

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
SEPTEMBER 27, 2023

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, September 27, 2023 at 7:30 p.m. at the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

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

Members of the Board absent:

Charles Anglin

Also present:

Jennifer Pierce, City Attorney
Steve Watripont, Zoning Inspector
Nicole Jones, Council Office

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

Motion:

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

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).

(Inaudible)

Chairman Nestorowicz knows they just approved the agenda. Since they actually have two (2) individuals missing from the board for today. He noticed there are 1, 2... Items eight (8) and nine (9) are use variances. Which would require six (6) yes votes instead of the normal five (5) since they are a use variance. He wanted to make sure to give those applicants an opportunity. They can still be heard tonight; they just have to get six (6) affirmative votes of the folks on the board here tonight. Or since they want to be heard by the full board, they can reschedule them to the next meeting. He wanted to guess if items... If like the applicant Brenda Maks for item eight (8) or the Dream Big Health Care for item nine (9). If they wanted to proceed today or if they want to be rescheduled.

(Inaudible)

Chairman Nestorowicz said proceed. Ok, thank you. He just wanted to make sure.

5. APPROVAL OF THE MINUTES of the Regular Meetings of August 23, 2023 and September 13, 2023.

Motion:

Secretary Jerzy made a motion to table the minutes to August 23, 2023 and table meeting minutes of September 13, 2023 to October 11, 2023; Supported by Board Member Higgins.

Voice Vote:

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

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| 6. PUBLIC HEARING: | APPLICANT: Aliaa Barsik |
| REPRESENTATIVE: | Same as above. |
| COMMON DESCRIPTION: | 23601 Willard |
| LEGAL DESCRIPTION: | 13-25-304-044 |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to

- 1) Erect a 28' x 13' = 364 square ft. awning in addition to an existing garage which is 484 square ft. for a total of 848 square ft. of accessory structures.
- 2) Erect a 9 ft. high x 13 ft. wide privacy fence at the northern edge of the proposed awning.

ORDINANCES and REQUIREMENTS:

Section 7.01 – Uses Permitted: (I) Accessory buildings or uses customarily incident to any of the above permitted uses. All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

Section 4D.32 – Specification for Residential Areas: All fences in residential areas shall be of an ornamental type. Fences in residential areas shall not exceed four (4) feet in height and may be constructed of either metal, iron, chain link, wire, ornamental aluminum, vinyl or solid material construction such as wood, brick or masonry, except privacy fences allowed as provided in Section

4D.33 may not exceed six (6) feet in height.

Chairman Nestorowicz stated this is for all applicants. When they do come up to the podium if they can start with name and address for the record, and then go into the application and the reasons behind it.

Aliaa Barsik appeared before the board stating she is the homeowner for the house located at 23601 Willard.

Chairman Nestorowicz said ok, and the request today is for...

Aliaa Barsik replied for awning to be twenty-eight (28) length and width, and length is thirteen (13) feet. Also, she is right here to make kind of plastic fence between her and her neighbors. It's not blocking their way. Just for the privacy for her and for her family.

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

No response.

Chairman Nestorowicz asked nobody wishes to speak on this item.

Aliaa Barsik replied no.

Chairman Nestorowicz said ok. In that case, he turns it over to the board for discussion. He has a question. He has no problem with the awning, but his question is when she talks about that privacy fence. So, it's going to be attached to the awning?

Aliaa Barsik said of course, it's going to be attached to the awning. It's not going to be longer than twenty-eight (28). She means at the end of the awning; it's going to be over there. It's a plastic fence, you know.

Chairman Nestorowicz said ok. He guesses he was trying to picture. At the front of the house, she's going to have this awning and then on the one side it's going to be like a...

Aliaa Barsik stated exactly. It has nothing to do with the fence between her and her neighbor.

(Inaudible)

Aliaa Barsik asked excuse me.

(Inaudible)

Aliaa Barsik stated yeah, the rear, in the backyard.

(Inaudible)

Chairman Nestorowicz asked Steve if he understands. Without a drawing, he wasn't quite sure exactly. So, Steve maybe...

Steve Watripont explained the awning is in the rear of the house and the fence or screen wall, or whatever they want to call it at this point, is beneath the awning to give her the privacy at the awning.

Chairman Nestorowicz said it's not like a privacy fence where the fence line, it's actually just on the side of the awning.

Steve Watripont replied yeah.

Chairman Nestorowicz said the awning is going here in the back of the house right here, right? Then it would sort of be a wall here.

Aliaa Barsik explained where the awning stops the fence is going to be there. She means the plastic one.

Chairman Nestorowicz thinks he understands.

Secretary Jerzy said to the petitioner. What's the purpose of the privacy fence then? She's going to have a privacy fence inside her own yard.

Aliaa Barsik explained for the awning because when the sun rises over the backyard all her kitchen, utility room, bathroom. Also, there is a bedroom.

Secretary Jerzy said that's the purpose for the awning, correct?

Aliaa Barsik replied yes.

Secretary Jerzy asked for the purpose for the fence.

Aliaa Barsik stated for her privacy. Her neighbors has husband, kids, and you know. If she's sitting on her porch with her family, stuff like that. Just to feel more comfortable.

Secretary Jerzy asked she wants to put a privacy fence right down the middle of her property instead of on the property line. Is that what he's understanding?

Aliaa Barsik explained it's not in the middle, it's not on her porch. It's where the end of the twenty-eight (28) feet the length of the awning she's planning to put.

Secretary Jerzy said he means... he...

Aliaa Barsik explained it's going to be the side even before the gutter.

Secretary Jerzy would like more of a print than just this. Who is doing the work? Does she have a company doing the work?

Aliaa Barsik stated there is a construction guy.

Secretary Jerzy asked where the print is from the construction guy. It's hard to go off this. She's got... it's... He's trying to visualize what she's saying. He's having a hard time wrapping his head around it. If some other board member could kind of help him out here.

Aliaa Barsik said where the gutter is, it's going to be where the awning stops, before the gutter. It's seven (7) feet between her and the fence of her neighbor, seven (7) feet.

Board Member Clift explained the awning is going to come out like that and the fence is going to be over here. If that's what he's understanding.

Secretary Jerzy said again, that's where a legitimate print would come in handy. So, he means, he's not in favor of this just cause he has no print to go off of. He has no idea really what's going on. Other than that, that's all he has to add.

(Inaudible)

Board Member Sylvester said the awning. It's twenty (20) by thirteen (13). It's thirteen (13) feet from the back of her house, correct?

Aliaa Barsik replied correct.

Board Member Sylvester asked if she's using this, what she's calling a privacy fence, as support for the awning.

Aliaa Barsik explained no it's not support for the awning.

Board Member Sylvester asked if it's going to be attached to the awning in any way shape or form.

Aliaa Barsik said no, no. It's going to be attached to the awning, but just when her neighbors are going to open their door, you know, their family and stuff like that. If she's sitting with her family on the porch, it's just for privacy for her and her family. Nothing else.

Board Member Sylvester can go with his fellow member. (Inaudible) If that wall is independent of everything and it's just sitting there, then they have a problem with that. If it's somehow attached to that awning and supporting that awning.

Aliaa Barsik said it is. It's going to be on the (inaudible) side.

Board Member Sylvester is not seeing that. They need to see a little bit more. They need a drawing.

Aliaa Barsik put kind of an x mark over their house.

Board Member Sylvester said it's not good enough.

Aliaa Barsik asked if she could come to him and explain what she's planning to do on the paper because she doesn't have the drawing. She only has the letter she got from them for this meeting

today.

Chairman Nestorowicz said Mr. Higgins.

Board Member Higgins said as near as he can tell, he thinks the drawing itself is just not accurate to what she's trying to convey. He thinks if they look at the picture of the house and where the gutter and end of the house is, that's where she wants it.

Aliaa Barsik said even before the gutter.

Board Member Higgins said yeah, over there. It's going to be much closer to that other property line. This is a bad picture. He'll make a suggestion, if she can come up here and let them look at this again and draw another line, he thinks they would see much better. He thinks this is just a terrible picture. That would be his suggestion if they think it's appropriate.

Chairman Nestorowicz said well, let him ask the following. Steve, you understand what she's requesting, correct?

Board Member Clift stated he's drawing.

Board Member Higgins asked if he's making a new drawing. Alright!

(Inaudible)

Steve Watripont said that's what took him a couple seconds. The board can pass it along and look. Then he'll try to answer their question. The dark, he didn't have any different colors, so the darker line is where the wall is going to be. He put it outside of the awning, but it will be underneath or close enough to that.

Chairman Nestorowicz said Bill is adding to the drawing.

Board Member Clift is adding dimensions on it.

Steve Watripont said he was called up here and had to rush.

Chairman Nestorowicz understands.

Aliaa Barsik said the height, she measured, is going to be thirteen (13).

Board Member Sylvester is going to ask Steve the question.

Steve Watripont asked if his mic is on.

Board Member Sylvester said yeah.

Steve Watripont is having a harder time hearing him.

Board Member Sylvester moved closer and asked how's that.

Steve Watripont replied it's a lot better.

Board Member Sylvester asked if the wall supports the awning in any way.

Steve Watripont doesn't have the construction stuff. He doesn't believe so. He believes it's two (2) independent things, but they are joined together or close enough to be joined together. He doesn't have the construction documents at this point.

Board Member Sylvester asked instead of a wall why can't they just bring down a curtain off the front of that that could roll up and roll down and doesn't have to be the same place all the time. They can adjust it to where the sun is, if the wind is blowing, whatever, instead of having a wall or partition, whatever she's asking for right there.

Steve Watripont said if there is a roll up screening...

Board Member Sylvester said he just had one installed so he knows they could do it.

Steve Watripont stated that would be allowed, but the reasons he would have to ask her not him.

Aliaa Barsik said what she's planning to do, sir.

Chairman Nestorowicz wanted to ask a question, but Tony had a question first.

Board Member Sieracki asked how tall the fence is she's putting in.

Aliaa Barsik said how tall. It's very much going to be nine (9) feet. It's not going to reach her roof. It's underneath her roof.

Board Member Sieracki said ok.

Chairman Nestorowicz wants to interject. He understands what she wants. He has an issue with it being a nine (9) foot tall fence wall. Why can't it be six (6) feet tall? Which would still give the privacy. It's like, nine (9) feet tall, that's three (3) feet taller than he is. To him, that seems like a very high wall.

Aliaa Barsik said if they don't agree for nine (9), they prefer for six (6), she's going to go for six (6). She prefers nine (9) but at the end it's their decision.

Board Member Sieracki asked if she has an existing fence at her property line now.

Aliaa Barsik said oh yeah, but it's very low.

Board Member Sieracki asked how tall. Probably four (4) feet then.

Aliaa Barsik replied very much, yeah. It's very old. Since like eighties.

Chairman Nestorowicz doesn't know what his fellow board members feel, its like, he could go a long with it if it's a six (6) foot tall fence, not nine (9).

Board Member Clift will echo his sentiment. He thinks nine (9) feet is excessively tall. He could go with this plan if she reduces that height on that privacy fence to six (6) feet, which is standard and per ordinance in town. That's all he has, he'll yield.

Board Member Higgins would do that too.

Chairman Nestorowicz said to the petitioner. If the board moves forward with a motion that six (6) feet tall instead of nine (9) feet tall, would she be fine with that?

Aliaa Barsik said personally, she prefers nine (9), but if they decide six (6) she'll follow what they're going to say. But personally, she prefers nine (9).

Steve Watripont needs that paperwork back, too.

Chairman Nestorowicz asked who has Steve's drawing.

(Inaudible)

Chairman Nestorowicz said oh it's over there. It's coming back Steve.

Board Member Clift said if nobody else has anything to interject and the petitioner is willing to go with that six (6) foot maximum height on the fence, he's willing to make a motion on this.

Chairman Nestorowicz said please do.

Board Member Clift asked anybody else.

No response.

Motion:

Board Member Clift made a motion to allow the petitioner to:

- 1) Erect a 28' x 13' = 364 square ft. awning in addition to an existing garage which is 484 square ft. for a total of 848 square ft. of accessory structures.
- 2) Erect a ~~9~~6 ft. high x 13 ft. wide privacy fence at the northern edge of the proposed awning.

Reasons being: No interference; Size and shape of the lot; Not a detriment to the area.

Board Member Sylvester supported the motion.

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

Roll Call:

A roll call was taken on the motion. The motion carried (6 – 1).

Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Secretary Jerzy	No, he thinks it's a detriment to the area and not enough information and there's absolutely no drawing.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

7. PUBLIC HEARING:	APPLICANT: George Augousti
REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	11139 Jewett
LEGAL DESCRIPTION:	13-27-402-028
ZONE:	R-1-C

VARIANCES REQUESTED: Permission to

Erect a porch no less than 19 ft. 4 inches from the front property line.

ORDINANCES and REQUIREMENTS:

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

Chairman Nestorowicz asked if both of them can state their names and addresses for the record, he'd appreciate it.

George Augousti, 11139 Jewett, appeared before the board.

Tom Augousti appeared before the board stating he is George's brother. He has difficulty hearing so if he can't hear he's going to explain to him.

Chairman Nestorowicz asked for the reasons for his request today.

Tom Augousti said explain the request. What do you want?

George Augousti would like a variance so he can build a front porch with a small roof.

Secretary Jerzy asked him to pull the mic closer a little bit. Thank you.

George Augousti repeated requesting a variance so he can build a front porch with a slight roof over the top to keep the weather off.

Chairman Nestorowicz said ok. Thank you for that. This is a public hearing, does anyone else want to speak on this item?

No response.

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

Board Member Sylvester has two (2) questions that are on the top of his head right now. His hand drawing shows his house and garage, and it shows the sidewalk, looks like a sidewalk, going from the house to the garage, but the aerial view shows a greater distance. He has no idea what's between the house and the garage. Is that a storage area or (inaudible) area. What is that?

George Augousti replied there is a deck there.

Board Member Sylvester asked that's a deck.

George Augousti replied yes. It was with storage for yard work. He has bricks there and some lumber.

Board Member Sylvester asked if he has any other drawings with regard to the construction of this porch.

George Augousti has photos if that will help. He only has the drawing...

Board Member Sylvester has no idea what he actually wants to do. Even the drawing he has for the board isn't dimensions and not to scale. So, again, just like they previously went through. He thinks they need more information.

George Augousti explained the existing porch was dilapidating.

Board Member Sylvester said that doesn't matter. They're taking that down, so they need to know what he's asking the board to approve.

George Augousti said the ordinance has changed. You're suppose to have twenty-five (25) feet from the edge of the porch to the property line. If that was even feasibly possible, he would have a sixteen (16) inch porch. So, he's asking for to be able to build a new porch where the old porch is existing. The only difference is, he's making it a little wider, like the length of the house almost. Other than that, everything else is staying the same.

Board Member Sylvester asked if anybody else on the committee has the same concerns he does. He just doesn't really have a picture.

Chairman Nestorowicz wants to make sure he's understanding correctly. His existing porch is basically just the width of the front door.

George Augousti said right.

Chairman Nestorowicz said because that's his existing porch.

George Augousti said exactly.

Chairman Nestorowicz said what he's wanting to, so it's basically going to be twenty-four (24) feet long. So basically, it's along the entire front of his house.

George Augousti replied almost exactly the length of the front.

Chairman Nestorowicz asked that it will be six (6) feet out.

George Augousti said correct.

Chairman Nestorowicz said it will be six (6) feet out almost the entire length of the house. Is there a roof or anything going over it? Or is it just going to be an open porch, no roof or anything is there?

George Augousti is thinking about putting a roof over the top to keep the weather out. Simple roof, you know, nothing fancy.

Chairman Nestorowicz said ok. He was going to say based on the age of the home and the neighborhood, any request to do anything on the porch is going to come to the board because of the distance.

Board Member Sylvester understands that. If somebody is going to do something to their home and they're coming to the board for a variance and everything, he thinks they should have at least the majority of the information to know what this is going to look like when they're done. A couple of things the gentleman has said, he thinks it's going to be out to here, it's going to be this long. As he's going along, he's going to be making decisions on how this is going to be built, at least that's how he's taking it.

Chairman Nestorowicz asked if this porch is going to be poured concrete. Is that what they're doing or is he building it with wood?

George Augousti asked if this photo will help. He has pictures of the project.

Tom Augousti said it's a wooden porch.

George Augousti said it's a wood porch.

Chairman Nestorowicz said ok.

Board Member Sylvester doesn't want to see it. Thank you. He doesn't want to see it. He doesn't want to see that.

Chairman Nestorowicz understands what he's requesting.

Board Member Clift actually walked this area not long ago. If he's remembering right, across the side street from him there was a home on that corner that has a covered porch, almost the entire width of the house.

George Augousti said there are a few on that street, yes.

Board Member Clift said a whole neighborhood over there everybody's porches are within twenty-five (25) feet of that front build out line. So, they need a variance no matter, even if he was just going to reconstruct his little brick porch. It doesn't matter.

George Augousti said correct.

Board Member Clift said based on the information and the column side on his not to scale drawing, he's just basically coming to the board for a variance to put a porch within the nineteen (19) feet four (4) inches from the front property line and reading through the dimensions in the column he doesn't see an issue or problem with that. Just be advised if he decides to put a roof or an awning on it, he's going to have to come before the board again to do that.

George Augousti said ok, thank you.

Board Member Clift said this will basically be for whatever he has written down here with these dimensions, if they go on the approval. Ok, but he understands where he's coming from. As far as the not to scale drawing, they have drawings here all the time not to scale. What's going on and what he's coming to talk to us about is the front of his house and has nothing to do with the back.

George Augousti has an actual photo that would give...

Board Member Clift said that's fine, sir. He understands what he's doing. He wants to yield the floor because Mr. Anglin had a comment to make. He'll yield. Thank you, sir, for his explanation.

Board Member Anglin stated his first comment is he apologized for his tardiness to the board, it just happened to be one of those things that came about. So, he will stay after and right one hundred times on the black board, "I will not be late again."

(Laughter)

Board Member Higgins said that's in the minutes you know.

Board Member Anglin knows that.

Board Member Higgins said Nicole, the blackboard for Chuck afterwards.

Board Member Anglin said he's a contractor. Now, they have to pull the permits and as long as they pull the permits, and they will be very surprised that the new regs for putting a porch on. It's like putting up a high-rise apartment. They have to put twelve (12) inch sonotubes in the ground now, they have to use six (6) by six (6), they can't use four (4) by four (4) anymore. So, just make sure he pulls the permits, they'll be happy to give copies on demonstrations on how this is supposed to be built. Make sure he builds it exactly the way they show it or of course they'll make him knock it down. Other than that, he doesn't really like the idea of wooden porches across the front, but that's his own personal preference, has nothing to do with this. So, he has no problems with this project.

Secretary Jerzy would like to echo Mr. Sylvester's sentiment about people coming to the board with

a project with all the proper information. If they want a project done, have the proper drawing. Have the builder or something send something to them that's a little bit more detail oriented, little bit more picture oriented. Also, to speak on Mr. Cliff's comment, they have seen stuff come with drawings like that are not to scale. He thinks the first petitioner's one was a little bit more out of their privy than what they normally see, that's why he voted it down. He doesn't see anything wrong with this, because he's basically trying to redo what was existing and make it a little bit better. Definitely the size and shape of the lots down there, they can't put a porch on without any kind of variance needed. He sees both sides of the arguments, Mr. Sylvester and Mr. Cliff's. He thinks they're both in the right here. Again, like Mr. Cliff said, he's here just trying to get a nineteen (19) foot four (4) inch porch put up. He would like to see going forward a little bit more detail-oriented stuff like Mr. Sylvester stated. To have pictures and have something more concrete than they might do this or they might do that. He understands what he's saying and appreciates the comments too. He'll yield the floor.

Chairman Nestorowicz asked if there's any other discussion.

Board Member Sylvester has two (2) questions. One, is going to be doing this work himself?

George Augousti replied yes.

Board Member Sylvester said ok. His next question is for Mr. Watripont, please.

Chairman Nestorowicz asked Steve to please come up to the microphone.

Board Member Sylvester said Steve, I got a question. And before anybody gets to the board, they go to him first, right?

Steve Watripont answered correct.

Board Member Sylvester asked why isn't there some sort of documentation with accurate dimensions, some sort of scale, before they come to the board and asking for a variance, whether how big or how small. Whether this is just going on the front of the house, and you know it's in a neighborhood where it's not a big deal, so on and so forth. When things come to the board, they should know exactly to the inch what is going to be done. How far off the face of the house, how far the setbacks are, how wide it's going to be, where the footings are going to be if need be. Why do they have something like this that they're supposed to talk amongst themselves and figure out, because they are all not builders. Mr. Anglin is the only builder. Ok, so, and he has some experience, not as much as he does. Why isn't that put onto them to make sure that they have the information so they can make a proper decision?

Steve Watripont explained the requirements are for commercial it must be site plan to scale and all that stuff, but for residential it only has to be a plot plan. The dimensions for both of these have been on there. Maybe not to his satisfaction, but the dimensions are out there and they're on these drawings.

Board Member Sylvester asked which drawings. Not on the ones he has.

Steve Watripont replied the last two (2) drawings the dimensions are on there.

Board Member Sylvester said he doesn't have any drawing here that has dimensions. He doesn't know if anybody else does, but he doesn't.

Chairman Nestorowicz said Mr. Sylvester, he should have had this.

Board Member Sylvester said that doesn't have dimensions on it.

Chairman Nestorowicz informed it has the porch dimensions in the column.

George Augousti stated it's all itemized down the side.

Chairman Nestorowicz explained the side column has all the dimensions.

Steve Watriont explained that's all what's required for the building permit, too. Obviously, they will need more. As far as foundations, those don't come before the board. That's not a matter before them at all. That would be included with building permit.

Board Member Sylvester understands that. Even this drawing compared to what's on the aerial view. They're not the same. He was a draftsman for over twenty-five (25) years. If he ever would have put dimensions on the side right here and said this is for somebody to look at, he would have been fired.

Chairman Nestorowicz said Mr. Sylvester.

Steve Watriont said it has nothing to do with...

Chairman Nestorowicz said it's not a requirement for residence to actually have.

Board Member Sylvester said well, then he doesn't know how the heck he can look at something like this and say that's what they can do, and they approve it. He doesn't understand that.

Board Member Higgins said he appreciates his desire for better pictures, better scale, etc. Except the problem is that the next petitioner, they're not going to be able to educate future people who are not here. This is going to be an ongoing thing, occasionally. He's going to support his ask of what he's going to share with him right now, and he thinks most of the people on the board are going to do as well. He thinks they're moving it in the right direction. It's unfortunate but he feels strongly enough to support it. That's it. Thank you.

Chairman Nestorowicz asked Mr. Sylvester if he has anymore comments.

Board Member Sylvester replied no, he's done.

Chairman Nestorowicz asked if anybody would like to make a motion.

Motion:

Board Member Anglin made a motion to give permission to erect a porch no less than 19 ft. 4 inches from the front property line.

Reasons being: Size and shape of the lot; Not a detriment to the area; Needs to come before this board for approval.

Board Member Higgins supported the motion.

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

Roll Call:

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

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sylvester	No, not enough information.
Board Member Clift	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

8. PUBLIC HEARING: **APPLICANT: Brenda Maks -USE-**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 13676 Marshall
LEGAL DESCRIPTION: 13-36-104-016
ZONE: R-1-C

VARIANCES REQUESTED: Permission to -USE-

Continue operating a substance abuse recovery home as a business in an R-1-C zone.

ORDINANCES and REQUIREMENTS:

Section 7.01 – Uses Permitted: Operating a recovery home in a residential zone (R-1-C) is prohibited.

Section 4.01 – Compliance With All Laws: Uses not expressly permitted are prohibited; illegal operation of a business is a misdemeanor. (b) Uses not expressly permitted within a specified zoning district are prohibited in that district.

Brenda Maks, 13676 Marshall, appeared before the board stating she is here because it was rezoned or the actual code or something has changed, and they were supposed to ask for it to be rezoned as a recovery home.

Chairman Nestorowicz said it's not rezoned. They're here asking for a variance.

Brenda Maks said a variance, sorry.

Chairman Nestorowicz said ok. This is a public hearing, is there anyone from the audience wishing to speak on this item also? If so, approach the podium and provide their comments. Just state name

and address also for the record for any other comments.

Leana Frost, 13676 Marshall, appeared before the board.

Chairman Nestorowicz asked if she wants to give her comments or are they all the same comment. Provide her comments and then everybody else can.

Leana Frost isn't really sure about what's going on, but she has been a resident at this house for two (2) years. She has been in sober living; it will be three (3) years in January. She was able to move from the recovery home to this step-up home when she had nine (9) months clean. She is also the general manager of Live Right Properties and everybody in their house. They still have rules and stuff, they get dropped, they go to meetings, they all have work, they do job, very involved in the community, happy and giving back to other people. This place really saved her life, and it makes a difference in her life, not only hers, as her roommates here as well. She's forever grateful for Live Right.

Chairman Nestorowicz thanked her for those comments.

Lindsay Nankervis appeared before the board stating it's because of Live Right and the house she lives in.

Chairman Nestorowicz asked for her address for the record.

Lindsay Nankervis apologized and said 13676 Marshall. She just moved into this house probably about seven (7) months ago. Before that she lived in one of her three quarter houses for almost a year. This house is what's helping her get back on her feet. One day she plans to live in a place of her own, until then this is her home. It's because of this house that she's held accountable, she stays clean for as long as she has, the program works. This house, like she said, is her home. She doesn't know where she would be without it right now. So, thank you.

Mary Andris, 13676 Marshall, appeared before the board saying she also has been in this home for almost a year. She actually consider this place a true home for her. Her whole entire family is seven (7) hours north of here where she's from, Sault Ste Marie, Michigan. She decided to change her lifestyle to stay sober for herself and her family. If it wasn't for this home, she literally would have no place to go. She also works for Live Right as an RCT. If it wasn't for all the amazing things that Brenda does for the community through giving back, through helping with children, for all kinds of different functions that she does on top of running these three-quarter homes. She doesn't know where she would be without this, so these places are really important. They help people stay accountable and they help people get back on their feet and show them that there is life outside of recovery. So, she just thinks that it would be detrimental to her if this house was no longer available. Thank you.

Chairman Nestorowicz thanked her for those comments. Is there anyone else in the audience wanting to speak on this item?

No response.

Chairman Nestorowicz closed the public portion of the meeting and turned it over to the board for discussion. He just wanted to say that he agrees homes like this are very important for the steps towards recovery and such. They do a lot of good work in that aspect. He has one (1) question though. How many people live in this home.

Brenda Maks replied in this home there are four (4) bedrooms, and she doesn't not consider it a recovery home, because they lived in the recovery homes. This is a step-up home; they have to qualify to come in. So, that means they have to have a job, have to have a sponsor, have to have a home group, they have to have a position in any of the meetings or in the community, they have to volunteer, have their license or working on getting their license, and this is like minded individuals living together so they feel safe before they move into the community on their own. They've been here, if they don't mind. Dave sitting over there, he has been in her home three (3) years, they all live together, they all have their own rooms, and they take care of a cat named Kelo that's been with them since 2012. So, they're learning and also come to the resource center they have located in Roseville. It's all day long. There's meetings, education, training, recovery, job staffing, food pantry, clothing boutique. She's been here in the City of Warren, they have contracts with the City of Warren, so that's why this home is a little more ready to go into the community on their own. Sometimes they have to boot them out and let somebody else take a turn to try and live on their own as well.

Chairman Nestorowicz thanked her. That's the only question he had. Any other questions or discussion from the board.

Board Member Sylvester asked how long they have been there.

Brenda Maks said 2012.

Board Member Sylvester repeated 2012. Did she have the proper paperwork and requirements meant, licenses, everything to be there.

Brenda Maks explained there was no requirement for license, however, she is MAR certified and RCO accredited as well. She has a state program license for in Roseville. But there was no license required for recovery homes.

Board Member Sylvester said if he doesn't mind her asking, how did she open the facility.

Brenda Maks asked the one in Roseville.

Board Member Sylvester said the one in Warren.

Brenda Maks said it's not a facility. It's a home and she pulled permits, went down to the city, filled all the paperwork out. She has two (2) other homes in the City of Warren, which she'll be back in here probably in another couple of weeks.

Board Member Sylvester has a question for Mr. Watrion, please. He's not going to be a pain in the butt, is this all legal? Do they have record of them being there? It's not a regular home, he means, what they're doing.

Steve Watripont said it is not, that's why it was listed to come before the board because it's running a business from a home. They can't have... A residential homes are supposed to be single-family and if they had a state license group home, which is not one of these considered at all, that has to be registered through the state and everything else. He believes what has happened since 2012 is they obtained a rental license, but they only listed one (1) or two (2) tenants in that and not the full list of tenants. It's finally gotten to zoning that it's being rented out as a recovery home. Basically, you can't run a business from a residential district.

Board Member Sylvester stated the truth wasn't expressed to the city when they took over the property, right?

Steve Watripont said to his understanding, correct.

Board Member Sylvester asked what do they do.

Steve Watripont said that's his decision.

Board Member Sylvester said it sounds like they haven't had any problems. He's guessing they had successes.

Brenda Maks replied yes, very much. They have had many successes. They're still running and operating. They are state certified for recovery residents. They have contracts with the 37th District Court, which helps them for their drug court as the individuals are so close and can take the bus. They have 16th District Court, VA, mental health. So, they're sobriety and drug court. They have contracts with some Macomb County office substance abuse. They check her homes. Her homes are checked quarterly. That means they come in, go through her homes, check them, verify everything is in place, beds are measured, how close everything is. This is all the other homes, this home is...

Board Member Sylvester asked who does that. The state?

Brenda Maks replied the state comes in once a year.

Board Member Sylvester said when she registered with the city and they approve this, then what will she have to do. Same thing with the city?

Brenda Maks will do the same as the county, Macomb County. The county comes in and yes, certifies the homes. So does the State of Michigan. That's called MARR, Michigan Association of Recovery Residence. They have all the addresses listed on the website.

Board Member Sylvester said to Steve that he has another question. It sounds, and maybe he's not hearing everything, the city doesn't really have any say so. If the board approves this, it all goes through the state and the county.

Steve Watripont said no, they do have a say so because it's running a business from a home, which is not allowed by the city ordinance.

Board Member Sylvester said again, they've been there for twelve (12) years, and it sounds like they've had successes. So, he could be a real stick in the mud or why doesn't the city have anything to say with regard to what they did was illegal to begin with and now they've been there since 2012. Why don't they have any real say so in this?

Steve Watripont said he does have that say so, that's why it's before him. He doesn't understand his question.

Board Member Sylvester said he understands. He understands. They've been there since 2012.

Steve Watripont said and it's brought before him now.

Board Member Sylvester said alright, no further questions.

Chairman Nestorowicz has a question. He knows she stated there are only four (4) residents there, so that's always going to be the case, everybody has their own bedrooms. It's not like this gets approved and then they're finding out there is eight (8) people there.

Brenda Maks replied no, no, no. They'll always have their own, because it's a co-ed. They're learning how to live with individuals and people of the opposite sex, so they know how to respect each other and learning how to communicate and grow.

Chairman Nestorowicz saw the signatures that they also gave in support was in their packets.

Board Member Clift said to the attorney representative, can they give any idea if the ordinance was in effect in 2012, and they were in violation when they started this enterprise from the get-go or if there was a change somewhere along the line.

Jennifer Pierce can't answer without doing a little bit of research. It looks like Mr. Watripont can.

Board Member Clift asked Mr. Watripont if he can answer that question for him.

Steve Watripont explained since the charter was adopted, there has never been an allowed use for a home business.

Board Member Clift thanked him and yielded the floor.

Chairman Nestorowicz said Mr. Clift, before Mr. Anglin, he thinks it seems it was done as a rental property. So, instead of it being a rental for one (1) person it was four (4).

Board Member Anglin said well, it's a business in a residential area and he's not for that. So, he doesn't see any residents here complaining about it. So, apparently, they kept very good control over what happened on that property, which gives them points. So, they kind of make their good list and bad list. So far, the good list is outweighing the bad. He's against commercial running in residential property, but they're doing something for the community and for these people. He's teetering on the line, but he thinks he's going to end up voting for the place, but he wanted to explain.

Normally when somebody comes before him and he says no, he is going to waver from his normal philosophy is.

Board Member Sylvester said they've been there since 2012. He's with Mr. Anglin, that's weighing very heavily on his decision. What he wants to know is what the success rate is. She said there is four (4) ladies, what's the turnaround, where do they go, what's the success rate, what happens, how long does someone stay, when do they leave, what is the criteria for all that, and what do they do in the community or in the neighborhood that they should be there.

Lindsay Nankervis said hello again. Actually, she does public relations for Macomb County NA. It's to give back to the community and to make them aware of recovery and addiction and stuff like that. It's a program she found while being at Live Right. They do the meetings right down the street on Nine Mile and Hoover. She does that twice a week. It's a service position and she's a treasurer for that meeting as well. So, it's the house that she lives in right now that allows her to be able to be there a little bit later if need be. She's also looking into sponsoring a couple girls. Thank you.

Leana Frost explained they also do food banks for Forgotten Harvest. She's been there almost three (3) years and she's still very involved in that. They give out food every other week to the community. It's just a joy giving back to the community. To be helping others and see somebody say thank you and appreciate them standing out there. They do it around the clock, around the year. Summer, winter, it's around the year and she's very grateful to be a part of that. Not only that, she participated in meetings, helping others out in the community by giving rides, taking them to the grocery store and you know, just giving back service that was given to her.

Mary Andris explained since being in Brenda's program and living with her in her homes, she has done a lot of training with her. She's actually a certified recovery coach. So, she helps other people on their recovery. She actually has quite a few peers underneath her right now that she's helping every day. She also has her CPI, Crisis Prevention Intervention training. She has done Narcan training, she's done a lot of different certifications through her. She also volunteers, attend meetings, help the homeless walk-ins at the Roseville center where she works at. On top of just learning how to be sober, it's also given her a career and pathway that she will forever continue doing now because of this. So, her program definitely leads people into doing different things with their lives that maybe they didn't think were possible or the avenues or the training scales or the opportunities they might not have had. So, it's not just a home, it's a lifestyle. It really is. So, just keep that in mind.

Board Member Sylvester has one further question. Do they leave eventually have; he's going to say normal life, but he doesn't know what else to call it.

Brenda Maks explained a lot of individuals in her program have come to the program and graduated onto living on their own. She's also a realtor so she works with them to get their credit established and get them a home. In the past year she's sold two (2) homes in the City of Warren to individuals that are in recovery and now are productive citizens in society. One couldn't be here tonight, she was going to come, because she had class. So, they do go onto college, they do get their high school diploma. So, her program is kind of strict because she knows it works. If they have a little bit of structure and get involved. They do the parades. She's been in the Fraser parade. All these ladies have been individuals sitting in the audience, have been in Fraser, New Baltimore, Roseville, couple in Roseville, Mount Clemens. They do things by giving back to the community. They help with all

the senior homes. Will take them Thanksgiving, Easter, easter egg hunts at the Roseville resource enter, they do trunk-or-treat every year. All of them donate their time and they make it mandatory to get involved. That's what they're here for. Reunite with the community and just like they were saying, they weren't supposed to have a business, a lot of this was not like a business, because when they would come in, she couldn't give their name. It's anonymous. If somebody said HIPAA laws, breaking HIPAA laws. So, that's why these individuals with this house, they have stepped up, they have their address there. They are in the community now. They are productive citizens in the community. They're joining boards, they're getting in school, they work jobs, some of them have two (2) jobs. They get involved and that's what they're learning to do, stay involved. That's how they stay in the community.

Chairman Nestorowicz thanked them.

Board Member Sylvester says it sounds like when they come to her, is that the speech she gives them right from the get-go. What she had has now changed and this is what is expected of her.

Brenda Maks replied yes. So, when they come to her it's two (2) weeks of structure. That's if it's in another recovery home, now they don't have to do those things. They do them because they want to, and they want to help the next person that comes into one of the homes. When they're helping that other person and guide them, that keeps them committed and engaged in the community. Teaching somebody else how to stay clean and not go back to drugs. So, yes. This is part of a lifestyle for them that they're creating, but they're also learning how to... She's also a CPR, certified peer recovery mentor. A lot of individuals she trains, she's a trainer, they get involved, stay in the community and can help. A lot of them work in the courts.

Board Member Sylvester said this seems probably more for her. She's here for a reason.

Chairman Nestorowicz asked if he has any other questions, Mr. Sylvester.

Board Member Sylvester said yes, he has a comment. Just make sure she follows all the rules and guidelines and ordinances, so she doesn't have to be back here again. It sounds like she's doing a great job. He commends all of them and wishes them all well. Thank you.

Board Member Anglin will make a motion if they're ready for it.

Board Member Higgins wants to commend them as well. He doesn't think they're going to have any problem getting this passed after listening to their stories. Again, drug and alcohol addiction in this country is a terrible thing. His dad was a forty (40) year recovered alcoholic, so he knows about it. It's challenging and needs to be in a residential setting. It's hard to put folks who are trying to recover in an industrial strip mall and tell them to get reacclimated to society. Also, he thinks all the things she's doing within the community should be taught to people who don't necessarily have a drug addiction or alcohol addiction. Just how to get involved in the community. He commends them and is going to be supporting this. That's it, thank you.

Brenda Maks thanked him.

Chairman Nestorowicz asked for any other comments or questions.

Secretary Jerzy asked Ms. Maks when she came to get her rental license from the city, was her intent to run his business out of the house.

Brenda Maks asked in 2012.

Secretary Jerzy said yes.

Brenda Maks replied no.

Secretary Jerzy asked what was the intent initially.

Brenda Maks said the intent was she had three (3) sons. She was going to get them houses. It was during the foreclosures. That was her first initial intent.

Secretary Jerzy said the second part of his question, does she know in the City of Warren they do have districts dedicated to what she's doing.

Brenda Maks said no she doesn't. What district?

Secretary Jerzy said the thing is if, since she just admitted that she wasn't initially trying to do this from the get-go, that's why it became under a rental agreement. She stipulated trying to buy the house for her three (3) sons, turned into this. He guesses, they've had other properties that came before the board with the same thing and with disaster consequences in the neighborhood and they voted it down. He shares a sentiment with his colleagues, if there are no other residents here complaining about it, she must be running a pretty tight ship. This has nothing to do with the fact, against, you know, he's all for recovery, you know, he dealt with it in his own family. He thinks all of them probably had some touch of it. It's only going to get worse with the fentanyl crisis going forward. He commends everybody for what they've done. He applauds her effort. It takes one hell of a human being to do what she did, and every day is a battle. He gets it. He just wanted some clarity when she purchased the property, what her mind set was going in, so thank you for clarifying that. But again, echo the same sentiments, he's just like Mr. Anglin. He's not for a business being in a residential neighborhood, but, you know, that's why she's before the board trying to plead her case. It's weighing the good with the bad. It does seem there is more good, so he'll yield the floor.

Chairman Nestorowicz thanked her for those comments.

Board Member Clift has a couple of quick questions. Can he inquire as to what the monthly rental rate is for each of their residents in that home.

Brenda Maks replied \$140 per week.

Board Member Clift asked \$140 per week per person.

Brenda Maks replied per person, and she pays all bills.

Board Member Clift asked when she decided to turn it into a recovery rental home.

Brenda Maks said it's probably been five (5) or six (6) years, seven (7) something like that. It was a couple years after her son went to Central.

Board Member Clift said he's going to tell her he applauds her and her residents for what they've gone through and what they've done, but echoing the sentiment of his colleague, Mr. Jerzy. There are zones set up within the city where this kind of activity is not a problem and not an issue. Ok. He wouldn't be on the fence so much about it if it wasn't a use variance, because going forward if this board decides to grant her request, virtually any business can go into that home after she departs and leaves or sell, or whatever, and come into that neighborhood and operate. Putting all the feel good stuff into motion aside, it's a very heavy weight when working with petitioner's requesting use variances, because they stay in perpetuity forever. They can change the entire make up of a neighborhood by granting a use variance if something comes along after down the line. So, as much as they hear the success and how things have gone well, again, he applauds them for all of that. This board is also responsible for what happens in the future going forward. So, all of them are going to take this not very lightly. As he said, he wouldn't be on the fence so hard had it not be a use variance coming up, but there was another method or mechanism or something in place that would allow her to do what she's doing without having to be a use variance, it wouldn't be so hard of a decision for them. So, with that he wants to wish them the best of luck in their future endeavors. He yields the floor.

Chairman Nestorowicz wanted to add then Mr. Anglin. The use variance would mean that even if they sell that somebody else could operate it as a substance recovery home, but that's the only use that's being granted. It's not like any kind of business could operate there.

Board Member Clift understood.

Board Member Anglin said that's what he wanted to verify with the attorney that they're allowing it to be a use variance for a recovery home and not an auto mechanic shop or anything along that line.

Chairman Nestorowicz said correct.

Board Member Sylvester had one (1) further question. He asked if she's there all the time with these ladies.

Brenda Maks replied no.

Board Member Sylvester asked if there is a house mother. He doesn't know what they call it, is there somebody that oversees everybody.

Brenda Maks said Leana.

Board Member Sylvester asked if she's the one that's in charge.

Brenda Maks explained they have to come to the resource center in Roseville if they have to drop or anything like that. They also have drive-by managers, a general manager. She just took that position this week.

Board Member Sylvester asked how often the house is checked.

Brenda Maks replied daily.

Board Member Sylvester repeated daily.

Brenda Maks said oh yeah.

Board Member Sylvester asked if that's from Roseville.

Brenda Maks said anywhere. She has homes, actually, she doesn't know if that's a good time. She has a home right on that street. So, they can walk.

Board Member Sylvester asked where the people come from that check the houses.

Brenda Maks said Roseville, yeah. They're right there. They also have managers in any of her houses that go by and check all the other houses.

Board Member Sylvester asked if that's all at random, he would take it?

Brenda Maks said oh yeah. Yes.

Board Member Sylvester asked if she understands.

Brenda Maks understands. Now, she understands.

Board Member Sylvester said please, just follow the rules. She makes it very difficult for other things down the line. He applauds her as well. He already said that.

Secretary Jerzy stated if no other board members have anything else to say he'd like to make a motion.

Motion:

Secretary Jerzy made a motion to grant the petitioner permission to continue operating a substance abuse recovery home as a business in an R-1-C zone.

Reasons being: Not a detriment to the area because nobody is here complaining about it; Size and shape of the lot.

Board Member Anglin supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Jerzy, support by Mr. Anglin 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 Higgins	Yes, definitely for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

9. PUBLIC HEARING:

**APPLICANT: Dream Big Healthcare / Shana Cleveland,
Nina Jackson -USE-**

REPRESENTATIVE:	Shana Cleveland / Nina Jackson
COMMON DESCRIPTION:	30657 Hoover
LEGAL DESCRIPTION:	13-10-228-011
ZONE:	C-1

VARIANCES REQUESTED: Permission to -USE-

Petitioner seeks to have an adult learning center in a C-1 district.

ORDINANCES and REQUIREMENTS:

Section 13.01 – Uses Permitted in C-1: A for profit school is not an allowed use.

Section 14.01 – Uses Permitted in C-2: (I) Business schools and colleges or private schools operated for profit.

Nina Jackson, 30657 Hoover, appeared before the board.

Shana Cleveland, 30657 Hoover, appeared before the board.

Chairman Nestorowicz asked them to explain their request.

Shana Cleveland wanted to start by saying they're both nurses. She's been a nurse for over twelve (12) years, she has her bachelor's degree and working on her master's degree. They're trying to open a certified nursing assistant training center.

Nina Jackson said they didn't realize that it was in the wrong zone while doing their opening and trying to get everything together. She is also a registered nurse over twelve (12) years as well with her bachelor's and working on her Master's. Just trying to take their careers to the next level, given back to the community with someone had given to them. They didn't have any clue it was in the wrong zone.

Shana Cleveland met with the property manager, Ryan, and they went with the space because next door is the physical therapy rehabilitation and then it's a hearing aide place. They thought with it being medical health care all kind of meshed together. They didn't think anything of it until they went to do the change of occupancy and that's when they

were told they had to do an appeal. After they, you know, unfortunately started working on everything trying to get it set up and get it going for the state to come out and approve it.

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

No response.

Chairman Nestorowicz turned it over to the board for questions and discussion. He has one (1) because, it has to do with, he knows they don't require a parking variance, but are people attending coming in person or is it all remote.

Shana Cleveland replied both. Each class is two (2) weeks. The max is six (6) or seven (7) students at a time. The time frame will be, they haven't set on it, but it's five (5) hours in class and then they go to a nursing facility for training. For on sight training as well.

Chairman Nestorowicz knows parking is based on square footage, but sometimes he wonders if there is a training class that fits a lot more people. That's why he was just wondering about that.

Secretary Jerzy lives in this neighborhood, and he knows that strip mall has been vacant for a long time and to see somebody go in there would be a plus. He thinks this is a good business that fits there. It's a tough footprint with that strip mall, with the parking spaces and stuff. There is no parking on the side of the building. It's not really striped on the one side, the north side of the building. It's there, but nothing really striped. It's a tough strip mall to find the right business to fit in there. And he thinks this actually fits. It stinks they didn't do their homework about what zone they're in, but they're here. Live and learn, but he thinks what they're intending to do with the property is good. It seems like a good business footprint to put in there. Again, just to echo the same thing it's a use variance granting an adult learning center. It shouldn't have to change if the business changed. He definitely thinks it's something he can get behind. It's good to see a business going in there and bringing a little bit of life to that little strip mall. Thanks, and sounds like a good plan. Something he can get behind and hopefully the rest of the board can too. He yields the floor.

Board Member Sylvester asked about the students they have. Are they co-op from high school.

Shana Cleveland was just about to say that. They actually were planning on going to the local high schools. They can actually be sixteen (16) years old to be a certified nursing assistant training certificate. So that was their goal. Their main focus is to reach out to high schools and make them aware. A lot of them know it's a jump start to their nursing career is starting as a CNA.

Board Member Sylvester said it's his understanding that these two (2) are starting a business that does not exist or anything right now. They're trying to get this off the ground.

Shana Cleveland replied yes.

Board Member Sylvester asked if they have any connections with the college's or anything that. Obviously, they're going to be doing training, both RN's right?

Shana Cleveland replied yes.

Board Member Sylvester asked they're going to be doing training.

Shana Cleveland explained they will be doing the teaching and the training at the nursing facilities. They actually have reached out to nursing facilities that are willing to do contracts with them for the training and also do career day and the Cousino High School that's down the street.

Board Member Sylvester said Cousino High School.

Shana Cleveland said I'm sorry?

Board Member Sylvester said Cousino is down the street from them.

Nina Jackson asked if he can repeat that.

Board Member Sylvester said Cousino High School.

Shana Cleveland asked if he said there is no high school.

Board Member Perry said the name of the school is Cousino.

Both applicants apologized and couldn't understand what he was saying.

Nina Jackson explained they're going to be offering CPR. Not just for the people that are going to attend their training for everybody in the community. Not everybody has CPR training. Somebody may go into cardiac arrest, and nobody know what to do. She thinks it's important that they offer this to everybody.

Board Member Sylvester asked when they get to this program are they aids. That's what they would be?

Shana Cleveland replied they would be aids.

Board Member Sylvester asked if they go further than that to get their RN and everything else.

Shana Cleveland replied absolutely.

Board Member Sylvester asked if they set up nursing homes, hospitals.

Shana Cleveland replied yes.

Board Member Sylvester asked all of the above.

Shana Cleveland said all of the above. Wherever they can get in at.

Board Member Sylvester asked how long someone enters into their program before they're placed.

Shana Cleveland explained the placement is right away. They do admission, do a background check and everything, then their classes will be monthly. Like she said, they're two (2) week classes, they get certified after two (2) weeks. They still have to take their State of Michigan board to actually get their license to work in the nursing home or hospital.

Chairman Nestorowicz asked for any other questions or comments.

Secretary Jerzy said if nobody else has any other questions or comments, he'd like to make a motion in the entrepreneur spirit of this country.

Motion:

Secretary Jerzy made a motion to grant the petitioner permission to have an adult learning center in a C-1 district.

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

Board Member Perry supported the motion.

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

Roll Call:

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

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Higgins	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, to deny for the reasons stated in the motion.

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

10. PUBLIC HEARING:

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

APPLICANT: James Birnie

Jeffrey Graham

8519 Nine Mile

13-27-380-026

ZONE: M-1

VARIANCES REQUESTED: Permission to

- 1) Allow 4,427 square ft. of open storage when 1,156 square ft. is allowed. (for stacked vehicles)
- 2) Allow open storage on a gravel surface.
- 3) Allow open storage no less than 18 ft. from the front (Mac Arthur) property line.
- 4) Construct a 6 ft. high opaque wire fence that extends past the front building line to 4 ft. from the front property along Mac Arthur.
- 5) Allow a 4 ft. wide landscaped area in the front setback along Mac Arthur.
- 6) Allow hard surfacing and parking in the front setbacks no less than 4 ft. from the front property line on Mac Arthur.
- 7) Waive the required 6 ft. high brick embossed wall or 8 ft. wide greenbelt along the north property line.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards: (S) Open Storage Other Than Junk. The designated area shall always be hard-surfaced and screened from the public street and any residentially zoned areas. The designated areas shall not be located in any area required for parking space and is necessary to meet the minimum requirements of Section 4.32 of this ordinance. Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site. In M-1 and M-2 zones the designated area shall not be located any closer than seventy-five (75) feet to the front property line unless the size of the lot is less than one hundred fifty (150) feet in depth in which case the Planning Commission may allow the designated area to be located no closer than twenty-five (25) feet from the front property line.

Section 4.32 – Off-street Parking Requirements: (K) All off-street parking areas shall be provided with adequate ingress and egress, shall be hard surfaced with concrete or plant-mixed bituminous material (base may be stabilized gravel or equivalent).

Section 17.02 – Industrial Standards: (A) Front yards. M-1 8 ft. (C) Greenbelt none, except when a side or rear yard abuts a zoning district other than industrial then 8 ft. wide per Section 2.26.

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

James Birnie appeared before the board stating the reason or this is...

Chairman Nestorowicz asked him to speak closer to the microphone because it's hard to hear and also state the address.

James Birnie, 8519 Nine Mile Road.

Brenna Quinn, 22556 Gratiot, appeared before the board stating she is the architectural designer that works with the head architect that works with the head architect of this project, Jeffrey Graham. They're looking for some seven (7) variances to expand the open space in the rear north side of the property to extend further out to make Mac Arthur. This will be providing a place for cars that will be working on this in the building, which is auto service shop. The screening will be landscape on the Mac Arthur and south side of the wire fence, and the wire fence will have an opaque stripping to

screen the cars in the rear in the open space. The open space will not have any structural aspects to it. There will be also, they're including landscaping on Mac Arthur and also Nine Mile. They're also expanding the parking lot to provide the zoning parking spaces for the service, auto service shop, and the landscape on Nine Mile and Mac Arthur will provide more landscaping which is an improvement from what it is currently. Currently there is just concrete from all the way up to the sidewalk.

Chairman Nestorowicz thanked them for that explanation. This is a public hearing, is there anyone... Not seeing anyone in the audience he closed the public portion of the meeting and turned it over to the board for questions and discussion.

Secretary Jerzy asked the petitioner where they plan on stacking cars on that property.

Brenna Quinn replied in the rear, the north side of the property, behind the building. So, it would all be fenced in and also have landscape on the Mac Arthur side.

Secretary Jerzy asked what the necessity is for stacking vehicles.

Brenna Quinn explained it's currently an auto shop.

Secretary Jerzy said stacking vehicles sounds like a junk yard.

Brenna Quinn explained not stacking on top, just like this is where before they get serviced, they get behind to go in the front to get serviced.

James Birnie explained right now the code is that they can only have cars on the lot for three (3) days. You can't fix a car in three (3) days. Sometimes it takes two (2) weeks to get parts, sometimes it takes months someone to pay for their car. So, they sit in the back and have a place where they're secured.

Secretary Jerzy asked if they're selling any cars off that property.

James Birnie replied no.

Secretary Jerzy said it's a tight property. He knows there are no residents here, but they have a residential neighborhood behind there with two (2) open lots potentially for two (2) residential houses to be put in. He would highly think that if they grant this that those lots would ever get filled.

James Birnie said it's going to be...

Secretary Jerzy stated he doesn't have a question for him. He just thinks that this is, he means, looking at the aerial footage, drive by there, there is a gazillion cars on the property. He doesn't know how granting all this is going to make this property better with everything has going on there. He's just not for this project. He can't put his finger on it. There's just a lot of things that he doesn't care for, for this project. He thinks it's way too many cars for the property and he thinks the business has probably outgrown the property he needs. This is, to him, a half-hearted effort to try and make it better. That's just his opinion and he'll yield the floor.

Board Member Cliff asked Mr. Watriont to please approach the podium please. He wants to verify some information in the packet. Open violations logged by him on apparently June 23, 2022 and

violation is 1702 open storage, 4.01 compliance of all laws expressly permitted, 4.16 no motor vehicles should be stored on any parcel unless it's in operating condition, 4.32... What is he counting? 1, 2, 3, 4, 5, 6, 7, 8, 9 violations. How many have been corrected since he initially opened this over a year ago.

Steve Watripont hasn't been out there to see which ones have been corrected. Most of what has been corrected, the property has been cleaned up. Instead of having cars all over the place, at least now they're in a straight row. So, there is some organization that enforcement letter has caused. He believes the site plan takes care of a lot of this stuff. Anything that was in there in the site plan that's being addressed will either comply if approved or they've asked for a variance. Since they went to the site plan and the property is being better maintained than at that time. He's driven by and taken pictures, but he has not done any further enforcement on that.

Board Member Clift wants the petitioner to understand that, for him anyway, when he sees a whole laundry list of uncorrected violations and open standing for over a year, it just raises questions with him. He is somewhat familiar with the parcel. Driving by there earlier this week, they can say some of these may have been corrected, can say a lot of them probably haven't been. They can also say approving the plan would take care of them as soon as things came together. Thank you, Mr. Watripont. To the petitioner, he kind of likes their plan. He thinks it's very presentable. He's just curious why they didn't go ahead and move forward and put some kind of hard pavement in the rear where they're going to be storing vehicles that are probably going to be seeping oil and coolant and all kinds of other stuff onto the ground instead of putting them on asphalt or concrete surface. Why he's electing to just leave the gravel.

James Birnie explained the surface back there was gravel to begin with. You know, over the years they've, it use to be storage back there. Over the years they've taken it away from him. He's owned the property for thirty (30) years and that back part has been enclosed for fifty (50) years. You don't enclose an area, put a gate on it and then not use it. So, over the years they took it away. If they took the cars and put them in the back, then there wouldn't be a parking issue in the front.

Board Member Clift understands that. His concern is from an environmental impact. Storage of broken down vehicles on a gravel lot just seems the environmental impact is a little more negative as opposed to storing them on a hard pack or asphalt or paved surface where cleanup is easier, contained and controlled. What's the oldest open repair ticket he has on that property sitting right now? What's the car that's been there the longest with an open repair ticket on it?

James Birnie said a little over a year.

Board Member Clift asked is that because he can't get parts.

James Birnie said people disappear on him.

Board Member Clift understands there is a process.

James Birnie said he's responsible for the building.

Board Member Clift said there is a process involved that's kind of lengthy for him to take control of

the vehicle in order to properly dispose of it. Last he knew it was about nine (9) months. That's all he had. He appreciates it and yields the floor.

Board Member Sylvester said the property that is to east of his building. Does he have any control of that whatsoever. Is that your property?

Brenna Quinn thinks it's an empty lot.

Board Member Sylvester said along Mac Arthur. Between Mac Arthur and his building. There's Nine Mile Road, Mac Arhtur.

James Birnie said the lot next to it is his lot. (Inaudible)

Board Member Sylvester said this picture the board has of this aerial has a lot of cars there.

James Birnie said across the street.

Board Member Sylvester said no, not on the other side of the street. Next to his building.

James Birnie said next to his building is part of his property.

Board Member Sylvester asked if all those cars belong to his company.

James Birnie replied yeah.

Board Member Sylvester has the same problem. Going in the back over there. If he was having a hard surface back there, fine, but right now the drawing he has doesn't show any cars back there. He's in a residential area and he's just got a problem with storing cars back there. Like a couple of his compatriots already said, things are going to be dripping and what have you. He doesn't think it's a good situation. What he has right now should be in an industrial area. He's more or less in a quasi-residential area. There are more things he needs to pay more attention to. Thank you.

Chairman Nestorowicz wants to make one comment. He thinks with the plan with the lot combination and this plan it actually would clean up this property, but he still, he has an issue with variance number 4 where they're wanting to keep the opaque wire fence along the building line. He knows there is one (1) house and two (2) vacant lots behind them, but he worries a wired fence is not a good separation. He knows a concrete wall does cost a lot more, but he just worries they're going to have cars stored back there on gravel that he's going to have possibly, you know, weeds or other kinds of stuff. Then just the wire fence between him and one (1) residential house and potentially those two (2) vacant lots become homes also. That's just one of the concerns he has.

Board Member Clift said tying in with Mr. Chairman's concern is item number 7, waiving the required six (6) foot brick embossed wall. That's a strict line of separation between the commercial area and residential district. They've talked about this numerous times that came before the board with that. So far this body has been pretty steadfast in maintaining that requirement for that break in there. He believes that ties into his concern for number 7, as well number 7, and he has to echo that sentiment as well. He's saying he can get behind this thing one hundred percent if the petitioner commits to

putting that wall up instead of the opaque fence. Otherwise, he wouldn't be able to support the project. With that, he'll yield the floor.

Chairman Nestorowicz agrees with Mr. Clift. Any other comments or questions from the board.

Board Member Perry asked how they're going to stack these cars in the back.

Brenna Quinn explained they'll only have sixteen (16) cars so they would just be driven in. Sixteen (16) cars and there would be rows of three (3) she believes. They'll just be driven in. It would just be driven in through the gate on Mac Arthur and they would just be in a row.

Board Member Perry said ok, so they're not going to be stacked on top of each other.

Brenna Quinn said no, no, no.

Steve Watripont explained in this case, there's no maneuvering lane. In order to get that last car, they're going to have to move three (3) or four (4) cars to get into that car. It's like at McDonald's, the lane that's waiting there to get around are all stacked there. So, that's what the stacking is referring to there.

Board Member Perry thanked him.

Board Member Sylvester called for Mr. Watripont, please. He thinks the lady just said sixteen (16) cars are going to be back there. The aerial view they have shows a lot of cars in front of the building right now. How many cars?

Steve Watripont asked if he's looking at the site plan, because that's what they're asking for is the site plan.

Chairman Nestorowicz told Mr. Sylvester those are not current photos.

Board Member Sylvester said he's just asking. That's what he wanted to know. He had a question.

Steve Watripont said this is what they're planning on.

Board Member Sylvester understands that, but looking at this they have all these cars in the front and then in the back right now is just grass. So, they're going to be sticking eighteen (18) cars back there.

James Birnie started to say right now...

Board Member Sylvester asked how many cars are going to be off Nine Mile Road.

James Birnie said there's like sixteen (16) in the front.

Board Member Sylvester said beg your pardon.

James Birnie said right now there's about fifteen (15) or sixteen (16) cars in the front of the building.

Board Member Sylvester asked when he puts the cars in the back, how many cars are going to be in the front of the building.

Jamies Birnie replied there won't be any in the front.

Board Member Sylvester asked there won't be anything there.

Steve Watripont explained the only thing that would be allowed in front, because they're blocking the bay doors now, they can't block the bay doors. So, the only thing that would be allowed in the front would be the parking spaces towards Mac Arthur, there would be a total of five (5).

Chairman Nestorowicz told Mr. Sylvester he has to look at the site plan. They have five (5) parking spaces identified that they would have.

Board Member Sylvester said he realizes that. He's looking at this drawing, so that is information that's in front of him, that's why he's asking the question. His question goes down to as far as fire protection and everything. Is there enough, if they're going to have eighteen (18) cars in the back and they're still going to have cars in the front, are they going to be able to get to that building if there is an emergency.

Steve Watripont replied that would be for the Fire Department to determine during their inspections.

James Birnie said the Fire Department would get it from...

Board Member Sylvester interjected saying they wouldn't be able to get to the back.

James Birnie continued saying through the bays. That's where the doors.

Board Member Sylvester thanked them.

James Birnie explained the building is only thirty (30) feet deep.

Board Member Anglin just wanted to express his opinion on the fence. If it's commercial, he believes it needs to have the concrete fence. The only way he would vote for this project is to eliminate four (4) and eliminate seven (7) and require the concrete fence. He does want to state though that the fact if they start parking cars in the front, it's a ticket. If the neighbors catch it, they can call, and the police will come out and write a ticket. Can not park cars in the front.

Steve Watripont explained number 4 has two (2) purposes because that fence would go out towards Mac Arthur as well as with what that request is asking.

Board Member Anglin asked if they can just do the ok. Change... Instead of an opaque fence, delete seven (7) and change the opaque fence to be a six (6) foot high brick embossed wall to extend passed the building to the line four (4) foot front the front property on Mac Arthur. Can it not be phrased that way?

(Inaudible)

Board Member Anglin said that's the way he's suggesting they do it. He'll vote for it under that circumstances.

Chairman Nestorowicz wants to get the petitioner to understand.

Brenna Quinn stated they are wanting to have the concrete wall.

James Birnie stated he can't put a concrete wall in.

Board Member Anglin said he'll make one more comment. Again, they have two (2) years to complete this site plan, is that correct?

Steve Watripont stated yes, they would have two (2) years. If he makes that motion just say there must be a wall on the north property line.

Board Member Anglin said he will do it that way. If they agree to it.

Chairman Nestorowicz asked the petitioner if they agree to that.

Board Member Anglin said it's not going to fly without that.

Chairman Nestorowicz it sounds like a number of the folks on the board here could go along with the plan if a wall was put along that property line. He would have two (2) years to put the wall in, but the wall would have to go in.

James Birnie has no idea what a cement wall would cost. He means, it's an auto repair facility. They need to have cars on the lot. If they can't have them in the front, then they need to put them in the back.

Board Member Anglin said that's not what he's trying to say. The cars can go in the back, instead of an opaque fence it would have to be a cement wall.

James Birnie said yeah, they want a six (6) foot cement wall.

Board Member Anglin said they're about this thick. It has to have a footing and yes it cost a little bit of money.

Chairman Nestorowicz stated if the petitioner needs to consider it, he would be up for the board to table this to another meeting to find out the cost of the wall to see if that is something he wants to.

(Inaudible)

Brenna Quinn asked if he would be fine with tabling until next meeting.

James Birnie replied yeah.

Chairman Nestorowicz said he means, he doesn't know if October 11th is too soon. How much time...

James Birnie said you can see nobody is disagreeing with this plan. The way it is. He means there is nobody at the Building, Planning when they put this (inaudible).

Chairman Nestorowicz said it's true that nobody might be here, you know, talking against the proposal, but the fact is that the board here, a number of board members made it very clear. He means, zoning does require a wall in between a change of zoning, and it sounds like he doesn't have the support to actually waive that required wall. Therefore, that's why they offered to table it to their October or if he needs more time to November meeting to find out the price of that wall. He doesn't know, personally, how much that would cost. It just sounds like he doesn't have the support to approve exactly what he's requesting.

James Birnie said ok.

Brenna Quinn said table it till October.

Chairman Nestorowicz asked if that's enough time to get a pricing on a wall. Or would he need more time.

(Inaudible)

Chairman Nestorowicz said it's either two (2) weeks or six (6) weeks. Their October meeting is in two (2) weeks, but their November meeting would be six (6) weeks. Would six (6) weeks be better?

James Birnie said yeah.

Chairman Nestorowicz asked what the date is of the November meeting. November 8th ok.

Motion:

Secretary Jerzy made a motion to table this item to November 8, 2023 so the petitioner can get a price on the wall they're requesting.

Board Member Sieracki supported the motion.

Chairman Nestorowicz said hopefully that will give him time to take a look to see what the pricing of the wall would be.

Secretary Jerzy asked if he wanted to take a vote.

Chairman Nestorowicz said yes.

Voice Vote:

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

The petitioner's request was **TABLED** to November 8, 2023.

Chairman Nestorowicz asked the board to keep site plans and all that stuff, because they won't get a new copy of it.

Brenna Quinn asked if it's November 8th, correct.

Chairman Nestorowicz replied November 8th, correct.

11. NEW BUSINESS

Board Member Clift noticed in the minutes that Mr. Higgins wasn't excused on his absence at the last meeting.

Secretary Jerzy asked him to turn his mic on.

Board Member Clift noticed Mr. Higgins was absent at the last meeting and he understood he wasn't excused for his absence. However, he wants to attest on Mr. Higgins behalf that several weeks he mentioned he was going to be absent from that meeting. He would like to consider excusing him for his absence at the last meeting they had.

Motion:

Board Member Clift made the motion to excuse Mr. Higgins' absence, Supported by Board Member Anglin.

Voice Vote:

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

Board Member Clift thanked the Chair.

12. ADJOURNMENT

Motion:

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

Voice Vote:

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

The meeting adjourned at 9:07 p.m.

Paul Jerzy
Secretary of the Board