

WARREN ZONING BOARD OF APPEALS  
REGULAR MEETING  
SEPTEMBER 13, 2023

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, September 13, 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  
Everett Murphy, Chief 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 Higgins and Board Member Clift were absent.

**Motion:**

Chairman Nestorowicz made a motion to excuse Mr. Clift; Supported by Secretary Jerzy.

**Voice Vote:**

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

**4. ADOPTION OF THE AGENDA**

**Motion:**

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

**Voice Vote:**

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

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

**Motion:**

Secretary Jerzy made a motion to table the minutes to September 27, 2023; Supported by Board Member Perry.

**Voice Vote:**

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

Secretary Jerzy stated before they start, he thinks they have a couple use variances on the agenda. Since they're down two (2) board members, should they?

Chairman Nestorowicz said yes.

Secretary Jerzy said make an announcement.

(Inaudible)

Secretary Jerzy said nine (9) and fifteen (15).

Chairman Nestorowicz explained this is in regards to items nine (9) and fifteen (15). Those are use variances, which means they would have to get six (6) yes votes to have that approved. Since they are down two (2) board members today, he wanted to give those two (2) applicants an opportunity to reschedule to the September meeting if they should so choose. He doesn't know if the applicant for number nine (9), Sabbir Ahmed for 8078 Chapp. Did you want to stay still be heard today or do you want to be rescheduled to the September meeting?

(Inaudible)

Chairman Nestorowicz asked today. Ok then, they'll call them when it's that time. Then the other use variance was number fifteen (15), which is Mohammed Elfakir at 28455 Schoenherr. Did you want to stay on today's agenda, or did you want to be...?

(Inaudible)

Chairman Nestorowicz explained all other variances only need five (5) yes votes, but a use takes six (6). He would have to get six (6) of them, basically, six (6) out of the seven (7) would have to vote in favor, so.

(Inaudible)

Chairman Nestorowicz replied yes, it is.

(Inaudible)

Chairman Nestorowicz explained they just give the option because sometimes the person wants the option of a full board to hear them. Ok.

6. PUBLIC HEARING: **APPLICANT: Kimberly Cady**  
(Rescheduled from 8/9/2023 and 8/23/2023)  
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.

Chairman Nestorowicz stated for all applicants when they come to the microphone just state their name and then their address and then the reasons for their application and such.

Kimberly Cady, 3076 Moulin, appeared before the board said it's a variance requested to retain the second shed in their yard.

Chairman Nestorowicz asked if she want to take the board through, because he knows she did a wonderful job. Does she want to take the board through her description, her hardship. Explain it.

Kimberly Cady explained when she bought the property thirty-two (32) years ago there was a shed on the property which is on the right-hand side in the picture. That was already there when she bought the property. Later on, down the road they needed some more space for storage out there, pool stuff with the stairs and filters and all the equipment for it. So, her husband put up a second shed. They were unaware that they had to have a permit at that time. That's probably been fifteen (15), twenty (20) years ago. He's been deceased ten (10) years. So, now they are just wondering if they can still keep that second shed, because one houses all their lawn equipment. She said her son is with her. The other one houses all the pool stuff. She has no other place for it. On the back side is businesses with a six (6) foot cement wall, cement block wall.

Chairman Nestorowicz thanked her for that description. 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 and questions.

Board Member Anglin asked if she knows she still has to pull the permit on this secondary shed from the city and it'll have to pass whatever codes that they have in order to have the shed up. They'll have to have a foundation underneath it, rat wall, slab, or whatever. They'll have to put one underneath that.

Kimberly Cady stated there is a cement whatever size.

Board Member Anglin stated slab is different. He's not one hundred percent sure if they have to have a rat wall underneath the slabs with this side shed or what point it changes, but he just wanted to let her know getting approval doesn't mean they're done. It means they have more to do.

Kimberly Cady asked if the ninety-five (95) she paid was not towards the permit for this or not.

Board Member Anglin doesn't know what she paid. He knows they have a fee to be in front of the board and the permits are a different fee. But he has no objections to this. He understands the need when you have a pool. Which he's sorry to say he doesn't, but he does understand the need for having the space to put certain equipment in. So, he has no objections to this. They sit on a nice piece of property; it sits in the corner. He doesn't see a downside to it.

Board Member Sylvester asked how it came about that... It sounds like this shed has been up for twenty (20) years. How did it come about that it's in front of the board?

Kimberly Cady explained she pulled a permit for her new pool that she just had put in in April or May.

Unknown explained they turned the monitor around and noticed they have two (2) sheds.

Kimberly Cady said on Google Earth they showed a picture of the property, and it showed two (2) sheds. So, ever since they got the finalized approvals on the pool then this came about.

Board Member Sylvester asked both sheds, from what he heard, have rat walls and everything around them.

Kimberly Cady is not sure, because the one was there when they moved in and the second one her husband put up and she really honestly doesn't know what he did. Can't ask him.

Chairman Nestorowicz explained to Mr. Sylvester that once they get approval and pulls the permit, the Building Department will inspect it.

Board Member Sylvester said that's what he's asking. They'll go back there and have to check to see if the rat walls are there and what have you.

Kimberly Cady believes there's one on the first shed that's already there, because when they poke down, they can feel the cement, but she's not sure on the other one.

Board Member Sylvester said they'll be inspected. Thank you.

Chairman Nestorowicz asked for any other questions. Or does anyone want to make a motion.

**Motion:**

Secretary Jerzy made a motion to approve the petitioner's request 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.

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

Board Member Anglin supported the motion.

Board Member Sylvester asked the Chair if it would also be included per the inspection.

Chairman Nestorowicz replied no.

Secretary Jerzy explained it's automatic.

Board Member Sylvester said oh, it's automatic. He did not know that. Appreciate it. Thank you.

Chairman Nestorowicz said they have a motion by Mr. Jerzy, support by Mr. Anglin 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 – 0).

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

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

Kimberly Cady asked that she goes to get the permit for it.

Chairman Nestorowicz explained she has to get the permit pulled.

Kimberly Cady thanked them.

Chairman Nestorowicz said if she has any questions, he's sure Everett can help her.

7. PUBLIC HEARING: **APPLICANT: Gleaners Community Food Bank of Southeastern Michigan**  
(Rescheduled from 8/23/2023)  
REPRESENTATIVE: Kathleen Rupp  
COMMON DESCRIPTION: 4401 Eight Mile, 20732 and 20735 Sunset  
LEGAL DESCRIPTION: 13-32-357-014, 13-32-357-009 and -013  
ZONE: M-1

**VARIANCES REQUESTED: Permission to**

- 1) Erect a second wall sign 4' 6-1/2" x 16' 10" = 76.5 square ft. in size, consisting of a design element (mural).
  - 2) Erect a canopy 192' x 3' = 576 square ft. of a one-color design element.
- Total 652.5 square ft. of design element in addition to a 40 square ft. wall sign.

**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.

Dave Webster, 2131 Buffet, appeared before the board.

Kathleen Rupp, 17101 Michigan Avenue, appeared before the board.

Dave Webster stated they have supplies but doesn't know if they're coming up. He thinks they are all familiar with Gleaner's. So, they're the food bank for the five-county area since 1970's. This is a new facility for Gleaner's. A retail-like facility that's different than any other sort of agency they've done before, so it's a new concept. It's for perishable items like fresh fruits, vegetables, eggs, and milk. Items people can't get on a regular basis in the normal system that will allow them to come on a frequent daily basis. Receive these items free and again in a retail like environment. So, as much retail like as possible and less of a pantry like environment.

Kathleen Rupp explained a few reasons why they're here requesting a variance is if they look at the rendering that's in the packet of information, they'll see the green fascia canopy as well as that produce fruit mural that sits right in front of the entry. They believe that the decorative fascia and mural reinforces Gleaner's mission to create a welcoming inviting façade. It delineates it from other Gleaner's locations as Dave mentioned and from other profit businesses. It contributes to the beautification and revitalization of Eight Mile. Acts as a visual que in way finding for safe pedestrian and vehicular traffic around the site. She also would like to point out that the graphic has no words on it. That also includes the green fascia. As well as it is an applied graphic and no illumination or specialty lighting that's associated with it. That's all she has.

Chairman Nestorowicz thanked them for that description. 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 of the meeting and turned it over to the board for questions and discussion. When he saw the rendering, he thinks it's a great looking facility for Gleaner's. He's familiar with how they do the distributions throughout the city and such, and he thinks that's going to be a good, nice look. Personally, when he first saw it there's a lot of square footage, but it's mostly design element and it actually looks better than half the gas stations that are actually in the city you know.

Dave Webster and Kathleen Rupp thanked him.

Secretary Jerzy wants to echo the same sentiment. This is a great project in desperate need in that part of the town, too, probably for the last twenty (20) years. It's better late than never, but this is an amazing project that's desperately in need in that area and desperately needed in this town. Very creative on the face of the building with the design element. He thinks it's really going to enhance Eight Mile, like they said. It's going to be definitely needed in the community and it will probably be pretty active and busy. He hopes they have success down the road with it. This is something he can get behind. He doesn't see this is anything out of the ordinary from anything else they have passed as a board. It's a great looking project and hate to see it stalled here, but great job and great presentation. That's all he has to say.

(Phone ringing)

Chairman Nestorowicz asked for any other questions or motions.

Secretary Jerzy said if nobody else has anything else.

Board Member Sophiea said he was just going to make a motion.

Secretary Jerzy said go ahead.

**Motion:**

Board Member Sophiea made a motion to grant permission to:

- 1) Erect a second wall sign 4' 6-1/2" x 16' 10" = 76.5 square ft. in size, consisting of a design element (mural).
  - 2) Erect a canopy 192' x 3' = 576 square ft. of a one-color design element.
- Total 652.5 square ft. of design element in addition to a 40 square ft. wall sign.

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

Secretary Jerzy supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Sophiea, support by Mr. Jerzy for the reasons stated in the motion.

**Roll Call:**

A roll call was taken on the motion. The motion carried (7 – 0).

Board Member Sophiea	Yes, for the reasons stated in the motion.
Secretary Jerzy	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 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.

Dave Webster thanked the board.

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**

Previously granted variance (8/9/2023) to be relocated 4 ft. from dwelling and 4 ft. from side property line.

**ORDINANCES and REQUIREMENTS:**

**Section 4.19 – Detached Garage Buildings:** (A) All detached garages located inside and rear yards and within ten (10) feet of the rear wall of any principal building shall comply with all yard requirements applicable to the principal structure in the district. In no event shall such garages locate closer than five (5) feet from any side lot lines.

Christopher Schwartz, 23524 Lauren, appeared before the board.

Chairman Nestorowicz asked if he wants to go through the change or what needs to be done here.

Christopher Schwartz explained he was here last month. They were going to put it in the back of the property. Now he's aware he has to have concrete going all the way up to it, that was a little bit longer and more concrete than he can afford. He wanted to move it up closer to the house and turn it. It would need to be four (4) feet from the house and four (4) feet from the back fence. It would be five (5) feet from the breezeway. It's basically he needs to put it in a different spot in the backyard. Easier to access. A five (5) foot driveway instead of a sixty (60) foot driveway.

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 for discussion. Based on his drawing, where it used to be here on the house, he basically wants to turn it and put

it right behind the house.

Christopher Schwartz replied yes, sir.

Secretary Jerzy asked if he has enough room to cut the grass in between there.

Christopher Schwartz replied yep. There will be four (4) feet between the back of the house and the building. There will be more than enough room to get back there.

Secretary Jerzy tried taking a drive by. It's hard to see with the privacy fence and all that. Where the white tent is, is that kind of where it's going to go.

Christopher Schwartz replied exactly where it's going to go. The canopy will be down.

Secretary Jerzy said he doesn't have a lot of room, that's a tight lot.

Christopher Schwartz explained actually back, he could put a whole another two and a half buildings back. It goes back quite a ways. Right exactly where the canopy is now, he wants to put a permanent building.

Secretary Jerzy said it's basically easier to access it. Straight shot in instead of maneuvering through the whole yard.

Christopher Schwartz replied exactly.

Secretary Jerzy thanked him.

Board Member Sylvester said he believes the address is 23536, is that the house to the north of him.

Christopher Schwartz is not sure. He's 23536.

Board Member Sylvester stated the drawing he has, it's in yellow, when the house he believes is to the north is 25536. Let him ask it a different way. Are there any neighbors with any objections to what he wants to do.

Christopher Schwartz said nope. The only concern his neighbor had on the left side of his property was to make sure he didn't have anything happen to his fence. He told him nothing will happen to his fence.

Board Member Sylvester asked if this is left looking at the front street.

Christopher Schwartz said if you're looking at his house...

Board Member Sylvester said house. The address that he just mentioned.

Christopher Schwartz said ok.

Board Member Sylvester asked that they don't have a problem.

Christopher Schwartz replied no.

Board Member Sylvester thanked him.

Board Member Anglin likes to usually have a little more detail on the site plan. This 450 square feet, which is eighteen (18) by twenty-five (25). Is that another building?

Christopher Schwartz replied yes, that's a separate steel building they were going to put up.

Chairman Nestorowicz said that's what they're putting up.

Board Member Anglin said it can't be a garage, his driveway here. Is there a drive coming up this other side.

Christopher Schwartz replied no. They can get to where the garage and the house is, can get in under the breezeway.

Board Member Anglin said right. That's what he's saying. That's why he likes to have a little more detail. He looked at that.

Secretary Jerzy showed Board Member Anglin where he's going to put it.

Board Member Anglin said the 400 square feet is what he's actually wanting to move up and add to that space there.

Christopher Schwartz explained the variance was already passed that he can put the building up. He just wants to put it in a different place.

Board Member Anglin said that's what he's trying to figure out. Exactly where he's wanting to put it. He has it four (4) feet from the house.

Christopher Schwartz said right.

Chairman Nestorowicz said right where that white tent is.

Board Member Anglin said the city person that's here, Mr. Murphy. Don't they have to be further than four (4) feet away from the house if they're putting up a garage.

Christopher Schwartz stated that's why he's here.

Board Member Anglin said code requires more than four (4) feet if he's not mistaken. If it's not attached, it has to be so far from...

Chairman Nestorowicz said the code says ten (10) feet.

Everett Murphy explained the zoning ordinance says ten (10) feet. He's not familiar with the building code, he doesn't want to speak to building codes. But the zoning ordinance says it has to be ten (10) feet from the house. So, that's part of the variance that he's asking for it to be four (4) feet from the house.

Board Member Anglin doesn't like the idea of a garage being that close to the house. It's four (4) foot. His opinion, it hinders any type of Fire Department might have to be on that property getting equipment through there or something. He's got to believe the city requires a firewall in the garage at that point if it's that close to the building.

(Inaudible)

Board Member Anglin said right. He doesn't like the idea of that being four (4) foot. It has to be a minimum of... He might variance off a foot or two (2) because they have to give some lenience, but he's not going to come down to four (4) foot. So, his vote won't go for this.

Chairman Nestorowicz asked for any other questions.

Board Member Sylvester said on the aerial view he's looking at, behind the house on the south side there is a white roof right there. Is that a temporary facility right now?

Christopher Schwartz replied yes.

Board Member Sylvester asked he wants to replace that.

Christopher Schwartz replied that would replace it, yes.

Board Member Sylvester asked that he's going to be putting a brick garage there or something.

Christopher Schwartz said a steel building.

Board Member Sylvester repeated steel building. Ok. Thank you.

Board Member Sophiea remembers this item well the last time it was here. He supported it despite it being a little bit of a funky layout. He's having more problems with this. He thinks its funky. He doesn't like the idea that looking out the back of his house that they're going to have this structure four (4) feet from the back of the house. He sees the one door in the breezeway. Is there a door wall or any other door along the back of the house?

Christopher Schwartz replied no.

Board Member Sophiea sked just that one door.

Christopher Schwartz replied yes, sir.

Board Member Sophiea is going to yield on this. His gut is telling him that it's too close to the house.

Christopher Schwartz said ok.

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

Board Member Anglin would like to make a motion to deny.

**Motion:**

Board Member Anglin made a motion to deny.

Reasons being: Structure is too close to the living facilities or the house; Too close to the fence line on the right-hand side because he's not sure if that's east or west on that side.

Chairman Nestorowicz asked Mr. Anglin if he wanted to propose a different distance from the house.

Board Member Anglin said it was approved where he was happy to put it.

Chairman Nestorowicz said ok.

Board Member Anglin explained if this is denied here, he can always put it back to where he was approved.

Chairman Nestorowicz said ok.

Board Member Anglin said that would be his thing. He just doesn't like it turned and butted up against the house. It seems like he's trying to build too much on one (1) piece of property congested and too much in one (1) spot on that piece of property. Instead of spreading it out.

**Motion:**

Board Member Anglin made a motion to deny.

Reasons being: Too congested on the property; Too close to the house: Too close to the property line; Self-imposed; Detriment to the area. He didn't want to use that particular word; Economical reasons because he did state he wanted to shorten it up because of the cement cost. Do I need to repeat that for him?

Chairman Nestorowicz thinks it was captured.

Board Member Anglin said that's his motion.

Chairman Nestorowicz asked if he has any support.

Board Member Sylvester supported the motion.

Chairman Nestorowicz said they have a motion to deny by Mr. Anglin, support by Mr. Sylvester. Roll call vote. So, that's a yes vote to deny, so everybody is clear.

**Roll Call:**

A roll call was taken on the motion. The motion carried (7 – 0).

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

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

Chairman Nestorowicz explained the request to move it closer to the house has been denied. He can speak with the Building Department to see what other options he has at this point.

Christopher Schwartz said that was the only one.

Chairman Nestorowicz said ok. Takes them to item number 9.

9. PUBLIC HEARING: **APPLICANT: Sabbir Ahmed -USE-**  
REPRESENTATIVE: Same as above.  
COMMON DESCRIPTION: 8078 Chapp  
LEGAL DESCRIPTION: 13-27-302-007  
ZONE: R-1-C

**VARIANCES REQUESTED: Permission to -USE-**

Use a single-family home as a multi-family home (2 units) in a single-family zoning district.

**ORDINANCES and REQUIREMENTS:**

**Section 7.01 – Uses Permitted:** Multi-family dwellings are not permitted in a single-family district.

Sabbir Ahmed, 8078 Chapp, appeared before the board. He is a new resident and just moved from New Jersey. He wants to use second floor rental to get permission. Him and his mom are staying at home, so when he left home alone, he needs someone to later in the rental who can look after her if anything happens. This is the reason.

Chairman Nestorowicz stated 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. Is this home already set up to be able to be subdivided?

Sabbir Ahmed explained it's already two (2) unit when he bought the house.

Chairman Nestorowicz asked if it has a separate kitchen upstairs.

Sabbir Ahmed said yes. Kitchen, washroom, two (2) bedrooms, family room and separate entrance.

Chairman Nestorowicz asked if he made those changes.

Sabbir Ahmed said no, the previous owner did that. So, it was there when he bought this house.

Chairman Nestorowicz noticed when he looked on Zillow once it stated it was a one (1) single-family home. It didn't talk anything about.

Sabbir Ahmed said it's one (1) unit, but he sees it as two (2).

Chairman Nestorowicz will let the other board members talk about this, but he personally, since that neighborhood is all single-family homes, he personally doesn't like a multi-unit being turned from a single-family home into a multi-family unit. He doesn't think it's a positive change for the neighborhood, but that's his opinion.

Board Member Sylvester asked if there is a history at any time of the residents where he's at or any houses on his block being a multi-family home.

Sabbir Ahmed replied no.

Board Member Sylvester said the other thing is, please explain the nature of his hardship and just he has a hard time paying for the mortgage so it would be a great help if he can rent his second floor. He's sorry, that's not a substantial reason for a variance request. He bought the house, he knew what was going on, he knows the neighborhood, he probably checked things out before moving there, and he's going to have to vote no on this.

Board Member Anglin has to agree with that. Part of their dos and don'ts of what they can and cannot do. One of the things is they can't approve, or they shouldn't approve something that relates to financial. With him putting that in saying that would help make the payments, that relates to being financial. That is not a means, by their code, to allow a variance. So, under that pretense he's not going to be able to vote yes for this.

Chairman Nestorowicz asked for any other discussion or does anybody want to make a motion.

Board Member Anglin said he would like to make a motion.

Chairman Nestorowicz said sure thing.

**Motion:**

Board Member Anglin made a motion to deny permission to use a single-family home as a multi-family home (2 units) in a single-family zoning district.

Reasons being: Cannot be financial; Detriment to the area; Size and shape of the lot.

Board Member Perry supported the motion.

Chairman Nestorowicz said they have a motion to deny by Mr. Anglin, support by Mr. Perry. Just to remind everybody, so it would be a yes vote to deny.

**Roll Call:**

A roll call was taken on the motion. The motion carried (7 – 0).

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

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

10. PUBLIC HEARING: **APPLICANT: Ryan Halder / Kum & Go, L.C.**  
REPRESENTATIVE: Jamie Antoniewicz / Atwell, LLC  
COMMON DESCRIPTION: 14 Mile  
LEGAL DESCRIPTION: 13-01-228-020  
ZONE: MZ, C-1, P

**VARIANCES REQUESTED: Permission to**

Erect an off-premise ground sign with the following:

- 1) Setback 2.6 ft. from the front property line.
- 2) Total area of sign is 99.72 square ft.
- 3) Total area of EMC sign is 27.53 square ft.
- 4) Height of sign is 22.85 ft.

**ORDINANCES and REQUIREMENTS:**

**Section 4A.14 – Prohibited Signs:** The following signs are prohibited in all districts: (J) Off-premise signs other than billboards, election and special events or activities signs as regulated in this ordinance.

**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.35 – Signs Permitted in Commercial Business and Industrial Districts (C-1, C-2, C-3, M-1 and M-2):** (B) One freestanding on-premise sign or advertising display of a size not to exceed seventy-five (75) square feet shall be allowed in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.

**Section 4A.27 – Electronic Message Center:** In addition to other applicable zoning requirements, a responsible party shall comply with all of the following electronic message center requirements: (b) except a property where a business has a valid state of Michigan motor fuels retail outlet license, the digital display area of an electronic message center does not exceed 25% of the total permitted free standing sign area;

**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.

Mike McPherson appeared before the board stating he is with Atwell. He also has the property owner here tonight as well.

Chairman Nestorowicz said did he, he didn't, state his address he didn't hear.

Mike McPherson said address is 2 Town Square, Suite 700. He appreciates the board time tonight. So, they're talking about a property at the southwest corner at 14 Mile and Hayes. There's several parcels at that location that are currently commercial. A couple of the parcels are owned by the north port plaza, which has frontage on Hayes and access frontage on a small parcel off of Fourteen Mile. In the past, his understanding was all four (4) of these parcels were owned by the same owner. There is an existing ground sign, which detail should be in the packet, along Fourteen Mile. That ground sign now is currently off site. It's an off-site sign because the two (2) parcels at the corner transferred properties at some point in the past. So, his client is looking to purchase those two (2) properties and develop them. As part of that, they're working with the neighbor who owns the north point plaza to relocate their existing sign back on their property that they own and at the entrance along Fourteen Mile that goes to their plaza. Regarding the specific variances. The height as existing is just under twenty-three (23) feet. They acknowledge the code is twenty (20) feet so they're requesting that additional three (3) foot variance to match the existing. Total sign area being under one hundred (100) square feet, where the code allows seventy-five (75) square feet. The EMC sign is about twenty-seven (27) percent of the sign where the code allows twenty-five (25) percent. The setback they're proposing to keep the same setback that currently exists. They're just proposing to move the existing sign of the structure to the west adjacent to the driveway that services north port plaza and their property that's owned by north port plaza.

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. He just wants to make sure he understood this correctly. This is the existing sign that was in their packet. Basically, they're taking this existing sign moving it to the corner.

Mike McPherson stated moving it to the west. So, it will be away from Hayes a little further, basically. There should be a diagram also in their packet that probably looks similar to this. The existing sign is located in the red box here, essentially. These two (2) corner parcels at some point in the past have changed ownership. So, technically, the sign now is not on property that it's intended to serve. North port plaza is here to the south. North port plaza does own a piece of property that does have an existing driveway that goes to Fourteen Mile. They're proposing taking the existing sign and simply move it near that driveway.

Chairman Nestorowicz said ok. Just so he understands the proposed sign location.

Mike McPherson said correct. That driveway exists today and goes straight south to the north point

plaza and that's a sliver of property that they own.

Chairman Nestorowicz said ok. He just wanted to get that clarification. Any other questions from the board.

Secretary Jerzy asked if there is any consideration in trying to drop that sign a little bit lower to the ground.

Mike McPherson explained it would require that actual structure to be cut and modified. He supposes that could be something that could potentially be done. It's not something that they desire to do, but if the height is the hang up, he's sure that is something that could be looked at.

Secretary Jerzy said his thing is this. He knows it's a new business and everything. This sign was compatible for seven (7) different businesses. He doesn't know. With the signage in that area. Any time he's driven by that sign he always thought it was too tall. It's nothing against them, he just thought it was always too tall for that property anyway. That's why he just kind of threw that out there. Trying to get more aesthetically pleasing, he guesses would be the answer, but that's his only concern. Other than that, he likes the project and thinks it's good. But if it's going to be too costly and they're going to run into double the cost just to do the signage doesn't make economic sense either. So, he understands that.

Mike McPherson said just to be clear, this is the existing north point plaza sign. It's remaining exactly where it's at to the south and this sign will have no affiliation with the development on the corner. They're just trying to move it so it can be maintained for their neighbors, essentially.

Secretary Jerzy yields the floor.

Board Member Anglin said his biggest concern is, and he's all for business, but they're going to put up the sign twenty-two (22) feet in the air that's going to be shining right into that residential property's backyard. He can't vote for that project. Even if he shortened it, they're still going to be putting that light in that person's backyard. He thinks that's something this board needs to address the welfare the residents, as well as the business. He can't vote for being put in that position. Two and a half feet from the neighbor's property line is too close.

Board Member Sophiea has a comment on this item. What is the condition of the sign? From the picture that was provided it looks like the sign is need of some work. He assumes it's going to be refaced, the paneling.

Mike McPherson stated that will be up to the owner of the sign, who he has here tonight as well, as far as any modifications to it. Obviously, they would make sure the super structure is sound, they would design and place an appropriate foundation for it in a new location.

Board Member Sophiea said it is his position that the sign is oversized. Obviously, it is grandfathered in, he just has a hard time that this grandfathered sign is going to be relocated and they're going to push it through again. He doesn't think he can get behind this as his fellow board member mentioned with the lighting concern.

Mike McPherson said regarding the lighting. The top portion, if they have the detail here, is backlit internally lit. Obviously there is the EMC board underneath. The property owner has indicated that there are certain times that can be dimmed or turned off, essentially, if that is something that would become necessary.

Owner stated they can turn the brightness down by time or one side to the other side, whatever the parameters are needed.

Secretary Jerzy asked him to speak into the microphone.

Owner repeated they can turn the brightness down by time or by which side of the panel that it is. If need be, they can dim the west side of after a certain time so it's not shining.

Board Member Anglin said one thing is, they're grandfathered in to where it's at right now. They are not grandfathered for that size sign where they want to put it. So, it's not actually just because it's grandfathered, in his opinion, on that. Two is they get the electronic signs they can be very bright, and they have did it a number of times where they have to dim them down at certain times and this that and the other, but drive by one of those at nighttime, even after they dimmed it down, and think of you being in your living room, family room or whatever and having that light shine through. It's still extremely bright. Can they control the sign has to go off at a reasonable time, he doesn't think they can control that. Again, he's going to be objecting to this petition.

Chairman Nestorowicz agrees with Mr. Anglin. Based on where the sign existing is much farther away from the resident, backyard of that residence. Being right there by that driveway it is right there in their backyard. He knows no residents came to speak on this, but he has a hard time of the placing with the sign and being oversized. If something is oversized like this, they move it, that's the time to actually get it in line with more of what their ordinances state.

Board Member Anglin has no further questions.

Chairman Nestorowicz asked for any other questions or discussions.

Board Member Sophiea would like to make a motion.

**Motion:**

Board Member Sophiea would like to make a motion to deny the petitioner's request to:  
Erect an off-premise ground sign with the following:

- 1) Setback 2.6 ft. from the front property line.
- 2) Total area of sign is 99.72 square ft.
- 3) Total area of EMC sign is 27.53 square ft.
- 4) Height of sign is 22.85 ft.

Reasons being: Concern for the neighborhood in terms of lighting; Not necessary; Self-imposed; Detriment to the area.

Board Member Anglin supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Sophiea, support he heard Mr. Sieracki before Mr. Anglin. So, Mr. Sieracki has the support for the reasons stated in the motion. So, he just wants to remind everybody it's a yes vote to deny.

Board Member Sieracki supports the motion.

**Roll Call:**

A roll call was taken on the motion. The motion carried (7 – 0).

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

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

11. PUBLIC HEARING: **APPLICANT: Metro Detroit Signs**  
REPRESENTATIVE: Kevin Deters  
COMMON DESCRIPTION: 8425 Twelve Mile  
LEGAL DESCRIPTION: 13-10-378-003  
ZONE: MZ, P, C-1

**VARIANCES REQUESTED: Permission to**

Erect a 7.5' high ground sign, 5' x 7.75" (38.75 square ft.) with the following:

- 1) Set back no closer than 1 ft. to the front property line.
- 2) A 2.5 ft. under clearance.

**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 set back 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.

Eric Robleski appeared before the board stating he Paul and Kevin Deters are both out of town so he's taking over today. The customer is CSI.

Walter Stelger with CSI representing CSI support development.

Chairman Nestorowicz asked them to talk closer to the microphone. It's hard to hear up there.

Walter Stelger repeated his name and representing CSI support development for the owner of the building.

Eric Robleski explained their customer sign was destroyed in a car accident back in January.

Obviously, it's been in that state for a while now. The new sign they're proposing will be in the same exact location as a previous sign. He believes there was a variance back in 1965 for that sidewalk clearance. The new sign will be considerably smaller, externally illuminated and then they believe the under-clearance issue will not be an issue because it is kind of in the middle between two (2) different driveways, so there is no way impeding the view of traffic or anything like that. They're just looking to have that done. The sign will eventually be externally illuminated and will be adding LED lights to shine onto the sign, as opposed to internally illuminated as the previous sign was.

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 for discussion. The new sign they're proposing looks a lot nicer than the old sign there. He thinks it's actually a great improvement to the building.

Secretary Jerzy agrees. The new sign looks really good. He would like to see if they do grant this motion, see if they can relinquish the variance granted on August 11, 1965 as the petitioner stated. He doesn't see a need for that variance on that property any longer with the new sign going in. If the petitioner would be open to relinquishing that variance on that property, this is definitely something he can get behind. It's just an added thing trying to clear up old variances on the property that at this point the new sign going in, to him, is deemed unnecessary. Unnecessary going forward with any other business going forward. He lived in this town forever; he use to go to a pediatricist that use to be in that building and that sign was always a monstrosity. Thank you for replacing that. He'll yield the floor.

Chairman Nestorowicz said he needs to hear. The petitioner would be ok relinquishing the variance for the old sign, when granting this new one.

Eric Robleski said that's ok.

Secretary Jerzy said if no other board members have questions or comments, he would like to make a motion.

**Motion:**

Secretary Jerzy made a motion to grant the petitioner permission to:  
Erect a 7.5' high ground sign, 5' x 7.75" (38.75 square ft.) with the following:

- 1) Set back no closer than 1 ft. to the front property line.
- 2) A 2.5 ft. under clearance.

The petitioner will relinquish the variance approved August 11, 1965 for an 85 square ft. sign to be within 1 foot of the front property line.

Board Member Sylvester supported the motion.

Reasons being: Not a detriment to the area.

Board Member Sylvester supported the motion again.

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

**Roll Call:**

A roll call was taken on the motion. The motion carried (7 – 0).

Secretary Jerzy	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 Sophiea	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** with the previously mentioned condition to relinquish a variance dated 8/11/1965.

**12. PUBLIC HEARING:**

**APPLICANT: Jennifer Paquin/PB2 Architecture & Engineering**

REPRESENTATIVE: Same as above.  
COMMON DESCRIPTION: 29176 Van Dyke  
LEGAL DESCRIPTION: 13-10-353-009  
ZONE: MZ, P, C-2

**VARIANCES REQUESTED: Permission to**

A) Allow the following wall signage on the south elevation:

- 1) A 691.22 square ft. wall sign with 298.00 square ft. of “Walmart” and spark logo on the remaining 393.22 square ft. consisting of a decorative design element.
- 2) A 434.40 square ft. wall sign with 32.37 square ft. “pick up” and the remaining 402.03 square ft. consisting of a decorative design element.
- 3) A 412.00 square ft. wall sign with 94.90 square ft. “home & pharmacy” and the remaining 317.10 square ft. consisting of a decorative design element.
- 4) A 412.03 square ft. wall sign with 41.05 square ft. “grocery” and the remaining 370.98 square ft. consisting of a decorative design element.
- 5) A 20.67 square ft. wall sign “outdoor”.
- 6) A 16.25 square ft. wall sign “auto care”.
- 7) A 251.53 square ft. wall sign with 24.75 square ft. “auto care” and the remaining 226.78 square ft. consisting of a decorative design element.
- 8) Two (2) 2.33 square ft. wall signs “tire” for a total of 4.66 square ft.
- 9) A 13.47 square ft. wall sign “recycle”.
- 10) A 9.33 square ft. wall sign “oil change”.
- 11) Three (3) 4.91 square ft. wall signs circle with number for a total of 14.73 square ft.
- 12) A 19.21 square ft. wall sign “pharmacy” “drive-thru”.

Total signage on south elevation is 2,299.50 square ft. of verbiage and 1,710.11 square ft. of decorative design element.

B) Allow the following wall signage on the north elevation:

- 1) Two (2) 2.33 square ft. wall signs "tire" for a total of 4.66 square ft.
- 2) Two (2) 4.91 square ft. wall signs circle with number for a total of 9.82 square ft.

Total signage on north elevation is 14.48 square ft. of verbiage.

C) Allow the following wall signage on the east and west elevations:

- 1) Two (2) areas of decorative design element on the east elevation for a total of 308.12 square ft.
- 2) Three (3) areas of decorative design element on the west elevation for a total of 418.47 square ft.

Total signage is 3,040.57 square ft. with 603.87 square ft. of verbiage and 2,436.70 square ft. of decorative design element.

If approved as written previous wall sign variances will be relinquished.

**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.

Jeff Davis appeared before the board stating he is with PB2 Architecture and Engineering, address is 2809 Ajax Avenue. He's here on behalf of their client Wal-Mart in asking for relief from the zoning code as it pertains to signs and as it pertains to paint on the building. The purpose of the painting on the outside of the building is to bring it in line with the rest of the Wal-Mart brand. Which is the three (3) tone gray colors on the front around the building and the Wal-Mart blue, which is over most of the entrances and the Wal-Mart sign on the front of the building. They're also asking for the additional signage. Most of the signs are just going to be replacing or refacing existing signs that are already on the building with some changes. Market that's on the building now will be changed to grocery. The Wal-Mart sign will remain the same. The pick-up sign will be relocated to its new location on the front of the building where the pick-up service is going to be located between the outdoor section and home and pharmacy section. The spark logo from that signs dropping. Overall if they're just looking at the signs themselves, the overall square footage is dropping from what's currently on the building right now. Even though there may be more signs. The store is somewhat unique in looking at big box stores. The front of the store that faces south towards Twelve Mile is about 580 feet wide, which is far bigger than any one store in that one shopping center. It also has multiple entrances. The purpose of the signs is not direct advertisement, it's more way finding. So, they pull in from either Van Dyke or Twelve Mile and looking at the front of the store. If they want to go to the grocery side, they would know what entrance to go to or same thing with home and pharmacy or there for pick-up. Right now, the pick-up is around the back where they have to go through the clear space between the two (2) buildings and it's also the pharmacy drive-thru in that area as well. The purpose of the signs is basically guide the customer already in the parking lot to the areas and services where they want to go. That is why they are asking for relief of the current zoning code.

Chairman Nestorowicz thanked him for his explanation. This is a public hearing, is there anyone from the audience wishing to speak on this item. Let the audience member approach the podium and microphone. Also, state their name and address, that would be great.

Sharon Que, 8272 Racine, appeared before the board stating she lives behind the Wal-Mart. So,

thank you for letting her speak. She has needed a bit of an outlet here. She has it written down so it's not going to go too long. It may sound a little bit off subject, but she's going to bring it back around, she promises.

Chairman Nestorowicz asked her to speak closer to the microphone, maybe.

Sharon Que stated the burden Wal-Mart has placed on the infrastructure of Warren and surrounding neighbors is extraordinary. What seems like a straightforward request for the sign variances will have many unforeseen ramifications. Wal-Mart's started their renovations by getting a building permit and work started about July 16<sup>th</sup>. Since construction started, the residential neighborhood right behind Wal-Mart has had noise complaints for the whole period. This is 24/7 construction going on. This has manifested in a burden to the police department. The police who responded numerous times gave her all kinds of reasons why it was legal for Wal-Mart to continue construction 24/7. It took a lot of her time to get to the truth. The result of her findings that, yes, they have noise ordinances, Section 21.29 that pertain to construction, but she found they do not apply to Wal-Mart because if they are enforced Wal-Mart will have a lawyer at city hall the next morning. So, this renders the law unenforceable. In contrast, if this was a small business, the noise ordinance would be enforceable. The excessive show of power on Wal-Mart's has to be embarrassing for the police who are diligently out there doing their job. Not to mention, a waste of their time. When she first received this notice, she thought the signs looked like no problem, but given the history she would like some questions answered, because they haven't been given anything. Do they have drawings of what they are proposing? Will the signs have lights or digital displays? When will the signs be installed? Will it be during normal business hours or at 2 a.m. in the morning with heavy equipment like all the other construction? How about a compromise? Wal-Mart gets the variance if they conduct the rest of their construction following their city's law on construction noise ordinances. Move the staging area to the front of Wal-Mart like they did in Roseville so that the residents don't have to hear the back-up beepers all night. The other side problem with Wal-Mart. If they're going to install a sign, they really need to start installing signs that say no truck parking, because this parking lot turns into a truck stop for semi's, which is a whole another ongoing problem. Which again, way over burden the police. She thinks a business of this size needs to take some responsibility of what's going on. The negative impact Wal-Mart's construction has had their neighborhood is easily seen. While most of her neighbors have gatherings with their family and friends, she did not see one (1) this summer. They can't open their windows; they can't use their backyards as the signs of the hi-lo back-up beepers and other noises pour in. This kind of noise on some nights wakes her up three (3) to four (4) times. It's not easy to muffle a back-up beeper. Many in this neighborhood, including herself, work in industrial settings. Their wellbeing relies on some rest from industrial noises at their house because they get it eight (8) hours at work. Please consider some compromise before allowing these variances. She thanks them for all their thoughtful comments on the previous because it gives her some hope.

Chairman Nestorowicz thanked her very much for those comments. Just so she knows, they all did get a copy of what she read in the email also. Is there anyone else in the audience wishing to speak on this item?

No response.

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

discussion.

Board Member Anglin said they heard what the lady had to say. He understands the construction and that, he understands the noise, he understands a lot of things that go on. Is there a reason why they can't put no semi-trucks in that back lot.

Jeff Davis said to his knowledge there is not.

Board Member Anglin if he agrees with this, he doesn't think he can actually put that in it. But he'll take his word for it if says there will be signs up if its legal.

Jeff Davis can pass that on to Wal-Mart. He does have to let them know how this meeting goes. He can't speak to basically the... Well, let him say this. He knows the process how such things are requested. Usually those are requested, they come directly from the store to Wal-Mart Corporate. The sign shop generates the signs and sends them directly to the store. So, such a process is fairly simple to accomplish. He's simply saying what he can do is that he can forward that information on to the powers at be at Wal-Mart that make those decisions. Tell them what the negative effects are with as for truck parking and noise at the back of the store.

Board Member Anglin said that's one of the reasons why he always felt when corporations come in front of the board, they actually have a representative that can speak for them. So, when they come across issues like this that they can... and they had many of times where it's actually been the owner who comes and is able to speak. He believes a man with his word. They'll make sure they put signs up on that side of the street, so they don't have truck parking or make sure they won't have salt put in this area, they've had that. At this point, he's not going to vote for this because he doesn't have somebody to appease, they couple of items. The gentleman doesn't have the authority to say he can do that. So, he's not going to vote for it.

Chairman Nestorowicz personally has a question. Does he know what kind of staging of what... is it just the stuff they're remodeling the store with that's being staged out there? Do they know?

Jeff Davis does not know.

Board Member Anglin said see.

Chairman Nestorowicz asked the neighbor if she knows what's being staged there. The only reason he's asking is because the Target by his house just got remodeled. They staged everything on the side of the store towards Twelve Mile, not in the back or somewhere else.

Sharon Ques said again about mid-July they brought in all their shipping containers. As far as she can tell with the hi-lo's, a lot of it, it's happening all time day and night. They can't predict when it's going to happen, but it happens fairly consistently. It sounds and she went out because she was being told by the police that they weren't, they were unloading trucks. She said they're not unloading trucks; she can see what's going on. She went and filmed what was going on. Then the people driving the hi-lo's got really made so she ran away because it was one (1) o'clock in the morning. It sounds like they're moving shelving. It's big, it's heavy, it's medal. It clings to the ground. Again, those noises aren't so bad to live with. It's the back-up beepers.

Chairman Nestorowicz understands.

Sharon Que said it's huge, it's a whole city of shipping containers and they're moving things back and forth, back, and forth, back and forth depending on when the ships come in, depending on what they're working on. Roseville put their staging department in the front of the store.

Chairman Nestorowicz asked Mr. Murphy to approach the podium for a moment. He's just wondering. In terms of where they can put their shipping containers and stuff. Is that something, do they have permission to put stuff back there?

Everett Murphy asked if these are temporary shipping containers or permanent shipping containers. Right? Permanent would require approval from planning. If they're bringing in some containers for a temporary remodeling job, they generally don't tell them where they can put them. They get complaints they can address them on a one (1) on one (1) basis, depending on what the complaint is.

Chairman Nestorowicz thanked Mr. Murphy. That's where again, even a manager from Wal-Mart could actually address some of that stuff.

Secretary Jerzy said no offense to the gentleman that's before the board. He thinks there is a lot of unanswered questions. He wouldn't want to see the store not get resigned and actually drop the square footage of the signage on the property, but the neighbors do bring up some genuine concerns about quite a bit of things. His recommendation would be to table this until they can get a representative from Wal-Mart here to answer some of these questions. A lot of these questions coming before them are just out of this gentleman's privy. That's his suggestion, but he thinks Mr. Sylvester wants to...

Board Member Sylvester said to Everett Murphy he worked over forty (40) years in construction, and he worked a lot hours and a lot of years over at the GM Tech Center. That is surrounded by a fence. Ok? Chain link fence. They had no noise ordinances over there. He worked many times during the night in the ditches and what have you. How long they could run their machines, when they could start their machines, or what have you. That was all regulated. He's having a problem understanding on this facility the way they want to and not listen to the police and not have any permits and operate and disrupt these residents, which their store is surrounded by seventy-five (75) percent residential area. A lot of their stores he's aware of, and he doesn't know where they are all at. He knows a lot of them are in areas where there are no homes. They're in commercial areas. So, is there something that the city missed in giving these people a permit or letting them know what their noise levels could be at a certain time of the day or night or when they had to stop.

Everett Murphy said if they're talking about shelving in the building, the reconfiguration of the inside. There may not be a permit is what he's saying. Depending on the type of work that they're doing.

Board Member Sylvester said the resident right here is very upset because...

Everett Murphy said ok, but...

Board Member Sylvester said this gentleman already that he had stuff going on at one (1) o'clock in the morning.

Everett Murphy said which makes sense. Wal-Mart wants to do that kind of work when there is not a lot of people in the store, he gets that. That's not the issue. If the noise is being made after hours, they do have an ordinance about construction noise, but if it's after hours, the police are who they're going to have to call, right? City hall is called after five (5) o'clock. There are no inspectors that are out there at one (1) o'clock in the morning, they do call the police. It is up to them to enforce that ordinance. As far as giving them a permit, like he said, if they're replacing shelving and reconfiguring the inside of the store, there is no permits that they granted for that or is required.

Board Member Sylvester asked if they're aware of how much noise that they were making at that time of night.

Everett Murphy said he's not there at one (1) in the morning, he has no idea.

Board Member Sylvester said exactly, that's his whole point. So, there should be something there, somewhere that some inspector.

Everett Murphy explained that's the police.

Board Member Sylvester said if they're going to be working all night knowing what sort of noise level, they're producing that interrupts the lives of these people around that store.

Everett Murphy said that's what they have the police for. They have more power to enforce things than he does. So, you get an inspector out there at night some of those issues may not be enforceable because it might be regulatory versus zoning ordinance.

Board Member Sylvester said his whole thing, just because their Wal-Mart doesn't mean they just look at the residents and just say they don't matter.

Everett Murphy said you come in for permits and things like that, everybody is the same as far as he is concerned.

Board Member Sylvester thanked him.

Board Member Anglin said this is more like they have a problem, it's one of those cloth and dagger situations where police are called, they go out, they're trying to do their job, but they know there is nothing they can do about it. Their problem at that point is that the system broke down. It should be, and it's up to the residents at this point, not up to the police and the police officer should have filed the complaints and that and he's sure they did, but he thinks it's going to be up to the residents and neighbors in there to start calling city hall. They have a mayor up there and he does answer his calls, so they have the back door to go in there. The old saying is the squeaky wheel gets the grease. So, he hates putting the burden off on the residents, but the squeaky wheel gets the grease. There is only so much they can do up here and he's going to try and do his part by not voting for this until they have a representative here in front of the board, they can answer a couple of these questions and make a commitment. He's not saying it has to be read into law but will make

a commitment to doing it. He's still old school and believes a man's word when he says it. So, that's it. He would like to table this to the next meeting.

Secretary Jerzy said Mr. Chair.

Chairman Nestorowicz said yes, Mr. Jerzy.

Board Member Sylvester said he has one more question. Does he have any idea why they just sent him?

Jeff Davis said honestly, no. He's the architect for the project and his team's responsibility is exterior signs and paint. So, he was sent to address those concerns.

Board Member Sylvester said his most important job up here is to look out for the residents of this city, and they come first. If he needs to express whatever he's doing and it's to be correct, then they need the right people here to express to the board what they're doing and how they're doing it and why they need to do it.

Jeff Davis thanked him.

Chairman Nestorowicz explained the hard part is, the construction they're doing at the store has nothing to do with... the signs and construction are actually two (2) separate things. You know the signs the petitioner is requesting is one thing, the remodeling, and the work they're doing in the store has nothing to do with this petitioner. That's the tough part. Fortunately, they would normally have a representative like the store manager or somebody, but there is nobody here for them to ask those questions to.

Jeff Davis agrees. He can answer questions regarding what signs are lit, what signs are not lit, when they are lit. He can say that other than the Wal-Mart sign and the pick-up sign which are the two (2) lit signs on the building right now, those remain the two (2) lit signs on the building. Everything else is going to be plastic stud mounted letters. They used to call them solar signs because they can only see them in daylight, but that's what he can address for the board.

Chairman Nestorowicz understands. Mr. Sophiea, you had a comment.

Board Member Sophiea said it's his position he understands the neighbor complaints are serious, the noise complaints are serious, but it's his position that by not voting on this for the signs it's only going to further delay the construction process and the noise. He knows the noise is the problem, but he thinks not granting the signage today is not necessarily the correct answer. He doesn't particularly have a problem with this sign package. He thinks they're two (2) separate issues and he just hates to see this tabled and rescheduled and tabled and put off another month while all this noise perpetuates. That's his position on this a little bit different than the other voices heard.

Secretary Jerzy said that actually brings up the question that crept into his head, if he doesn't mind. He was going to ask the city attorney if they're getting kind of on the outside of their privy with that.

Jennifer Pierce explained the variance that is before the board is for the signs only. She

understands the resident's concern and it's in the same building and at the same location, but what this gentleman is asking for really has nothing to do with the concerns she raised.

Secretary Jerzy said that's kind of where he came back to. It's kind of a black and white issue, just signs. They always try to hear residents' concerns to the best of their ability, but if it's something regarding the lighting of the sign or something regarding all that. They could make some kind different parameters, but he doesn't think they can do anything about any kind of noise violations but thank you for answering. He'll yield the floor.

Board Member Anglin said most of the packet he got here he would agree with that. But there's also a phrase about... they're putting up a new sign, not just refacing and painting. There is actually new signs going to be put up and the question was that this lady had in her letter was what time of day are those new signs going to go on. Are they going to be added in the middle of the night when other noises are being done. Or are they going to be done in a reasonable hour during business hours during the course of the day. According to their code it's seven (7) in the morning to eight (8) at night. It kind of relates to the point of when is this going to be done that covers that noise problem.

Chairman Nestorowicz asked the petitioner if that is something he can answer.

Jeff Davis stated when it comes to the exterior design team at Wal-Mart.

Board Member Anglin asked him to speak into the mic a little.

Jeff Davis explained before working with PB2 he was a project manager for exterior signs for Wal-Mart. He was Wal-Mart's associate. Their instructions to their sign contractors and the sign contractors were working directly for Wal-Mart and not for the general contractor. Their instructions were to basically put everything on the building, usually like the main Wal-Mart sign. Unless it's over an entrance where it's a danger for customers coming in and out of the store, those are to be done during daytime hours. The only problems they would have would be closing off one entrance directing traffic to the other entrance so they can put up the grocery sign and then close that down and move onto the other side. Signs can be installed during daytime hours, it's just a little bit of coordination with the general contractor.

Board Member does see that if they postpone or table it for a month, that's not going to take care of the noise problem. It's going to continue, and nothing is going to happen. All that's going to happen is in a month from now a manager will come and then who knows, by then they might be done with most of the construction.

Board Member Anglin said that's another question they maybe they would have if they had an associate here that could answer that. When is this construction suppose to complete? If they say it's within a month or so, then they...

Chairman Nestorowicz explained the construction is not in front of the board. He sees they can tell the petitioner here that the signs have to be installed during the daytime to make sure it's part of their motion and they understand. They can't do it after hours. He thinks they can do that.

Board Member Anglin agrees. He's always been the one saying they should only address what's

in front of them, but he understands what this lady is saying, and he's been through it before is what makes him so understanding of it. It's where they're running at two (2) or three (3) o'clock in the morning with this stuff and it seems like the giant is always beating up on the little guy because the cops come in and say there is nothing, they can do with that. He would love the opportunity to be able to hold this over their heads to say they can't, but the board can't do that. If he's willing to say they will construct this in a normal type business hours in the daylight, then he has to do it according to their oath or whatever they want to call it that they have up there. Jeff Davis asked if that could be written into the decision.

Chairman Nestorowicz replied it can be.

Board Member Sylvester wanted to say he worked in construction. He was a pipe fitter his whole career. They were doing a job at Botsford Hospital, and they went to lunch. That was roughly about one (1) o'clock or two (2) o'clock in the morning. When they got to the restaurant there were four (4) squat cars there and eight (8) cops that wanted to arrest us for breaking into houses.

Board Member Anglin asked what that has to do with anything.

Board Member Sylvester said this lady over here has a complaint. They can't do any construction in pure silence; it's not going to happen. As Mr. Anglin had said, he believes he did, eight (8) o'clock was the time that the construction had to stop. He would have no problem with that. Like he said, there is no way he's going to be silent. And when it gets night, that noise, they're going to hear a screw drop from the front of their building across Twelve Mile Road or in back of the building. They're going to hear it because it travels. So, figure out a way to do and then they can move forward.

Chairman Nestorowicz is hearing it sounds like everyone is in agreement, they can move on the signs.

Board Member Anglin said he would make a motion for this if the gentleman agrees to do it during daylight hours.

(Inaudible)

Board Member Anglin explained they can only address what's on this, and he tried to maneuver it the best he could, but he can only do this. He can either say yes or no to signage. He can either say they have to do this (inaudible), or they can't have this size. There isn't any other issues here...

Chairman Nestorowicz said the questions are about lighting on the signs. Are these signs not backlit, or?

Jeff Davis replied the only signs that will be lit that are internally illuminated channel letters is the pick-up sign and the Wal-Mart sign on the south side facing Twelve Mile. Everything else...

Board Member Anglin asked if anything was facing the neighbors.

Jeff Davis continued saying everything else plastic stud mounted letters that are not lit.

Chairman Nestorowicz said ok.

Board Member Anglin said if he agrees with that, he would be happy to make a motion to approve.

Jeff Davis replied yes, sir.

Secretary Jerzy said he doesn't have to read it all.

Board Member Anglin said he's not going to read it all. He's going to refer to the Secretary's reading.

**Motion:**

Board Member Anglin made a motion to approve permission to:

A) Allow the following wall signage on the south elevation:

- 1) A 691.22 square ft. wall sign with 298.00 square ft. of "Walmart" and spark logo on the remaining 393.22 square ft. consisting of a decorative design element.
- 2) A 434.40 square ft. wall sign with 32.37 square ft. "pick up" and the remaining 402.03 square ft. consisting of a decorative design element.
- 3) A 412.00 square ft. wall sign with 94.90 square ft. "home & pharmacy" and the remaining 317.10 square ft. consisting of a decorative design element.
- 4) A 412.03 square ft. wall sign with 41.05 square ft. "grocery" and the remaining 370.98 square ft. consisting of a decorative design element.
- 5) A 20.67 square ft. wall sign "outdoor".
- 6) A 16.25 square ft. wall sign "auto care".
- 7) A 251.53 square ft. wall sign with 24.75 square ft. "auto care" and the remaining 226.78 square ft. consisting of a decorative design element.
- 8) Two (2) 2.33 square ft. wall signs "tire" for a total of 4.66 square ft.
- 9) A 13.47 square ft. wall sign "recycle".
- 10) A 9.33 square ft. wall sign "oil change".
- 11) Three (3) 4.91 square ft. wall signs circle with number for a total of 14.73 square ft.
- 12) A 19.21 square ft. wall sign "pharmacy" "drive-thru".

Total signage on south elevation is 2,299.50 square ft. of verbiage and 1,710.11 square ft. of decorative design element.

B) Allow the following wall signage on the north elevation:

- 1) Two (2) 2.33 square ft. wall signs "tire" for a total of 4.66 square ft.
- 2) Two (2) 4.91 square ft. wall signs circle with number for a total of 9.82 square ft.

Total signage on north elevation is 14.48 square ft. of verbiage.

C) Allow the following wall signage on the east and west elevations:

- 1) Two (2) areas of decorative design element on the east elevation for a total of 308.12 square ft.
- 2) Three (3) areas of decorative design element on the west elevation for a total of 418.47 square ft.

Total signage is 3,040.57 square ft. with 603.87 square ft. of verbiage and 2,436.70 square ft. of decorative design element.

If approved as written previous wall sign variances will be relinquished.

Reasons being: Not a detriment to the area; They'll keep the sound level within daylight time frame; Size and shape of the lot.

Board Member Sophiea supported the motion again.

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

**Roll Call:**

A roll call was taken on the motion. The motion carried (7 – 0).

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

Chairman Nestorowicz suggested to the resident, he means the police and city hall would probably be the direction to be...

(Inaudible)

Chairman Nestorowicz said ok, item 13.

13. PUBLIC HEARING: **APPLICANT: Geoffrey Mueller – General Motors**  
REPRESENTATIVE: Michael Serdiuk, AIA  
COMMON DESCRIPTION: 30470 Harley Earl Blvd  
LEGAL DESCRIPTION: 13-09-100-002  
ZONE: MZ, M-2, M-3

**VARIANCES REQUESTED: Permission to**

Waive 274 required off-street parking spaces.

**ORDINANCES and REQUIREMENTS:**

**Section 4.32 – Off-street Parking Requirements:** In all zoning districts, off-street parking facilities for the storage or parking of self-propelled motor vehicles for use of occupants, employees, and patrons of the buildings hereafter erected, altered or extended after the effective date of this ordinance, shall be provided and maintained as herein prescribed. 19) Banks, business or professional offices. A. One (1) parking space for each two hundred (200) square feet of gross floor area. (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.

Michael Serdiuk, 17101 Michigan Avenue, appeared before the board explaining they were at the

Planning Commission on Monday to get the approval to construct two (2) new buildings. It was actually presented as one (1) single building, it's now split into two (2) single buildings on the north side of the GM Tech Center campus. Because of constraints on the property, being the Meckler Drain easements and existing road network on the site, they're limited to the number of parking spots that they can achieve on this spot without encroaching on the greenbelt, internal road network and Chicago Road. The two (2) buildings have a total occupant load of eighty-eight (88) people. Per ordinance, they would be required to provide 380 parking spots. It seems wasteful to create more surface than necessary on a campus that already has a lot of parking available. They do have an adjacent building that's got an empty parking lot currently that can serve any overflow that does exist, but they're providing more than enough to handle their capacity, actual number of employees anticipated for the project during normal operation hours.

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 for discussion.

Board Member Anglin said as they all have probably been through GM's facility on a numerous occasion, and it seems like they have more vacant spots than he really cares to see them have. He doesn't see this as being a detriment to the area and it's definitely not a detriment to the size and shape of the lot. This should not be a problem.

Chairman Nestorowicz asked for any other questions or discussion.

Board Member Anglin said he would like to make a motion.

**Motion:**

Board Member Anglin made a motion to give permission to waive 274 required off-street parking spaces.

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

Secretary Jerzy supported the motion again.

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

**Roll Call:**

A roll call was taken on the motion. The motion carried (7 – 0).

Board Member Anglin	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 Sylvester	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.

Board Member Sophia  
Chairman Nestorowicz

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

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

14. PUBLIC HEARING: **APPLICANT: Sejad Malkic**  
REPRESENTATIVE: Same as above.  
COMMON DESCRIPTION: 27721 Schoenherr  
LEGAL DESCRIPTION: 13-14-429-030  
ZONE: O

**VARIANCES REQUESTED: Permission to**

- 1) Retain an existing building no less than 26.3 ft. from the front (east) property line.
- 2) Retain an existing building no less than 8.3 ft. from the side (south) property line.

**ORDINANCES and REQUIREMENTS:**

**Section 5.11 – Churches, Schools, Libraries and Civic Clubs:** Churches, synagogues, mosques, public schools, public libraries, private educational institutions, funeral homes, community buildings, country clubs, fraternal lodges of similar civic or social clubs shall be permitted with permission of the Planning Commission pursuant to the standards set forth in Section 22.14(B)(1) and upon compliance with the following minimum requirements: (8) Every building shall have a front yard of not less than thirty (30) feet. If a circular drive is proposed in the front yard, a distance equal to the width of the drive shall be added to the front yard setback. (9) Every building shall have two (2) side yards of not less than twenty (20) feet each.

Chairman Nestorowicz asked him to state his name and address first.

Sejad Malkic, 13656 Irvington Court, appeared before the board stating they purchased the building as existing building, which is second driveway away from the mosque on Schoenherr. Already went to the Planning Department and all that stuff and took their recommendations and have already implemented most of their accommodations they have requested from them. From the interior and exterior work. Actually, interior of the building past all the inspections. Recently after the Planning Department's recommendations it past and got approved. They were asked to do some outside work. Plant some privacy fence, arborvitaes trees, which they finished recently. So, this is the remaining portion that they requested them to ask for a variance because it is an existing building and it something that is just going to be as is. That's why they are here tonight.

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 discussion.

Board Member Sylvester said going over the information that they have. There is one thing here, he's got a couple questions. Variance requested, permission to operate promotions company which will include use or growing machines and on-site interior storage. That does not exist anymore?

Sejad Malkic thinks that's the company that wanted to purchase the building before them.

Board Member Sylvester said it's 5/25/22 so that never took place.

Sejad Malkic said that never happened.

Board Member Sylvester said on the drawing they have here, vicinity map up in the left-hand corner. To the left of the north area, they have a site and site with diagonal lines in it. Is that on the same property? Both buildings on the same property? He also only has one (1) address.

Sejad Malkic is in the process of changing it to one (1) address because it previously had three (3) addresses. Three (3) addresses and three (3) entrances. It's one (1) building. They requirement they told him was that he must be able to pass from one (1), because it's one (1) unit, one (1) building, about 3,200 square feet, but it had three (3) entrances, three (3) doors. It still does. They said he must be able to go through one (1) and then ne able to get into another one and into a third one if he wanted it to be one (1) entrance. Two (2) are already connected, there's a door, and he opened up the third one as well, too, so they can do that.

Board Member Sylvester doesn't see them on the drawings being connected. He's also driven by, they've had services there already, hasn't he?

Sejad Malkic replied no.

Board Member Sylvester asked he's had nothing there.

Sejad Malkic replied no. The only thing they had there is usage of parking space on Friday's.

Board Member Sylvester said whoever comes to those buildings, whatever, they have parked on the residential streets. Is there a reason they have been parking on the residential streets?

Sejad Malkic explained there is no service in that building yet at all. The only thing they've done there is work, interior work, which is a crew of them volunteers or professionals they had install carpet and what not. Part of the reason when he stated when they purchased the building is to help the issue of parking space on Friday's that happens with the mosque, which is second door down. Having this building and having the parking space takes a lot of the cars having to park in the street. Now there are two (2) parking lots that can be used, that helped a lot. The streets are public streets, he can't tell people where to park. He does continuously...

Board Member Sylvester said wait. If they're coming to his facility and they're two (2) buildings or what have you, they're not suppose to be parking on the residential streets.

Sejad Malkic said hold on. There is nothing going in the second building yet. He doesn't even have the approval to use it. It's not used. The only thing is parking space.

Board Member Sylvester asked if he's in control of everybody who uses his buildings.

Sejad Malkic said he's not in control of anyone.

Board Member Sylvester said that answers that. Thank you.

Secretary Jerzy said he has this complex as one (1) building, three (3) separate addresses, one (1) building. In between that they have a group of condominiums, then the mosque. Between the mosque and the new building, he's purchasing and redoing, is there enough parking spaces between to those two (2) buildings to adequality suffice the business? To suffice the mosque?

Sejad Malkic explained the only day the parking is ever an issue is a Friday. At least was an issue prior to them purchasing this. If he wanted to answer his question, he would have to do it through an investigation. Go have people on every street to see. He sees people walking at times from residential street somewhere. There are also some people coming because they live there. He doesn't know if they live there or park there. There's a big difference. Because a lot of people have moved into the area.

Secretary Jerzy asked if he has an idea how many parking spaces, he has at the mosque currently.

Sejad Malkic said thirty-four (34) or five (5), don't quote him.

Secretary Jerzy asked thirty-four (34) or thirty-five (35) parking spaces. And in the new facility there are not many.

Sejad Malkic thinks it's going to be less.

Secretary Jerzy said fifteen (15) maybe. That's not a lot. How many?

(Inaudible)

Secretary Jerzy said twenty-eight (28).

Sejad Malkic doesn't see the connection. Having this building actually helps this issue.

Secretary Jerzy agrees. But is it a cure all is his question. If their congregation is too big, they've already outgrown their two (2) properties. If they've already outgrown the one (1) and they're going to try to add fifteen (15) parking spaces, he thinks it's trying to put water in an overflowing can. So, he doesn't know if that's actually going to help the parking situation that they're having on residential street.

Sejad Malkic wants to clarify. They're not expanding the congregation into a second building at all.

Secretary Jerzy asked him to speak closer to the mic.

Sejad Malkic repeated they're not expanding the congregation into the second building.

Secretary Jerzy understands that.

Sejad Malkic said if he's saying he's expanding.

Secretary Jerzy said he's not. He's saying if they're using that for parking though for the mosque when the mosque is operating.

Sejad Malkic explained there are no more individuals coming that what it is already serving.

Secretary Jerzy asked what the building is going to be used for then.

Sejad Malkic explained it's going to be used for Sunday school, maybe a class or two (2).

Secretary Jerzy said according to the petition it's just a couple times a week.

Sejad Malkic said right now it's only on Sunday's. It's been like that for eight (8) years.

Secretary Jerzy asked how many people come to that usually.

Sejad Malkic thinks between fifty (50) and sixty (60) kids and then staff members for teaching.

Secretary Jerzy asked if they're being dropped off.

Sejad Malkic explained they're being dropped off.

Secretary Jerzy said if they have fifteen (15) parking spots and fifty (50) people coming, twenty-five (25) spots.

Sejad Malkic explained it's not one (1) child at a time. It's usually...

Secretary Jerzy stated he just said fifty (50) kids. He means, they'll round it up to two (2) per car, that's twenty-five (25) cars.

Sejad Malkic said people drop them off. That day has never been an issue.

Secretary Jerzy said that's neither here or there. His concern is if he has enough parking for what they're doing. What he's done to the property looks great. The trees and all that is cleaned up. It looks great. They put in a lot of hard work over there. So, he's just kind of...

Sejad Malkic said the only issue they have over there, and it's not just an issue for them, it might be a lot of issues for churches on Sunday and their mosque on Friday that he doesn't think... They've actually done a great job making sure it's not overflowing either. There is no jams if there is a fire or something. They've put up a chain to make sure they have volunteers to make sure they put it up. If there are a few cars parking on the public street, he doesn't see that as a problem. That's what they're there for.

Secretary Jerzy yields the floor.

Sejad Malkic said as long as they're parked legally, don't block people's driveways.

Board Member Anglin said again, this is one of those things that come back to haunt you. They've

got issues here and there, but really what's before the board them now is to allow these two (2) buildings that don't meet zoning and they need a variance for it. He doesn't think they've ever come across one, especially if it's a pre-built building that they've denied the variance, because then they have to tear the building down. So, (inaudible) the way it is. It's been there before the codes put its parameters on it and it gets to the point where everybody on the board is done with their discussions, he would be happy to make a motion.

Board Member Sylvester has to get a clarification. This gentleman doesn't really seem to know what is happening with the buildings and how many people are coming and what have you. He understands what Mr. Anglin is saying, ok. But this is basically in a residential area. It's on Schoenherr, ok. He knows what he saw. He doesn't know what day it was, but he knows what he saw. These people were coming from other side streets parked up against the curb and coming over to these buildings. Ok, so, he doesn't have all the information, maybe they need to table this and get more information so they know exactly and if this gentleman can give them an idea of what the parking arrangements are going to be at the buildings. What he's going to be having, whether he's going to be having Bible school or something else. They need to know that before they can just go ahead and say they can do what they want.

Board Member Anglin is going to answer some of that, the little bit he knows about it. Maybe they can get some in site from the genius of the audience there. If they're putting a religious facility on a piece of property does not that piece of property be or have to be a certain size? Unless it comes becomes a zoning variance.

Everett Murphy thinks all of that came out at Planning already.

Board Member Anglin said ok.

Everett Murphy explained there was no request to allow them to build greater than a certain percentage on a lot. What they have are the two (2) buildings, right, that are too close. They don't meet the setbacks. Ok. So, they're asking to keep those buildings there. Now, they're going to expand on that, but what else is the question.

Board Member Anglin said the question is, when a church starts a facility, isn't it required, because there was one time, they had one that was a church, and it was on Chicago Road. It was too small of a lot, and they had to give a variance for that facility. Now, is there not a certain size lots they're suppose to be able to put a religious facility or church, whatever, in that lot.

Chairman Nestorowicz said they would do some kind of parking calculation of how many cars are required for that size building.

Everett Murphy explained the parking requirement doesn't....

Board Member Anglin thinks there is an actual code stating they have to have a certain size lot.

Everett Murphy continued to explain the parking requirement for religious goes by the number seats or pews how many do they sit. Obviously, they have enough parking for the construction because they're not asking for a parking variance. They're not asking them to allow to build anything

additional in the setbacks. These are existing buildings that are in the setbacks, so they're nonconforming buildings. They want to do some extra work, expansion to the building, but that is not, that complies with all the other ordinances. Since they have these nonconforming buildings and they're expanding the nonconforming use, that's why they are here. Because of those existing buildings.

Board Member Anglin understands that. He has no problem voting for these to be passed. His problem is, it's not really even a problem, he was wanting to answer the question. Is it not the fact that if they have a religious facility going in, they have to have overall so much property, not necessarily just for parking, but property.

Everett Murphy can go back and read 501. It's a long list for religious facilities. He can look that up.

Board Member Sophiea is a simple guy here. This is just a nonconforming building. The setbacks aren't met. He doesn't see any issue with parking. They're not asking for a parking variance. He has no problem making a motion. If there aren't any other comments, he would like to make a motion.

Board Member Sylvester said there is a gentleman here, can he speak.

Board Member Anglin said not now.

Chairman Nestorowicz said public portion is over.

Board Member Sylvester wondered if anything was asked if any residents.  
(Inaudible)

Chairman Nestorowicz said unfortunately it's like...

Board Member Sylvester doesn't know.

Chairman Nestorowicz explained it wasn't brought up at that time and the public portion is over.

Board Member Sylvester said he's just asking because he's had his hand up.

Secretary Jerzy said he should have come and talked.

Chairman Nestorowicz stated he didn't come up when the petitioner came up. Now it's actually the boards discussion, not the publics part, unfortunately.

Board Member Sylvester said ok.

Board Member Sophiea said with that, he'd like to make a motion.

**Motion:**

Board Member Sophiea made a motion to grant permission to:

- 1) Retain an existing building no less than 26.3 ft. from the front (east) property line.

2) Retain an existing building no less than 8.3 ft. from the side (south) property line.

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

Board Member Anglin supported the motion again.

Chairman Nestorowicz said they have a motion by Mr. Sophiea, 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 (6 – 1).

Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Sylvester	No, he believes it's a detriment to the area.
Board Member Perry	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.

15. PUBLIC HEARING: **APPLICANT: Mohamad Elfakir -USE-**  
REPRESENTATIVE: Same as above.  
COMMON DESCRIPTION: 28455 Schoenherr  
LEGAL DESCRIPTION: 13-14-276-020  
ZONE: C-1  
**VARIANCES REQUESTED: Permission to -USE-**  
1) Allow a drive-thru restaurant in a C-1 zone.  
2) Waive the requirement of completely enclosing the property of a drive-thru restaurant with a 4-foot chain link fence.

**ORDINANCES and REQUIREMENTS:**

**Section 13.01 – Uses Permitted:** A drive-in restaurant is not permitted in a C-1 zone.

**Section 14.01 (K) – 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: drive-in restaurant, an establishment whose principal business is to serve food that may be consumed in the building on the premises, on the premises outside the building, or off the premises. Drive-in restaurants shall be permitted upon approval of the Planning Commission, after a public hearing has been held and it is found that the proposed drive-in restaurant meets all the requirements of the zoning ordinances and the following standards: 4. Drive-in restaurant properties shall be completely enclosed with a chain-link fence with a height of four (4) feet; however, when abutting a residential property, a decorative masonry screening wall constructed to a height of six (6) feet shall be provided.

Mohamad Elfakir appeared before the board stating he is here regarding 28455 Schoenherr Road. He's here requesting for a drive-thru variance. They're looking to do a coffee shop, a Biggby Coffee. It's a national franchise from Lansing, Michigan. He's been a franchisee with Biggby Coffee for

over sixteen (16) years. He has two (2) locations. One in Westland and one Sterling Heights on Moravian and Schoenherr. So, they think this opportunity for this building to bring it back to life is a good place for a coffee shop and a good meeting place for the community. They look at employing roughly twenty-five (25) to thirty (30) jobs in the area. That's all he's got for now. He's sure the board has some questions possibly.

Chairman Nestorowicz thanked him. This is a public hearing, is there anyone else wishing to speak on this item? If they could also state their name and address for the record.

Jeffrey Adkin, 28411 Schoenherr, appeared before the board stating he owns a neighboring business to the south, Macomb Bike. They've been there a long time, and he would love to see something go in that building and it sounds like a great idea. He fully supports it.

Chairman Nestorowicz thanked him for that comment.

Mohamad Elfakir said to Jeff, he doesn't know him and thanked him for coming.

(Laughter)

Chairman Nestorowicz didn't see any other comments. He closed the public portion and turned it over to the board for discussion.

Secretary Jerzy said this is a good project. He thinks in this area it would probably bring clientele from the neighboring schools. It would probably be a busy location. Might even sell a couple bikes next door to a couple kids. So, he can see why he'd be here. As far as the chain link fence, it's the old Citizen's Bank right next to the funeral home next door. So, the way the property situated, he doesn't think there is any way they could put a chain link fence around there. Just partially chain link fence in the back line of the property, he thinks that separate the school, the school grounds. If he recalls correctly.

Mohamad Elfakir said he's right.

Secretary Jerzy stated so, it's partially chain link to the best of the ability. To put a chain link fence all the way around they would have to put it right through between this gentleman's property and the bank, it just doesn't fit the property. He could see why they would want to waive that requirement. He thinks this is a good project. It's a vacant building doing nothing for probably about a year now that would be his guess, a year, year, and a half, somewhere in there. So, other than that he'll yield the floor. If somebody else has any comments.

No response.

Secretary Jerzy said if nobody has anything else he'll make a motion.

**Motion:**

Secretary Jerzy made a motion to approve to allow:

- 1) Allow a drive-thru restaurant in a C-1 zone.

- 2) Waive the requirement of completely enclosing the property of a drive-thru restaurant with a 4-foot chain link fence.

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

Board Member Anglin supported the motion again.

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

**Roll Call:**

A roll call was taken on the motion. The motion carried (7 – 0).

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

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

Mohamad Elfakir appreciates the boards time. He thanked them for being here tonight and doing what they do for the community. Appreciate it, thank you.

Secretary Jerzy wished him luck. Free coffee all around.

Board Member Anglin said don’t say that.

(Laughter)

Secretary Jerzy was just kidding. Good luck. Good luck.

(Inaudible)

- |                            |  |
|----------------------------|--|
| <b>16. PUBLIC HEARING:</b> | <b>APPLICANT: 27050 Gloede Investments LLC</b> |
| REPRESENTATIVE:            | Angelo Jadan                                   |
| COMMON DESCRIPTION:        | 27048 Gloede                                   |
| LEGAL DESCRIPTION:         | 13-13-477-018                                  |
| ZONE:                      | M-2  |

**VARIANCES REQUESTED: Permission to**

Allow a permanent shipping container (8’ x 40’ = 320 square ft.) on the exterior of the premises for storage of packing supplies – no cannabis.

**ORDINANCES and REQUIREMENTS:**

**Section 4G.11 – Prohibitions:** (1) A marihuana business, patient operation, caregiver operation,

or personal recreational adult-use is not permitted to have any of the following: (B) Except as permitted by MCL 333.26423(D) and MCL 333.27961(A), Marihuana-related outdoor storage.

Chairman Nestorowicz does not see the petitioner here.

Board Member Anglin stated seeing that the petitioner is not here, he would like to postpone this to the next meeting without a posting. Or do they have to have it reposted?

Board Member Sophiea said it's his position that if they don't have the curtsey of calling or notifying the city office or the board that maybe they shouldn't table it, just dismiss it.

Board Member Anglin said that's always been his philosophy, but he got overturned.

Chairman Nestorowicz stated nobody made any motion for nothing yet.

Board Member Anglin said he's the first one to say it that if they don't show up.

Secretary Jerzy said they could postpone it to a date to be determined.

Board Member Sophiea said that's a good compromise.

**Motion:**

Board Member Anglin made the motion to postpone this project to a date to be determined. Supported by Board Member Sophiea.

**Voice Vote:**

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

**17. NEW BUSINESS**

Chairman Nestorowicz stated he didn't have any new business.

**18. ADJOURNMENT**

**Motion:**

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

**Voice Vote:**

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

The meeting adjourned at 9:21 p.m.

Paul Jerzy  
Secretary of the Board