he's going to echo that sentiment, too, because that corner he goes by there frequently and that corner is a mess. It's pretty chewed up and in dire need of an uptick. Let him get this straight. He asked if they're purchasing the corner lot and then there's three (3) parcels into that whole lot, correct?

Jamie Antoniewicz replied correct. There's a shared easement with the strip center to the south for access. So, they're going to clean up some of those driveways, eliminate them, push them out as far as they can on that parcel. Tear down, repave, all that shared pavement and construct a new building.

Secretary Jerzy asked put a whole new building up, correct?

Jamie Antoniewicz replied yep. Complete tear down and rebuild.

Secretary Jerzy yields the floor.

Board Member Sophiea doesn't have a problem with this variance he's requesting and the lot combination. He thinks it's a great improvement for the area. That site has been an eyesore for a long time. If there are no other comments, he would like to make a motion.

**Motion:**

Board Member Sophiea made a motion to allow hard surfacing no less than 7.2 ft. from the side setback of a corner lot. (Contingent upon approval of lot combination from the Planning Department for parcels: 13-01-228-011, 0-21 and -022.)

Reasons being: Size and shape of the lot; The property is unique.

Secretary Jerzy supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Sophiea, 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 Sophiea	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 Clift	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Sieracki	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. NEW BUSINESS**

Board Member Clift offered congratulations to their colleague Charles Perry for making it through the primary election for his run for city council. He wanted to acknowledge him for that tonight. Congratulations, Mr. Perry.

(Applause)

Board Member Clift yields the floor.

**13. ADJOURNMENT**

**Motion:**

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

**Voice Vote:**

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

The meeting adjourned at 8:15 p.m.

Paul Jerzy  
Secretary of the Board

APPROVED