

- 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.

- 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.

- 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.

- 10. PUBLIC HEARING: **APPLICANT: James Birnie**
 REPRESENTATIVE: Jeffrey Graham
 COMMON DESCRIPTION: 8519 Nine Mile
 LEGAL DESCRIPTION: 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.

- 11. NEW BUSINESS
- 12. ADJOURNMENT

Paul Jerzy
Secretary of the Board

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

6

CITY OF WARREN

ZONING BOARD OF APPEALS

SUMMARY OF VARIANCE REQUEST

APPLICANT: ALIAA BARSIK
REPRESENTATIVE: ALIAA BARSIK
COMMON DESCRIPTION: 23601 WILLARD
PARCEL NUMBER: 12-13-25-304-044
ZONED DISTRICT: R-1-C

REASON: Petitioner wishes to erect an 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. - SPECIFICATIONS 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.

VARIANCES REQUESTED: Permission to:

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

Previous Variance Requested: None.

dwenson, Zoning Inspector 08/28/2023 09/01/2023 (M) (P) (C)

CITY OF WARREN
Division of Buildings & Safety Engineering

NOTICE OF REJECTION

NAME OF APPLICANT: ALIAA BARSIK

Your request for **BUILDING PERMIT** has been **REJECTED**, as it does not meet the requirements of the City of Warren Zoning Ordinance #30 as follows:

SECTION 7.01 USES PERMITTED
SECTION 4D.32 SPECIFICATIONS FOR RESIDENTIAL AREAS

It is necessary for you to make application to the Zoning Board of Appeals to obtain a variance for the above noted sections.

dwenson, Zoning Inspector

DWJ 8/28/23 950

95 PA 8/28/23 AB

16 PLANS BEING SUBMITTED MUST BE PRE-FOLDED
A COPY OF ALL DOCUMENTS MUST BE SUBMITTED ELECTRONICALLY FOR
COMMERCIAL SUBMISSIONS

CITY OF WARREN ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

PLEASE PRINT OR TYPE

Name of Applicant: ALIAA BARSIK

Address: [REDACTED] Telephone: [REDACTED]

Applicant's Email Address: [REDACTED] prefer email communication

Name and Address of Property Owner (if different) ALIAA BARSIK AND
HAMZEH SHARAF

Name of Representative: ALIAA BARSIK Telephone: [REDACTED]

Representative's Address: [REDACTED]

Representative's Email Address: [REDACTED] prefer email communication

Address of Property: ~~23601 WILLARD AVE, WARREN, MI 48089~~ 23601 WILLARD AVE, WARREN, MI 48089

Parcel I.D. No. (as shown on tax bill): 12-13-25-304-044

Purpose of Request: I NEED TO PUT AL MINUM OWNING IN THE
BACK OF MY HOUSE STARTS FROM BACK PORCK TO
THE GUTTER OF MY HOUSE LENGTH 28 FEET,
WIDTH 13 FEET AND I NEED TO PUT PLASTIC FENCE
BESIDE MY GUTTER FOR MORE PRIVACY
9 FEET

Please explain the nature of your hardship:

I NEED TO PROTECT MY BACK PORCH FROM SNOW IN WINTER
AND IT IS TOO HOT IN SUMMER THE WHOLE HEAT
REFLECTS TO KITCHEN, BATH ROOM & ONE BED ROOM.
AND IN SUMMER I CANT SIT ON MY PORCH ITS
SUNY MOST OF THE DAY.

Signature: [Signature] Date: 08/28/2023

The approval of any land use or dimensional variance from the regulations of the Warren Zoning Ordinance does **NOT** affect or rescind any requirement of the ordinance to obtain site plan approval, Building Division permit or to otherwise comply fully with the Code of Ordinances, or other applicable State or Federal regulations

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE ALIAA BARSIK
Name(s) of Person(s)

OF [REDACTED]
Address, City, State Zip Telephone

THE _____ OF _____
Title of Officer Name of Company

BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT _____

_____/RECORDED LAND CONTRACT PURCHASER(S) I/We/It /RECORDED DEEDHOLDER(S)

OF LAND FOR WHICH SUBMITTAL HAS BEEN/WILL BE MADE TO THE CITY OF WARREN,
MACOMB COUNTY, MICHIGAN IN A:

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT _____ *
Name(s) of Person(s)

THE _____ OF _____ *
Title of Officer Name of Company

OF _____
Address, City, State Zip Telephone

IS/ARE/MY/OUR DESIGNATED REPRESENTATIVE(S) IN THE PROCESSING OF SAID PETITION.

FURTHER, DEPONENT SAYS NOT.

SIGNED [Signature] L.S.

SIGNED _____ L.S.*

*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF Macomb

ON THIS 28 DAY OF August, 2023, BEFORE ME PERSONALLY CAME
Aliaa Dooda Barsik, TO ME KNOWN TO BE THE INDIVIDUAL (S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT, FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT She DID SO OF her OWN FREE WILL AND DEED.

ANDREA GJOKAJ
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MACOMB
My Commission Expires June 8, 2028
Acting in the County of Macomb

Andrea Gjokaj
NOTARY PUBLIC, Macomb COUNTY, MICHIGAN
MY COMMISSION EXPIRES: 6/8/2028

NOTICE TO OWNER

If a representative appears on your behalf, they must be informed on all pertinent data relative to your request. Failure to answer any question from the Board could result in your request being delayed or denied. IT IS THEREFORE RECOMMENDED THAT YOU appear in person.

Non-use variances relate to the modification of applicable area, dimension or structural regulations. The concurring vote of five (5) members of the Board shall be required to approve a non-use variance. **No variation from the provisions or requirements of this article shall be authorized by the Board unless the Board finds that the applicant has demonstrated all of the following to establish there is a practical difficulty in complying with the article requirement.**

The reason you are seeking the variance must be something that is beyond your control. You cannot justify approval of a variance on the simple contention that it is inconvenient to follow the rules. What extraordinary situation affects only your property and no others in the vicinity or zone?

Use the space provided below to demonstrate how your request will meet the following criteria for a non-use variance.

Unreasonable impact/burden. Strict compliance with area, setback, frontage, height, bulk or density requirements would unreasonably prevent the applicant from using the property for a permitted purpose, or would be unnecessarily burdensome.

THE COMPLIANCE AREA IS NOT ENOUGH TO COVER BECAUSE THE ROOM ON THE SIDE OF COMPLIANCE IS HOT TOO. BECAUSE OF SUN AND ALSO I WANT TO PROTECT THE BACK OF MY HOUSE FROM RAIN

Not self-imposed. The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.

ITS TOO HOT IN SUMMER I CANT SIT ON MY BACK PORCH THE SUN IS THERE FOR WHOLE DAY THAT GIVES MY HOUSE HEAT INSIDE

Property unique. The property has unique physical features or characteristics; or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.

JUST I NEEDED TO KEEP HEAT FROM MY KITCHEN BATHROOM & ONE ROOM. ITS HOT WHOLE DAY IN SUMMER

Not a detriment. Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; and will not cause public safety concerns.

ALSO I NEEDED TO PUT A WALL MADE OF PLASTIC FENCE BEFORE MY CUTTER FOR MY PRIVACY IT WILL BE AWAY OF THE FENCE OF MY NEIGBER 11 FEET

Not personal or economic. The variance request is not primarily related to personal or economic hardship, rather, it is related to the unique features of the property.

WANT ENJOY SITING ON MY BACK YARD AND KEEP HEAT AWAY OF KITCHEN, BATHROOM & BED ROOM IN SUMMER IS TOO HOT THE WHOLE DAY

Necessary. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that enjoyed by other properties in the same zoning district and in the vicinity.

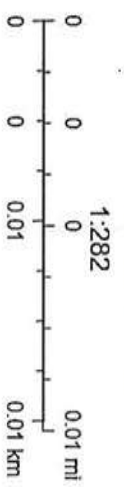
JUST TO SIT ON MY BACK YARD AND KEEP HEAT AWAY OF MY BACK SIDE OF MY HOUSE KITCHEN, BATHROOM AND BED ROOM

2023 WARREN



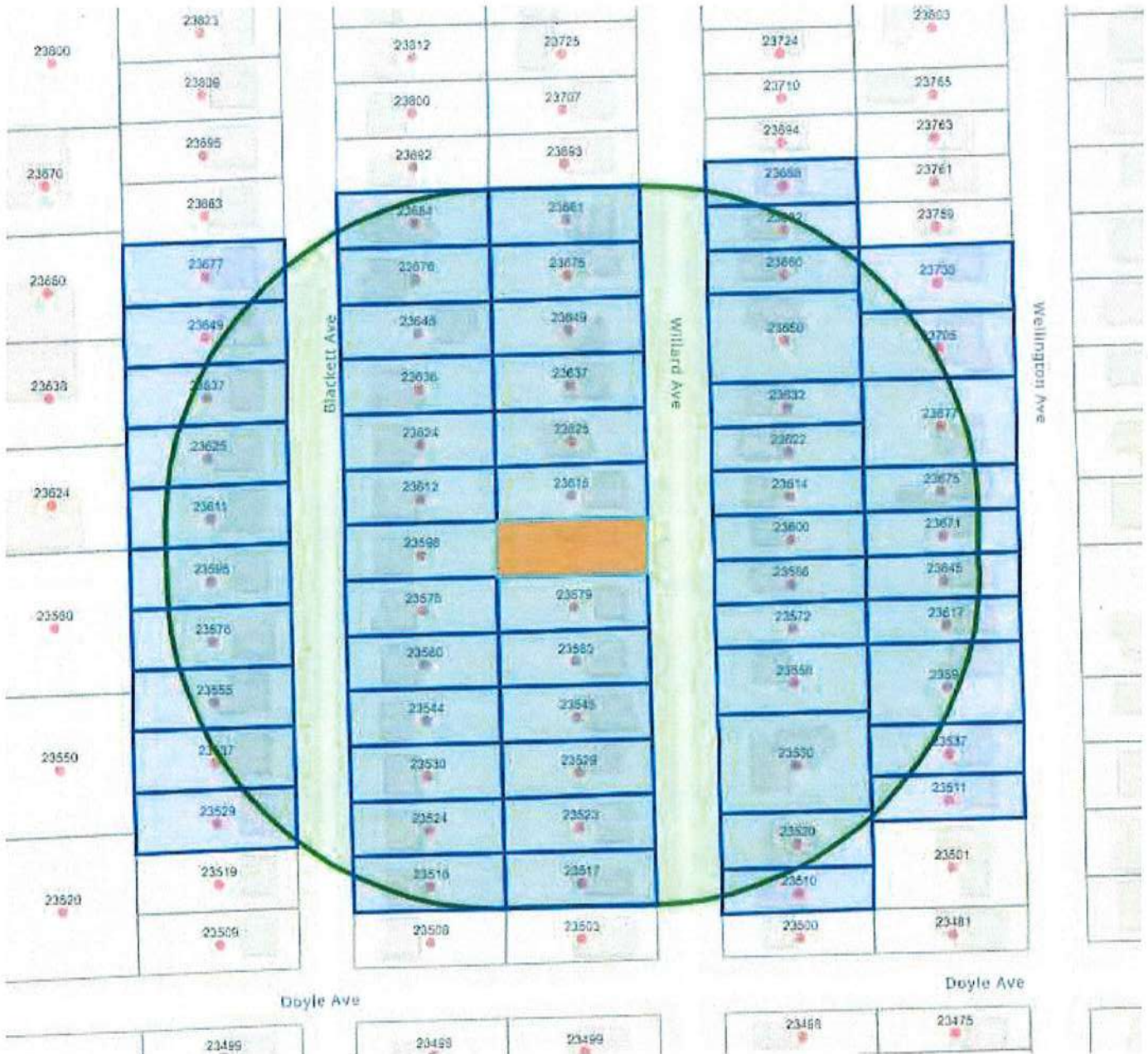


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23601 WILLARD
13-25-304-044

60
11





13-25-304-043

13-25-304-044

94

13-25-304-045

35 F x 31.9 IN

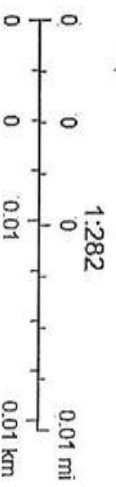
22 F, 9 IN

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28 F

8/18/2023, 1:48:08 PM



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



Zoning Board of Appeals
Office of the City Council
5460 ARDEN, SUITE 505
WARREN, MI 48092
P: (586) 258-2060
F: (586) 268-0606

NOTICE OF PUBLIC HEARING

The Warren Board of Appeals will hold a Public Hearing in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan on:

WEDNESDAY: SEPTEMBER 27, 2023 at 7:30 P.M.

Applicant: ALIAA BARSIK
Common Description: 23601 WILLARD

VARIANCE(S) 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.

PLEASE NOTE: WARREN'S ZONING ORDINANCE PROVIDES THAT THIS NOTICE BE SENT TO THOSE PERSONS OWNING PROPERTY WITHIN 300 FEET OF THE PROPERTY INVOLVED.

IF THE ADDRESS THIS NOTICE IS MAILED TO CONTAINS MORE THAN FOUR (4) DWELLING UNITS LEASED BY DIFFERENT PERSONS, THIS NOTICE SHALL BE POSTED AT THE PRIMARY ENTRANCE.

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

You may e-mail: njones@cityofwarren.org or contact us by U.S. Mail at the address listed above, to express any views you may have pertaining to this matter.

Sincerely,
Board of Appeals

OFFICE OF THE CITY COUNCIL

Patrick Green, (Mayor Pro Tem) President, At Large
Gary Watts, Vice-President, Dist. 4
Mindy Moore, Secretary, Dist. 3

Jonathan Lafferty, Asst. Sec'y, Dist. 2
Angela Rogensues, At Large

Ronald Papandrea, Dist. 1
Eddie Kabacinski, Dist. 5

ZONING BOARD OF APPEALS

SUMMARY OF VARIANCE REQUEST

APPLICANT: GEORGE AUGOUSTI

REPRESENTATIVE: GEORGE AUGOUSTI

COMMON DESCRIPTION: 11139 JEWETT

PARCEL NUMBER: 12-13-27-402-028

ZONED DISTRICT: R-1-C

REASON: Petitioner wishes to replace their porch.

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.

VARIANCES REQUESTED: Permission to:
Erect a porch no less than 19 ft. 4 inches from the front property line.

Previous Variance Requested: See attached sheet

dwenson, Zoning Inspector 08/30/2023 09/01/2023 (M) (P) (C)

CITY OF WARREN
Division of Buildings & Safety Engineering

NOTICE OF REJECTION

NAME OF APPLICANT: GEORGE AUGUSTI

Your request for **BUILDING PERMIT** has been **REJECTED**, as it does not meet the requirements of the City of Warren Zoning Ordinance #30 as follows:

SECTION 7.05 FRONT YARD.

It is necessary for you to make application to the Zoning Board of Appeals to obtain a variance for the above noted sections.

dwenson, Zoning Inspector

150
8/30/23

**16 PLANS BEING SUBMITTED MUST BE PRE-FOLDED
A COPY OF ALL DOCUMENTS MUST BE SUBMITTED ELECTRONICALLY FOR
COMMERCIAL SUBMISSIONS**

CITY OF WARREN ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

P A I D
AUG 30 2023
CITY OF WARREN
BUILDING DIVISION

PLEASE PRINT OR TYPE

Name of Applicant: George Augusti

Address: 11139 Jewett Telephone: [REDACTED]

Applicant's Email Address: [REDACTED] prefer email communication

Name and Address of Property Owner (if different) _____

Name of Representative: _____ Telephone: _____

Representative's Address: _____

Representative's Email Address: _____ prefer email communication

Address of Property: _____

Parcel I.D. No. (as shown on tax bill): 12-13-27-402-028

Purpose of Request: Variance

Please explain the nature of your hardship:
Distance Between Porch and sidewalk
Replacement of old porch

Signature: [Signature] Date: 8-29-23

The approval of any land use or dimensional variance from the regulations of the Warren Zoning Ordinance does **NOT** affect or rescind any requirement of the ordinance to obtain site plan approval, Building Division permit or to otherwise comply fully with the Code of Ordinances, or other applicable State or Federal regulations

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE George Augusti
Name(s) of Person(s)

OF [REDACTED]
Address, City, State Zip Telephone

X

THE _____ OF _____
Title of Officer Name of Company
BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT _____

_____/I/We/It
_____/RECORDED LAND CONTRACT PURCHASER(S) _____/RECORDED DEEDHOLDER(S)

OF LAND FOR WHICH SUBMITTAL HAS BEEN/WILL BE MADE TO THE CITY OF WARREN,
MACOMB COUNTY, MICHIGAN IN A:

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT _____ *
Name(s) of Person(s)

THE _____ OF _____ *
Title of Officer Name of Company

OF _____
Address, City, State Zip Telephone

IS/ARE/MY/OUR DESIGNATED REPRESENTATIVE(S) IN THE PROCESSING OF SAID PETITION.

FURTHER, DEPONENT SAYS NOT.

SIGNED George Augusti L.S.
SIGNED _____ L.S.*

X

*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF Macomb

ON THIS 28th DAY OF August, 2023, BEFORE ME PERSONALLY CAME
George Augusti, TO ME KNOWN TO BE THE INDIVIDUAL (S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT, FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT he DID SO OF his OWN FREE WILL AND DEED.

Mandy Wells
NOTARY PUBLIC, Macomb COUNTY, MICHIGAN
MY COMMISSION EXPIRES: 3/24/28

NOTICE TO OWNER

If a representative appears on your behalf, they must be informed on all pertinent data relative to your request. Failure to answer any question from the Board could result in your request being delayed or denied. IT IS THEREFORE RECOMMENDED THAT YOU appear in person.

Non-use variances relate to the modification of applicable area, dimension or structural regulations. The concurring vote of five (5) members of the Board shall be required to approve a non-use variance. **No variation from the provisions or requirements of this article shall be authorized by the Board unless the Board finds that the applicant has demonstrated all of the following to establish there is a practical difficulty in complying with the article requirement.**

The reason you are seeking the variance must be something that is beyond your control. You cannot justify approval of a variance on the simple contention that it is inconvenient to follow the rules. What extraordinary situation affects only your property and no others in the vicinity or zone?

Use the space provided below to demonstrate how your request will meet the following criteria for a non-use variance.

Unreasonable impact/burden. Strict compliance with area, setback, frontage, height, bulk or density requirements would unreasonably prevent the applicant from using the property for a permitted purpose, or would be unnecessarily burdensome.

Ordinance would make my porch too small

Not self-imposed. The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.

Replacement of old broken porch

Property unique. The property has unique physical features or characteristics; or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.

Not a detriment. Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; and will not cause public safety concerns.

No problem with neighbors or property values
Improvement & update no eyesore

Not personal or economic. The variance request is not primarily related to personal or economic hardship, rather, it is related to the unique features of the property.

House is too close to property line to allow 25 feet
between porch and property line.

Necessary. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that enjoyed by other properties in the same zoning district and in the vicinity.

Need new porch because the old one is broken

11139 Jewett

10/14/09

George Augousti, 11139 Jewett Ave. Also Known As 13-27-02-028, **GRANTED** request to construct on a corner lot a six foot (6') privacy fence from the SE corner of the house to the Campbell property line, then for 58' along Campbell to the south side of the driveway, then angle to drive; continuing on the north side of the driveway to the sidewalk and then continuing north for to the north property line. **With the condition that cutting both sides of the corner property where it actually enters the sidewalk and the concrete driveway on a forty-five degree angle 10' going north from the northern part of that driveway and then 10' going west from where the driveway and the sidewalk meet and same way on the south side.**

2023 WARREN



11139 Jewett
Porch is...

2 ft, Tall-High

23 ft, 8 in. Long

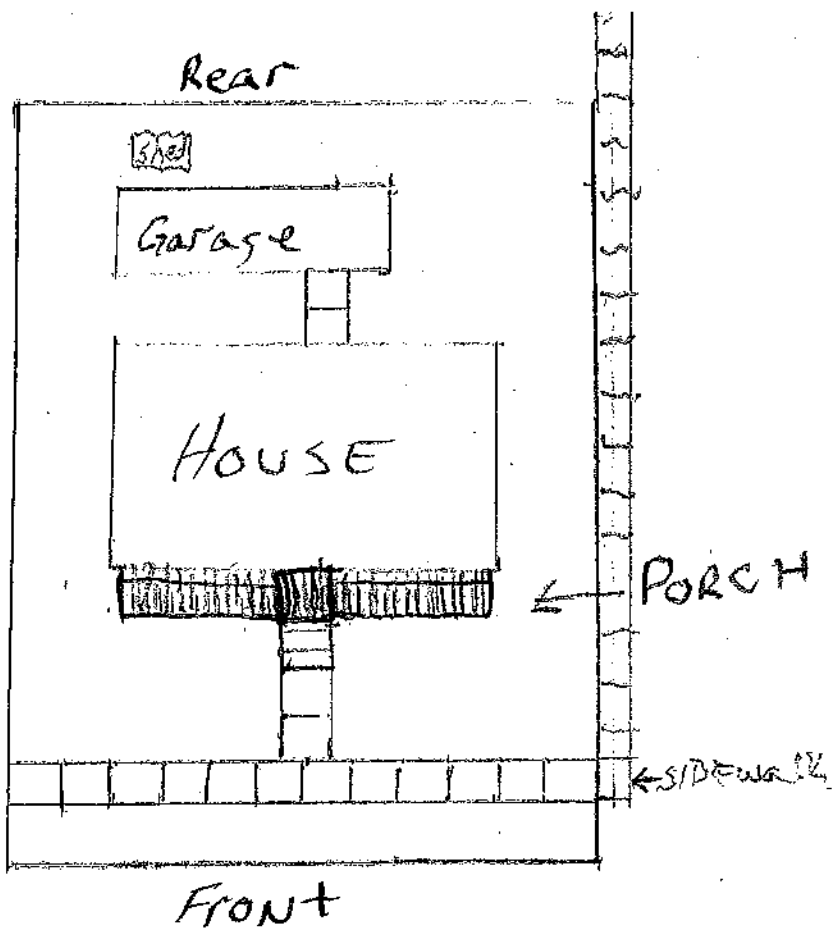
6 ft, 3 in. Wide

2 ft, 4 in. from the
sidewalk

3 ft, 5 in. from the
street

8 ft. from the
side walk on
the right side.

8 ft. from the
next door neighbor
on the left side



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



Zoning Board of Appeals
Office of the City Council
5460 ARDEN, SUITE 505
WARREN, MI 48092
P: (586) 258-2060
F: (586) 268-0606

NOTICE OF PUBLIC HEARING

The Warren Board of Appeals will hold a Public Hearing in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan on:

WEDNESDAY: SEPTEMBER 27, 2023 at 7:30 P.M.

Applicant: GEORGE AUGUSTI
Common Description: 11139 JEWETT

VARIANCE(S) REQUESTED: Permission to:

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

PLEASE NOTE: WARREN'S ZONING ORDINANCE PROVIDES THAT THIS NOTICE BE SENT TO THOSE PERSONS OWNING PROPERTY WITHIN 300 FEET OF THE PROPERTY INVOLVED.

IF THE ADDRESS THIS NOTICE IS MAILED TO CONTAINS MORE THAN FOUR (4) DWELLING UNITS LEASED BY DIFFERENT PERSONS, THIS NOTICE SHALL BE POSTED AT THE PRIMARY ENTRANCE.

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

You may e-mail: njones@cityofwarren.org or contact us by U.S. Mail at the address listed above, to express any views you may have pertaining to this matter.

Sincerely,
Board of Appeals

OFFICE OF THE CITY COUNCIL

Patrick Green, (Mayor Pro Tem) President, At Large
Gary Watts, Vice-President, Dist. 4
Mindy Moore, Secretary, Dist. 3

Jonathan Lafferty, Asst. Sec'y, Dist. 2
Angela Rogensues, At Large

Ronald Papandrea, Dist. 1
Eddie Kabacinski, Dist. 5



ZONING BOARD OF APPEALS - USE

SUMMARY OF VARIANCE REQUEST

APPLICANT: BRENDA MAKS
REPRESENTATIVE: BRENDA MAKS
COMMON DESCRIPTION: 13676 MARSHALL
PARCEL NUMBER: 12-13-36-104-016
ZONED DISTRICT: R-1-C

REASON: Petitioner wishes to continue to operate a substance abuse recovery home as a business from a residence.

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.

VARIANCES REQUESTED: Permission to:
Continue operating a substance abuse recovery home as a business in an R-1-C zone.

Previous Variance Requested: None.

dwenson, Zoning Inspector 08/28/2023 08/31/2023 (M) (P) (C)

CITY OF WARREN
Division of Buildings & Safety Engineering

NOTICE OF REJECTION

NAME OF APPLICANT: BRENDA MAKS

Your request for **BUILDING PERMIT** has been **REJECTED**, as it does not meet the requirements of the City of Warren Zoning Ordinance #30 as follows:

SECTION 7.01 USES PERMITTED
SECTION 4.01 COMPLIANCE WITH ALL LAWS.

It is necessary for you to make application to the Zoning Board of Appeals to obtain a variance for the above noted sections.

dwenson, Zoning Inspector

\$95 SW 8/28/23

16 PLANS BEING SUBMITTED MUST BE PRE-FOLDED
A COPY OF ALL DOCUMENTS MUST BE SUBMITTED ELECTRONICALLY FOR
COMMERCIAL SUBMISSIONS

RECEIVED

AUG 28 2023

CITY OF WARREN ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

CITY OF WARREN
BUILDING DIVISION

PLEASE PRINT OR TYPE

Name of Applicant: Brenda Maks

Address: 13676 Marshall Telephone: [REDACTED]

Applicant's Email Address: [REDACTED] prefer email communication

Name and Address of Property Owner (if different) Brenda Maks [REDACTED]

Name of Representative: Brenda Maks Telephone: [REDACTED]

Representative's Address: [REDACTED]

Representative's Email Address: [REDACTED] prefer email communication

Address of Property: 13676 Marshall, Warren, MI 48094

Parcel I.D. No. (as shown on tax 12.13.36.104.016

bill): Purpose of Request: I am requesting a variance for residential recovery housing. This home is a step-up from recovery housing. Each person has multiple years of recovery and feel safe being in an environment with like minded people.

Please explain the nature of your hardship:

I have owned this home at this location since 2012. I have participants in this home that work for my non-profit recovery resource center. We cannot finalize our inspection due to the new variance rules/codes.

Signature: Brenda maks Date: 8.23.23

The approval of any land use or dimensional variance from the regulations of the Warren Zoning Ordinance does **NOT** affect or rescind any requirement of the ordinance to obtain site plan approval, Building Division permit or to otherwise comply fully with the Code of Ordinances, or other applicable State or Federal regulations

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE Brenda Maks
Name(s) of Person(s)
OF [REDACTED]
Address, City, State _____ Zip _____ Telephone _____
THE Owner OF _____
Title of Officer _____ Name of Company _____
BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT Brenda Maks
I/We/It _____
_____/RECORDED LAND CONTRACT PURCHASER(S) X /RECORDED DEEDHOLDER(S)

OF LAND FOR WHICH SUBMITTAL HAS BEEN/WILL BE MADE TO THE CITY OF WARREN,
MACOMB COUNTY, MICHIGAN IN A:

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT Brenda Maks *
Name(s) of Person(s)

THE Owner OF _____ *
Title of Officer _____ Name of Company _____

OF [REDACTED]
Address, City, State _____ Zip _____ Telephone _____

IS/ARE/MY/OUR DESIGNATED REPRESENTATIVE(S) IN THE PROCESSING OF SAID PETITION.
FURTHER, DEPONENT SAYS NOT.

SIGNED Brenda Maks L.S.

SIGNED _____ L.S.*

*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF _____

ON THIS 24th DAY OF July, 2023, BEFORE ME PERSONALLY CAME
Brenda Maks, TO ME KNOWN TO BE THE INDIVIDUAL (S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT, FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT HOLLY BLEWICZ ✓ DID SO OF _____ ✓ OWN FREE WILL AND DEED.

Notary Public, State of Michigan
County of Macomb
My Commission Expires 07-21-2027
Acting in the County of Macomb

Holly Blewicz
NOTARY PUBLIC, Macomb COUNTY, MICHIGAN
MY COMMISSION EXPIRES: 7/21/27

NOTICE TO OWNER

If a representative appears on your behalf, they must be informed on all pertinent data relative to your request. Failure to answer any question from the Board could result in your request being delayed or denied. IT IS THEREFORE RECOMMENDED THAT YOU appear in person.

Worksheet #1 - Section 20.23 - Non-use variance; practical difficulty standard.

Non-use variances relate to the modification of applicable area, dimension or structural regulations. The concurring vote of five (5) members of the Board shall be required to approve a non-use variance. **No variation from the provisions or requirements of this article shall be authorized by the Board unless the Board finds that the applicant has demonstrated all of the following to establish there is a practical difficulty in complying with the article requirement.**

The reason you are seeking the variance must be something that is beyond your control. You cannot justify approval of a variance on the simple contention that it is inconvenient to follow the rules. What extraordinary situation affects only your property and no others in the vicinity or zone?

Use the space provided below to demonstrate how your request will meet the following criteria for a non-use variance.

Unreasonable impact/burden. Strict compliance with area, setback, frontage, height, bulk or density requirements would unreasonably prevent the applicant from using the property for a permitted purpose, or would be unnecessarily burdensome.

I feel that my request will meet the criteria for a non-use variance in the respect that the participants that I lease to are living with individuals in like minded back grounds and deserve the right for housing together as this is considered their family.

Not self-imposed. The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.

This is not self imposed as the variances have recently changed.

Property unique. The property has unique physical features or characteristics; or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.

The undique feature is that individuals in this home are learning again how to become productive citizens in society. They are guided, have support and feel comfortable living with like minded individuals.

Not a detriment. Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; and will not cause public safety concerns.

This request would not impair the neighbors or the property values. There is no safety concerns as these participants are productive working citizens in the community.

Not personal or economic. The variance request is not primarily related to personal or economic hardship, rather, it is related to the unique features of the property.

This is not a personal or economic hardship. This is a unique feature that these individuals are participants of a previous program and now are doing a continuation of staying a productive citizen in society.

Necessary. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that enjoyed by other properties in the same zoning district and in the vicinity.

My participants are monitored and some work at Live Rife in Roseville they have a structured reliable livelihood These participants are just like any other tenant that would be leasing in the neighborhood.

Worksheet #2 - Section 20.24 - Land use variance; unnecessary hardship standard.

A land use variance allows property to be used for a specific use that otherwise is prohibited in the applicable zoning district. The concurring vote of six (6) members of the Board shall be required to approve a land use variance. **A land use variance shall not be authorized by the Board unless the Board finds that the applicant has demonstrated all of the criteria to establish an unnecessary hardship.**

The reason you are seeking the variance must be something that is beyond your control. You cannot justify approval of a variance on the simple contention that it is inconvenient to follow the rules. What extraordinary situation affects only your property and no others in the vicinity or zone?

Use the space provided below to demonstrate how your request will meet the following criteria for a land-use variance.

Property cannot be used as zoned. The characteristics of the property are such that it cannot be used for any use permitted in the zoning district; or the property can only be used for a permitted use at a prohibitive expense and therefore, will not yield a reasonable rate of return; or the characteristics of the property render it valueless or to have only distress value for any of the uses permitted by the zoning district; or this article as it applies to the property is unreasonable and arbitrary; or confiscatory.

1. Some of my participants work with Live Rite Recovery Resource Center. 2. They consider the other participants their family even though they are not blood related. This is their only family when entering the program.

Not self-imposed. The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.

This home has been occupied by the same participants of the program since 2012.

Property unique. The property has unique physical features or characteristics or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.

I feel that my participants are positive influences in the neighborhood. They give back to the community as volunteers. They do not cause any problems. They are simply living in a like minded environment/home.

Not a detriment. Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; will not alter the essential character of the area; and will not cause public safety concerns.

Allowing this variance will not result in detriment to the nearby properties (please see attached 50 signatures on a petition)

Necessary. The land use variance is necessary for the preservation and enjoyment of the property.

This property has been opened since 2012 and used as a step up recovery home since about 2014.

We also have a cat, named Kilo that the participants take care of in the home that has lived there since 2014.

ZONING Enforcement | E23-03502

Property Information

12-13-36-104-016

13676 MARSHALL

Subdivision:

WARREN MI, 48089

Lot:

Block:

Name Information

Owner: MAKS BRENDA

Phone:

Occupant:

Phone:

Filer:

Phone:

Enforcement Information

Date Filed: 06/27/2023

Date Closed:

Status:

Complaint:

THIS PROPERTY WAS REGISTERED AS A RENTAL PROPERTY ON 4/25/23.

DAKOTA ROGERS (HOUSE MANAGER) ADMITTED AT THE RENTAL COUNTER THAT THIS IS A RECOVERY HOME.

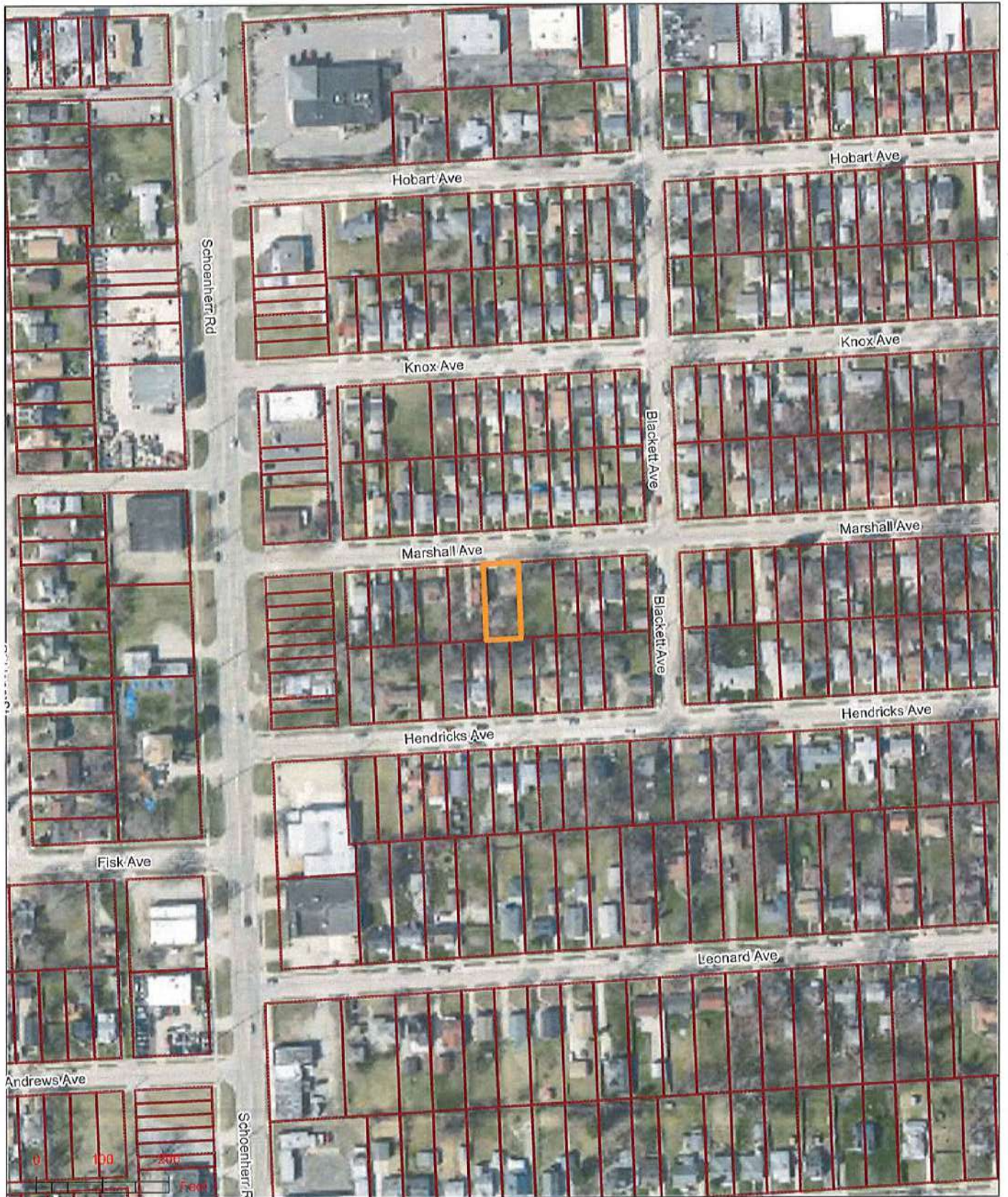
ZONING TO FOLLOW-UP. MT

Last Action Date:

Last Inspection:

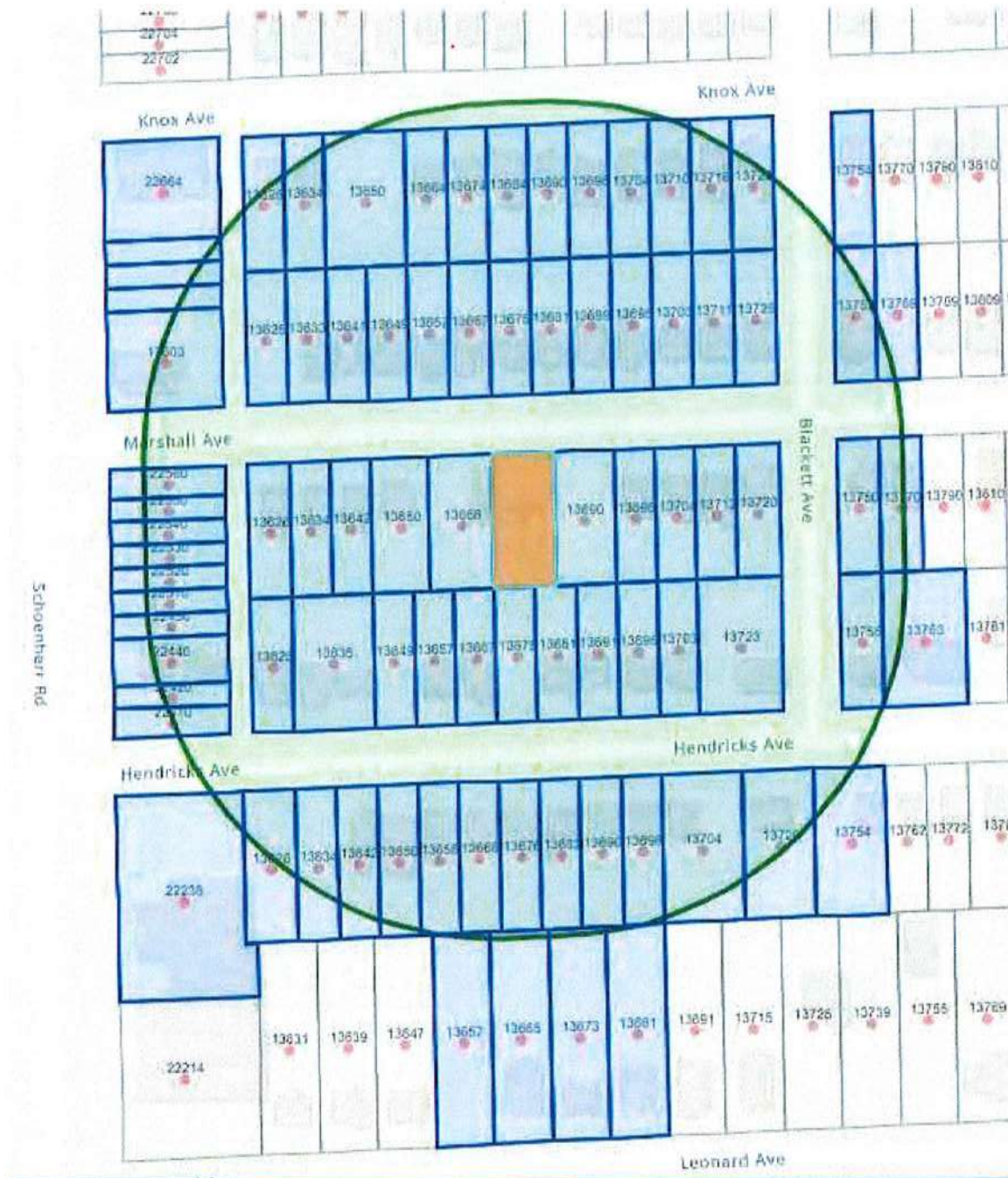
Last Action:

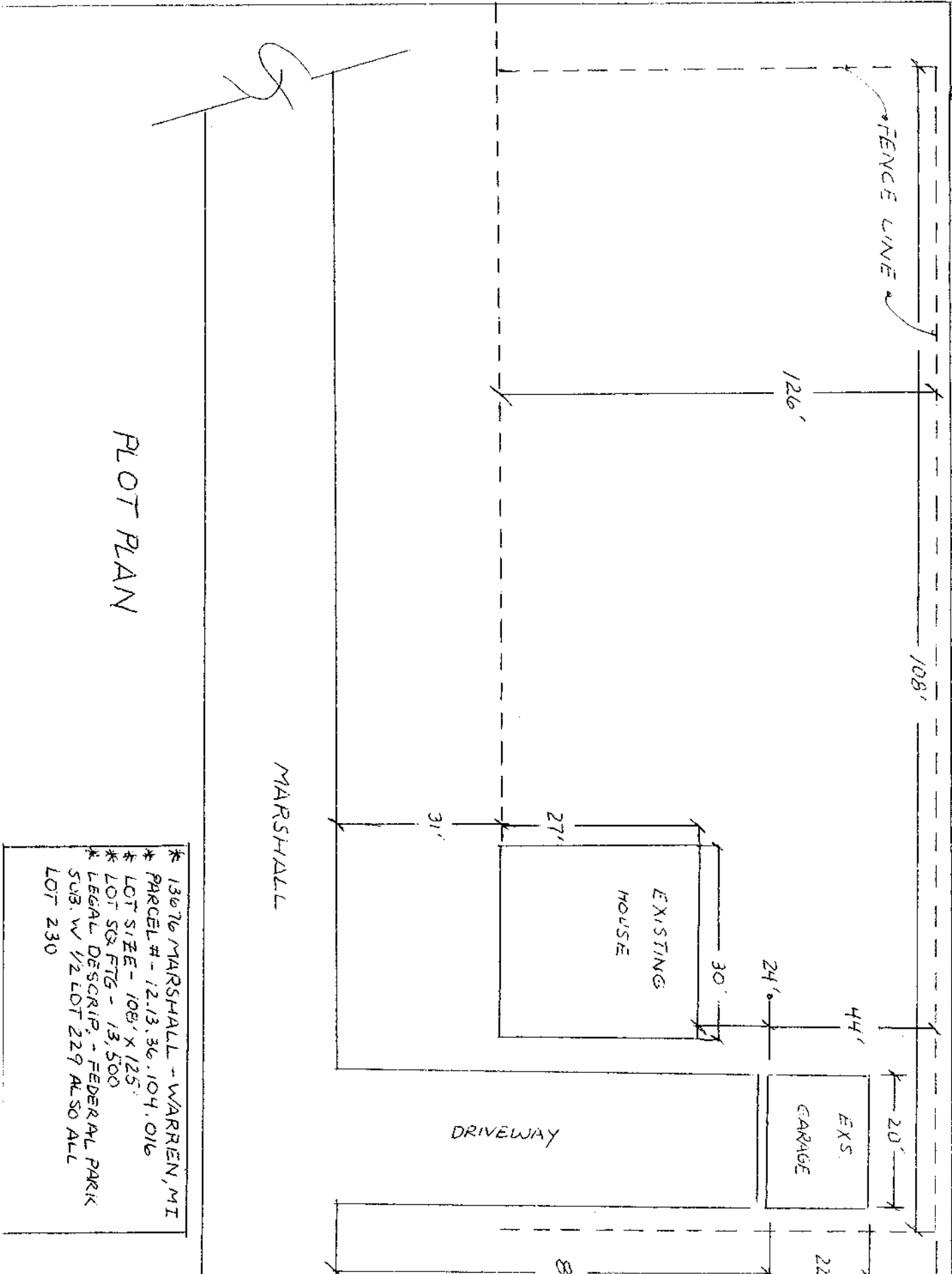
2023 WARREN



13676 MARSHALL
13-36-104-016

63





PLOT PLAN

- * 13076 MARSHALL - WARREN, MI
- * PARCEL # - 12.13.36.104.016
- * LOT SIZE - 108' X 125'
- * LOT SQ. FTG - 13,500
- * LEGAL DESCRIP. - FEDERAL PARK
- 503. W 1/2 LOT 229 ALSO ALL
- LOT 230



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

Zoning Board of Appeals
Office of the City Council
5460 ARDEN, SUITE 505
WARREN, MI 48092
P: (586) 258-2060
F: (586) 268-0606

NOTICE OF PUBLIC HEARING

The Warren Board of Appeals will hold a Public Hearing in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan on:

WEDNESDAY: SEPTEMBER 27, 2023 at 7:30 P.M.

Applicant: BRENDA MAKS-~~USE~~
Common Description: 13676 MARSHALL

VARIANCE(S) REQUESTED: Permission to: -~~USE~~-

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

PLEASE NOTE: WARREN'S ZONING ORDINANCE PROVIDES THAT THIS NOTICE BE SENT TO THOSE PERSONS OWNING PROPERTY WITHIN 300 FEET OF THE PROPERTY INVOLVED.

IF THE ADDRESS THIS NOTICE IS MAILED TO CONTAINS MORE THAN FOUR (4) DWELLING UNITS LEASED BY DIFFERENT PERSONS, THIS NOTICE SHALL BE POSTED AT THE PRIMARY ENTRANCE.

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

You may e-mail: njones@cityofwarren.org or contact us by U.S. Mail at the address listed above, to express any views you may have pertaining to this matter.

Sincerely,
Board of Appeals

OFFICE OF THE CITY COUNCIL

Patrick Green, (Mayor Pro Tem) President, At Large
Gary Watts, Vice-President, Dist. 4
Mindy Moore, Secretary, Dist. 3

Jonathan Lafferty, Asst. Sec'y, Dist. 2
Angela Rogensues, At Large

Ronald Papandrea, Dist. 1
Eddie Kabacinski, Dist. 5

CITY OF WARREN

ZONING BOARD OF APPEALS - USE

SUMMARY OF VARIANCE REQUEST

APPLICANT: DREAM BIG HEALTHCARE/SHANA CLEVELAND, NINA JACKSON

REPRESENTATIVE: SHANA CLEVELAND, NINA JACKSON

COMMON DESCRIPTION: 30657 HOOVER

PARCEL NUMBER: 12-13-10-228-011

ZONED DISTRICT: C-1

REASON: Petitioner seeks variance to operate a certified nursing assistant training school.

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.

VARIANCES REQUESTED: Permission to: Petitioner seeks to have an adult learning center in a C-1 district.

Previous Variance Requested: See attached sheet

dwenson, Zoning Inspector 08/23/2023 08/31/2023 (M) (P) (C)

CITY OF WARREN
Division of Buildings & Safety Engineering

NOTICE OF REJECTION

**NAME OF APPLICANT: DREAM BIG HEALTHCARE/SHANA CLEVELAND,
NINA JACKSON**

Your request for **BUILDING PERMIT** has been **REJECTED**, as it does not meet the requirements of the City of Warren Zoning Ordinance #30 as follows:

SECION 13.01 USES PERMITTED.
SECTION 14.01 - USES PERMITTED IN C-1

It is necessary for you to make application to the Zoning Board of Appeals to obtain a variance for the above noted sections.

dwenson, Zoning Inspector

-11/20/17
8/13/23
#250w

16 PLANS BEING SUBMITTED MUST BE PRE-FOLDED
A COPY OF ALL DOCUMENTS MUST BE SUBMITTED ELECTRONICALLY FOR
COMMERCIAL SUBMISSIONS

CITY OF WARREN ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

PLEASE PRINT OR TYPE

Name of Applicant: Dream Big Healthcare / Shana Cleveland
Nina Jackson

Address: [REDACTED] Telephone: [REDACTED]

Applicant's Email Address: [REDACTED] prefer email communication

Name and Address of Property Owner (if different): _____

Name of Representative: Shana Cleveland
Nina Jackson Telephone: [REDACTED]

Representative's Address: [REDACTED]

Representative's Email Address: [REDACTED] prefer email communication

Address of Property: 30657 Hoover Rd Warren, MI. 48093

Parcel I.D. No. (as shown on tax bill): _____

Purpose of Request: Occupancy for office use, online & zoom
conferences.

Please explain the nature of your hardship:
To get approval for Certified Nursing Assistant Training
Via online & zoom.

Signature: [Signature] / N. Jackson Date: 8/24/23

The approval of any land use or dimensional variance from the regulations of the Warren Zoning Ordinance does **NOT** affect or rescind any requirement of the ordinance to obtain site plan approval, Building Division permit or to otherwise comply fully with the Code of Ordinances, or other applicable State or Federal regulations

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE Ryan Ahler
Name(s) of Person(s)

OF _____
Address, City, State _____ Zip _____ Telephone _____

THE MANAGING MEMBER OF HOOPER INVESTMENT
Title of Officer Name of Company

BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT RYAN AHLER
I/We/It

_____/RECORDED LAND CONTRACT PURCHASER(S) /RECORDED DEEDHOLDER(S)

OF LAND FOR WHICH SUBMITTAL HAS BEEN/WILL BE MADE TO THE CITY OF WARREN,
MACOMB COUNTY, MICHIGAN IN A:

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT NINA JACKSON, SHANA CLEVELAND *
Name(s) of Person(s)

THE OWNERS OF DREAM BIG HEALTHCARE *
Title of Officer Name of Company

OF _____
Address, City, State _____ Zip _____ Telephone _____

IS/ARE/MY/OUR DESIGNATED REPRESENTATIVE(S) IN THE PROCESSING OF SAID PETITION.

FURTHER, DEPONENT SAYS NOT.

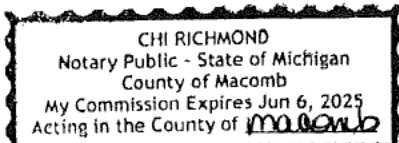
SIGNED [Signature] L.S.

SIGNED _____ L.S.*

*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF Macomb

ON THIS 19th DAY OF August, 2023, BEFORE ME PERSONALLY CAME
RYAN AHLER, TO ME KNOWN TO BE THE INDIVIDUAL (S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT, FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT HE DID SO OF HIS OWN FREE WILL AND DEED.



Chi Richmond
NOTARY PUBLIC, Macomb COUNTY, MICHIGAN
MY COMMISSION EXPIRES: 6/6/25

NOTICE TO OWNER

If a representative appears on your behalf, they must be informed on all pertinent data relative to your request. Failure to answer any question from the Board could result in your request being delayed or denied. IT IS THEREFORE RECOMMENDED THAT YOU appear in person.

A land use variance allows property to be used for a specific use that otherwise is prohibited in the applicable zoning district. The concurring vote of six (6) members of the Board shall be required to approve a land use variance. **A land use variance shall not be authorized by the Board unless the Board finds that the applicant has demonstrated all of the criteria to establish an unnecessary hardship.**

The reason you are seeking the variance must be something that is beyond your control. You cannot justify approval of a variance on the simple contention that it is inconvenient to follow the rules. What extraordinary situation affects only your property and no others in the vicinity or zone?

Use the space provided below to demonstrate how your request will meet the following criteria for a land-use variance.

Property cannot be used as zoned. The characteristics of the property are such that it cannot be used for any use permitted in the zoning district; or the property can only be used for a permitted use at a prohibitive expense and therefore, will not yield a reasonable rate of return; or the characteristics of the property render it valueless or to have only distress value for any of the uses permitted by the zoning district; or this article as it applies to the property is unreasonable and arbitrary; or confiscatory.

Not self-imposed. The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.

Property unique. The property has unique physical features or characteristics or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.

Not a detriment. Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; will not alter the essential character of the area; and will not cause public safety concerns.

The online training will provide the opportunity for students to interact and engage with the instructor and to learn a skill that will be beneficial to the economy and neighborhood.

Necessary. The land use variance is necessary for the preservation and enjoyment of the property.

Upon doing research, there are no CNA training courses in the neighborhood. By providing this online training we have gained a contract with a near by Nursing Home, where they would go for hands on training and possible job placement upon completion. It's also beneficial for the near by high school because they can take the training at the age of 16 and start working right away upon completion.

30655-30657 Hoover

L.C. Taylor Ambulance/Cer Rehabilitation Ctr

Granted permission at the meeting of 12/14/88 to erect a 6 ft. x 10 ft. (60 sq.ft.) sign 10 feet high, to no less than 4 feet of the front property line.

TABLED 11-30-88

30655, 30657 and 30659 Hoover Road

Lentine Construction Co.

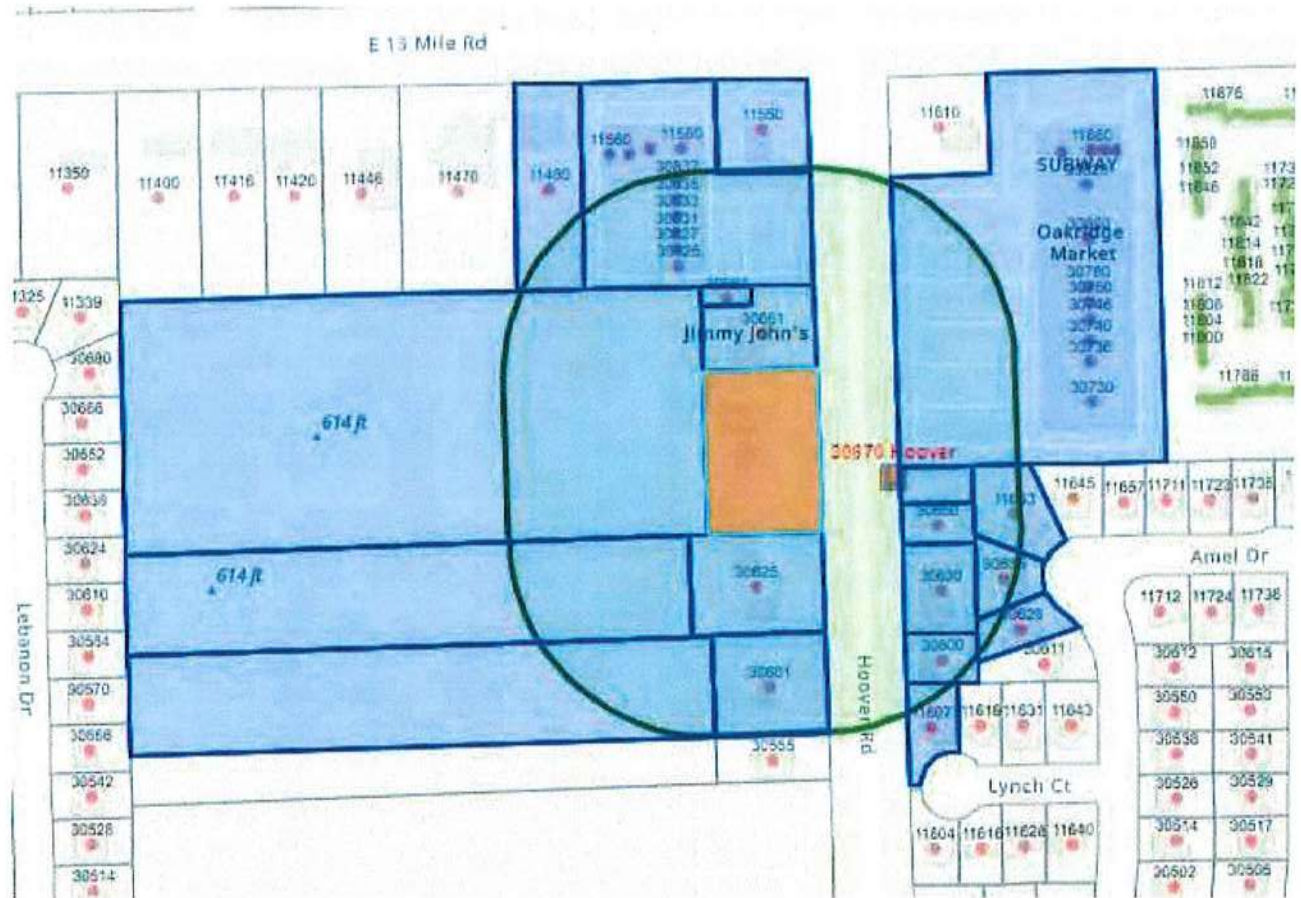
Granted permission at the meeting of 3-30-88 to waive the required greenbelt or masonry wall along the north, south and west property lines.

2023 WARREN



30657 HOOVER
13-10-228-011

17



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



Zoning Board of Appeals
Office of the City Council
5460 ARDEN, SUITE 505
WARREN, MI 48092
P: (586) 258-2060
F: (586) 268-0606

NOTICE OF PUBLIC HEARING

The Warren Board of Appeals will hold a Public Hearing in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan on:

WEDNESDAY: SEPTEMBER 27, 2023 at 7:30 P.M.

Applicant: DREAM BIG HEALTHCARE / SHANA CLEVELAND, NINA JACKSON-~~USE~~
Common Description: 30657 HOOVER

VARIANCE(S) REQUESTED: Permission to: -~~USE~~-

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

PLEASE NOTE: WARREN'S ZONING ORDINANCE PROVIDES THAT THIS NOTICE BE SENT TO THOSE PERSONS OWNING PROPERTY WITHIN 300 FEET OF THE PROPERTY INVOLVED.

IF THE ADDRESS THIS NOTICE IS MAILED TO CONTAINS MORE THAN FOUR (4) DWELLING UNITS LEASED BY DIFFERENT PERSONS, THIS NOTICE SHALL BE POSTED AT THE PRIMARY ENTRANCE.

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

You may e-mail: njones@cityofwarren.org or contact us by U.S. Mail at the address listed above, to express any views you may have pertaining to this matter.

Sincerely,
Board of Appeals

OFFICE OF THE CITY COUNCIL

Patrick Green, (Mayor Pro Tem) President, At Large
Gary Watts, Vice-President, Dist. 4
Mindy Moore, Secretary, Dist. 3

Jonathan Lafferty, Asst. Sec'y, Dist. 2
Angela Rogensues, At Large

Ronald Papandrea, Dist. 1
Eddie Kabacinski, Dist. 5

ZONING BOARD OF APPEALS

SUMMARY OF VARIANCE REQUEST

APPLICANT: JAMES BIRNIE

REPRESENTATIVE: JEFFREY GRAHAM

COMMON DESCRIPTION: 8519 NINE MILE

PARCEL NUMBER: 12-13-27-380-026

ZONED DISTRICT: M-1

REASON: Petitioner seeks variances related to outdoor storage.

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 8ft. (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.

VARIANCES REQUESTED: Permission to:

1. Allow 4427 sf of open storage when 1156 sf 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 f. from the front property along Mac Arthur
5. Allow a 4ft 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.

Variances are contingent upon approval of lot combination.

Previous Variance Requested: See attached sheet

CITY OF WARREN
Division of Buildings & Safety Engineering

NOTICE OF REJECTION

NAME OF APPLICANT: JAMES BIRNIE

Your request for **BUILDING PERMIT** has been **REJECTED**, as it does not meet the requirements of the City of Warren Zoning Ordinance #30 as follows:

SECTION 17.02 INDUSTRIAL STANDARDS
SECTION 4.32 OFF-STREET PARKING
SECTION 4D.36 OBSCURING WALLS

It is necessary for you to make application to the Zoning Board of Appeals to obtain a variance for the above noted sections.

dwenson, Zoning Inspector

DWJMM
8/22/23
#7400

**16 PLANS BEING SUBMITTED MUST BE PRE-FOLDED
A COPY OF ALL DOCUMENTS MUST BE SUBMITTED ELECTRONICALLY FOR
COMMERCIAL SUBMISSIONS**

**CITY OF WARREN ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE**

PLEASE PRINT OR TYPE

Name of Applicant: JAMES BIRNIE

Address: [REDACTED] Telephone: [REDACTED]

Applicant's Email Address: [REDACTED] prefer email communication

Name and Address of Property Owner (if different) [REDACTED], WARREN

Name of Representative: JEFFREY GRAHAM Telephone: [REDACTED]

Representative's Address: [REDACTED]

Representative's Email Address: [REDACTED] prefer email communication

Address of Property: 8519 9 MILE.

Parcel I.D. No. (as shown on tax bill): _____

Purpose of Request: Open storage - Moving excess cars that are being worked on to rear of building - providing opaque fence and landscaping.

Please explain the nature of your hardship: size & shape of the lot, existing business for last 30 years. Moving excess cars that are being worked on to rear of building.

Signature: James Birnie Date: 7/16/23

The approval of any land use or dimensional variance from the regulations of the Warren Zoning Ordinance does **NOT** affect or rescind any requirement of the ordinance to obtain site plan approval, Building Division permit or to otherwise comply fully with the Code of Ordinances, or other applicable State or Federal regulations

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE James Birnie
Name(s) of Person(s)

OF [Redacted]
Address, City, State Zip Telephone

THE title owner OF Birnie's Auto Service
Title of Officer Name of Company

BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT James Birnie
I/We/It

_____/RECORDED LAND CONTRACT PURCHASER(S) IS/RECORDED DEEDHOLDER(S)

OF LAND FOR WHICH SUBMITTAL HAS BEEN/WILL BE MADE TO THE CITY OF WARREN,
MACOMB COUNTY, MICHIGAN IN A:

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT James Birnie *
Name(s) of Person(s)

THE title owner OF Birnie's Auto Service *
Title of Officer Name of Company

OF [Redacted]
Address, City, State Zip Telephone

IS/ARE/MY/OUR DESIGNATED REPRESENTATIVE(S) IN THE PROCESSING OF SAID PETITION.

FURTHER, DEPONENT SAYS NOT.

SIGNED James Birnie L.S.
SIGNED _____ L.S.*

*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF _____

ON THIS 17th DAY OF July, 2023, BEFORE ME PERSONALLY CAME
JAMES BIRNIE, TO ME KNOWN TO BE THE INDIVIDUAL (S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT, FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT ✓ DID SO OF ✓ OWN FREE WILL AND DEED.

RENATA GARBARINO
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MACOMB
My Commission Expires June 29, 2024
Acting in the County of Macomb

[Signature]
NOTARY PUBLIC Macomb COUNTY, MICHIGAN
MY COMMISSION EXPIRES: 06-29-24

NOTICE TO OWNER

If a representative appears on your behalf, they must be informed on all pertinent data relative to your request. Failure to answer any question from the Board could result in your request being delayed or denied. IT IS THEREFORE RECOMMENDED THAT YOU appear in person.

Non-use variances relate to the modification of applicable area, dimension or structural regulations. The concurring vote of five (5) members of the Board shall be required to approve a non-use variance. **No variation from the provisions or requirements of this article shall be authorized by the Board unless the Board finds that the applicant has demonstrated all of the following to establish there is a practical difficulty in complying with the article requirement.**

The reason you are seeking the variance must be something that is beyond your control. You cannot justify approval of a variance on the simple contention that it is inconvenient to follow the rules. What extraordinary situation affects only your property and no others in the vicinity or zone?

Use the space provided below to demonstrate how your request will meet the following criteria for a non-use variance.

Unreasonable impact/burden. Strict compliance with area, setback, frontage, height, bulk or density requirements would unreasonably prevent the applicant from using the property for a permitted purpose, or would be unnecessarily burdensome.

Business has been at this location for over 30 years
Built when requirements were less strict.

Not self-imposed. The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.

Site purchased 30+ years ago - lesser
requirements then.

Property unique. The property has unique physical features or characteristics; or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.

Size of site considered small for this
type of use - Ongoing business.

Not a detriment. Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; and will not cause public safety concerns.

Business has been in this location for decades
doing business in this neighborhood

Not personal or economic. The variance request is not primarily related to personal or economic hardship, rather, it is related to the unique features of the property.

City is telling owner to move cars to rear
and to shield view from neighbors.
owner did not request this action but is
willing to comply

Necessary. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that enjoyed by other properties in the same zoning district and in the vicinity.

Business has been an ongoing enterprise for
decades and they wish to maintain it.

A land use variance allows property to be used for a specific use that otherwise is prohibited in the applicable zoning district. The concurring vote of six (6) members of the Board shall be required to approve a land use variance. **A land use variance shall not be authorized by the Board unless the Board finds that the applicant has demonstrated all of the criteria to establish an unnecessary hardship.**

The reason you are seeking the variance must be something that is beyond your control. You cannot justify approval of a variance on the simple contention that it is inconvenient to follow the rules. What extraordinary situation affects only your property and no others in the vicinity or zone?

Use the space provided below to demonstrate how your request will meet the following criteria for a land-use variance.

Property cannot be used as zoned. The characteristics of the property are such that it cannot be used for any use permitted in the zoning district; or the property can only be used for a permitted use at a prohibitive expense and therefore, will not yield a reasonable rate of return; or the characteristics of the property render it valueless or to have only distress value for any of the uses permitted by the zoning district; or this article as it applies to the property is unreasonable and arbitrary; or confiscatory.

Property too small for meeting latest requirements without variances.

Not self-imposed. The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.

existing conditions causing ~~the~~ need for variances

Property unique. The property has unique physical features or characteristics or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.

Not many businesses stay in same location for this period of time

Not a detriment. Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; will not alter the essential character of the area; and will not cause public safety concerns.

This new scope of work, adding fencing & landscaping, keeping cars hidden will improve neighborhood.

Necessary. The land use variance is necessary for the preservation and enjoyment of the property.

Yes - without it the business cannot operate.

8519 Nine Mile

4/25/2007

M & J AUTO SERVICE, JAMES BIRNIE, PROPERTY OWNER, 8519 Nine Mile, Also Known As 13-27-380-026 – **GRANTED** request 1) To retain two painted wall signs as follows: 1) One wall sign 18' x 3' (54 sq. ft.) on the south face of the building, and 2) One wall sign 6' x 6.5' (39 sq. ft.) on the east face of the building for a total of 93 sq. ft. of wall signage. **WITH THE CONDITION** that the pole on the curb at 9 Mile will is removed.

COMPLAINT Enforcement | E20-03290

Property Information

12-13-27-380-026 8519 NINE MILE Subdivision:
WARREN MI, 48089 Lot: Block:

Name Information

Owner: BIRNIE JAMES Phone: [REDACTED]
Occupant: BIRNIES AUTO SERVICE Phone: [REDACTED]
Filer: Phone: [REDACTED]

Enforcement Information

Date Filed: 12/18/2020 Date Closed: Status:

Complaint:
CALLER STATED THAT CARS HAVE NOT MOVE IN MONTHS AND THAT THE INSIDE IS A SAFETY HAZARD. SH

Last Action Date: Last Inspection: 08/25/2023

Last Action:

FOLLOW-UP Inspection | STEVEN WATRIPONT

Status: Scheduled Result:
Scheduled: 09/29/2023 Completed:

FOLLOW-UP Inspection | STEVEN WATRIPONT

Status: Completed Result: Violation(s)
Scheduled: 08/28/2023 Completed: 08/25/2023

Comments:

ZBA HAS BEEN APPLIED ZBA HAS BEEN APPLIED FOR

FOLLOW-UP Inspection | STEVEN WATRIPONT

Status: Completed Result: No Change
Scheduled: 08/02/2023 Completed: 08/02/2023

FIELD INSPECTION Inspection | STEVEN WATRIPONT

Status: Completed Result: Violation(s)
Scheduled: 04/13/2023 Completed: 07/21/2023

FIELD INSPECTION Inspection | BRIAN SCHUMAN

Status: Completed Result: No Change
Scheduled: 12/12/2022 Completed: 12/12/2022

Comments:

Scheduling Comment TAKE PICTURES FOR STEVE

+ TOOK PHOTOS FOR STEVE AND ADDED IMAGES TO FIELD INSPECTION

ZONING Inspection | STEVEN WATRIPONT

Status: Canceled Result: Canceled
Scheduled: 09/09/2022 Completed: 08/02/2023

ZONING Inspection | STEVEN WATRIPONT

Status: Completed Result: Violation(s)
Scheduled: 06/23/2022 Completed: 06/23/2022

Violations:

Uncorrected	SECTION 17.02(S) - OPEN STORAGE REQUIRES APPROVAL OF THE PLANNING DEPARTMENT AND MAY REQUIRE A VARIANCE FROM THE ZONING BOARD OF APPEALS. REMOVE ALL ITEMS STORED OUTSIDE. IF OPEN STORAGE IS DESIRED, SUBMIT A SITE PLAN AND OBTAIN APPROVALS AS REQUIRED.
Uncorrected	SECTION 4.01 - COMPLIANCE WITH ALL LAWS; USES NOT EXPRESSLY PERMITTED ARE PROHIBITED; ILLEGAL OPERATION OF A BUSINESS IS A MISDEMEANOR. (A) A BUILDING OR LAND SHALL ONLY BE USED, ALTERED, CONSTRUCTED OR RECONSTRUCTED IF IT COMPLIES WITH: (2) ALL OTHER APPLICABLE LAWS.
Uncorrected	SECTION 4.16 - NO MOTOR SHALL BE STORED ON ANY PARCEL OF LAND UNLESS IT SHALL BE IN OPERATING CONDITION AND PROPERLY AND CURRENTLY LICENSED OR LOCATED INSIDE A PERMANENT STRUCTURE IN SOUND CONDITION.
Uncorrected	SECTION 4.32(K) ALL OFF STREET PARKING MUST BE ON A HARD SURFACE. (CONCRETE OR ASPHALT)
Uncorrected	SECTION 4D17 - PROHIBITED FENCES AND WALLS. B. BARBED WIRED
Uncorrected	302.3 DRIVEWAYS AND SIDEWALKS - SHALL BE KEPT IN PROPER STATE OF REPAIR, AND MAINTAINED FREE FROM HAZARDOUS CONDITIONS
Uncorrected	SECTION 4A.12 - A PERMIT IS REQUIRED PRIOR TO ERECTING, ALTERING, CHANGING OR REMODELING ANY SIGN OR SIGN STRUCTURE.
Uncorrected	Over 6 inches in height
Uncorrected	Scrape and paint any flaking or chipped paint

ZONING Inspection | STEVEN WATRIPONT

Status:	Completed	Result:	Violation(s)
Scheduled:	06/10/2022	Completed:	06/22/2022

Comments:

COMPLAINT 5/18/2022 - CALLER CALLED IN AND COMPLAINED THAT IT IS WORSE INSIDE THAN OUTSIDE - I LET HIM KNOW WE HAD AN OPEN COMPLAINT ON THIS ADDRESS AND I WOULD ADD HIS TO IT - KC

ZONING Inspection | STEVEN WATRIPONT

Status:	Completed	Result:	Violation(s)
Scheduled:	08/02/2021	Completed:	06/27/2022

FIELD INSPECTION Inspection | STEVEN WATRIPONT

Status:	Completed	Result:	Violation(s)
Scheduled:	06/11/2021	Completed:	06/27/2022

Comments:

Scheduling Comment REVISIT SITE, MORE COMPLAINTS FROM MAYORS OFFICE.

5/18/2022 - CALLER CALLED IN AND COMPLAINED THAT IT IS WORSE INSIDE THAN OUTSIDE - I LET HIM KNOW WE HAD AN OPEN COMPLAINT ON THIS ADDRESS AND I WOULD ADD HIS TO IT - KC

ZONING Inspection | STEVEN WATRIPONT

Status:	Completed	Result:	Violation(s)
Scheduled:	01/28/2021	Completed:	06/27/2022

ZONING Inspection | STEVEN WATRIPONT

Status:	Completed	Result:	Violation(s)
Scheduled:	01/14/2021	Completed:	06/27/2022

ZONING Inspection | STEVEN WATRIPONT

Status:	Completed	Result:	Violation(s)
Scheduled:	01/08/2021	Completed:	01/11/2021

2023 WARREN



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



Zoning Board of Appeals
Office of the City Council
5460 ARDEN, SUITE 505
WARREN, MI 48092
P: (586) 258-2060
F: (586) 268-0606

NOTICE OF PUBLIC HEARING

The Warren Board of Appeals will hold a Public Hearing in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan on:

WEDNESDAY: SEPTEMBER 27, 2023 at 7:30 P.M.

Applicant: JAMES BIRNIE
Common Description: 8519 NINE MILE
VARIANCE(S) 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.

Variances are contingent upon approval of lot combination.

PLEASE NOTE: WARREN'S ZONING ORDINANCE PROVIDES THAT THIS NOTICE BE SENT TO THOSE PERSONS OWNING PROPERTY WITHIN 300 FEET OF THE PROPERTY INVOLVED. IF THE ADDRESS THIS NOTICE IS MAILED TO CONTAINS MORE THAN FOUR (4) DWELLING UNITS LEASED BY DIFFERENT PERSONS, THIS NOTICE SHALL BE POSTED AT THE PRIMARY ENTRANCE.

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

You may e-mail: njones@cityofwarren.org or contact us by U.S. Mail at the address listed above, to express any views you may have pertaining to this matter.

Sincerely,
Board of Appeals

OFFICE OF THE CITY COUNCIL

Patrick Green, (Mayor Pro Tem) President, At Large
Gary Watts, Vice-President, Dist. 4
Mindy Moore, Secretary, Dist. 3

Jonathan Lafferty, Asst. Sec'y, Dist. 2
Angela Rogensues, At Large

Ronald Papandrea, Dist. 1
Eddie Kabacinski, Dist. 5