

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
DECEMBER 13, 2023

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, December 13, 2023 at 7:30 p.m. at the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

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

Members of the Board absent:

None

Also present:

Jennifer Pierce, City Attorney
Steve Watrion, 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 all Board Members were present.

4. ADOPTION OF THE AGENDA

Chairman Nestorowicz said there are a few changes to be made to tonight's agenda.

Motion:

Secretary Jerzy made a motion to remove item 11, move item 15 to January 10, 2024, and under New Business add board officers. Board Member Higgins supported the motion.

Voice Vote:

A voice vote was taken. The motion carried (9 – 0).

5. APPROVAL OF THE MINUTES of the Regular Meeting of November 8, 2023.

Motion:

Secretary Jerzy made a motion to move the minutes of November 8, 2023 to January 10, 2024; Supported by Board Member Perry.

Voice Vote:

A voice vote was taken. The motion carried (9 – 0).

6. PUBLIC HEARING:

APPLICANT: 27050 Gloede Investments LLC

(Rescheduled from 9/13/23, 10/11/23, 11/8/23)

REPRESENTATIVE:

Angelo Jadan

COMMON DESCRIPTION:

27048 Gloede

LEGAL DESCRIPTION:

13-13-477-018

ZONE:

M-2

VARIANCES REQUESTED: Permission to

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

ORDINANCES and REQUIREMENTS:

Section 4G.11 Prohibitions: (1) A marihuana business, patient operation, caregiver operation, or personal recreational adult-use is not permitted to have any of the following: (B) Except as permitted by MCL 333.26423(D) and MCL 333.27961(A), Marihuana-related outdoor storage.

Chairman Nestorowicz asked if the petitioner is present.

Motion:

Secretary Jerzy made a motion to move item 6 to the end of the agenda making it 16a; Supported by Board Member Anglin.

Voice Vote:

A voice vote was taken. The motion carried (9 – 0).

7. PUBLIC HEARING:

APPLICANT: Mohammed Khan -USE-

(Rescheduled from 11/8/2023)

REPRESENTATIVE:

Same as above.

COMMON DESCRIPTION:

21411 Ryan

LEGAL DESCRIPTION:

13-31-428-036

ZONE:

M-1

VARIANCES REQUESTED: Permission to -USE-

1) Construct a second driveway in addition to the existing driveway with a 24 ft. wide driveway connecting the two resulting in a “horseshoe” driveway. (Engineering approval is required to install a second approach.)

2) Construct a 14' x 22' = 308 square ft. garage on a non-conforming lot, no less than 5 ft. from the side (south) property line.

ORDINANCES and REQUIREMENTS:

Section 4.06 – Yard Use: No part of any require yard, except a rear or side yard shall be used for

any detached garage or any accessory building other than a garage or use, or for the storage of vehicles. Any portion of a lot in front of the front building line shall be used for ornamental purposes only and nothing shall be placed thereon except trees, shrubs, or items of similar nature.

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

Chairman Nestorowicz asked the petitioner to approach the podium please. Begin by name and address for the record and take the board through the request.

Mohammed Khan appeared before the board stating his name and introducing his father, Mohammed Khan, as the petitioner.

Chairman Nestorowicz asked if the microphone is one, because it's hard to hear him. Or get closer.

Mohammed Khan said good evening respective members of the board of zoning. He's speaking to express the imperative need for their consideration and approval of the proposed horseshoe driveway for the residents located at 21411 Ryan Road. The current configuration of the driveway has proven to be a source of significant safety concern. Particularly, when making turns due to the constant flow of traffic, rear traffic and upcoming traffic. The high traffic flow causes a potential hazard for residents and visitors making it crucial to implement a safer alternative. The introduction of a horseshoe driveway would not only alleviate the dangers associated with turning onto the property, but would also substantially enhance the overall safety and functionality of the property. It is of utmost importance to underscore that the proposed driveway will be meticulously designed adhering to all rules and regulations set forth by the City of Warren. They are committed to ensuring that the project meets the highest standards and safety and aesthetics with the firm commitment to obtaining all necessary permits for construction. This driveway improvement is not only in the best interest of the residents, but also aligns with the broader goal of promoting safer driving conditions in the community. The boards favor and consideration and support in granting this vital enhancement will undoubtedly contribute to the overall wellbeing of the safety of the residents and align with the city's vision of responsible and secure urban development. He thanks the board and happy holidays.

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

No response.

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

Board Member Anglin asked if there is another garage facility building on this property.

Mohammed Khan replied no there is not.

Board Member Anglin asked if that would be his only car parking area and storage.

Mohammed Khan answered that is correct.

Board Member Anglin thanked him.

Board Member Sophiea has a question. There is an affidavit in the packet from the property owner, 2015 talking about the circular driveway. He asked if they previously came before the board for this project? What happened between 2015 and now?

Mohammed Khan explained his father recently applied in 2015, but nothing came of the outcome.

Chairman Nestorowicz asked Mr. Watripont to provide some insight on it. Lynn Martin has been gone for quite a while.

Steve Watripont explained it did not come before the board in 2015. Back in 2015 they were allowing two (2) entrances. Engineering has stopped allowing on residential properties. The unique part on this, it's a commercial, it's an industrial lot that's nonconforming with a house. They have a lot of that on Ryan Road itself right now. Which creates it to be a use variance at this point in time. Engineering will still have to approve the horseshoe drive and the two (2) entrances. He came before him to pull the permit for the garage. The garage itself on a residential lot would be fine, perfect. The requirement is hard surface to the street, and basically that's what he wants to do there. Then connect his two (2) drives, he's got a lot of cement up there already, but he'll connect it in a more uniform matter, he believes.

Board Member Sophiea thanked him.

Chairman Nestorowicz thanked Mr. Watripont. Any other questions or discussion.

Board Member Anglin said if no other board members have any further questions he would like to make a motion. He does understand Ryan Road being a difficulty backing out onto. So, his opinion is the circle drive is a safety factor.

Motion:

Board Member Anglin made a motion to give permission to:

- 1) Construct a second driveway in addition to the existing driveway with a 24 ft. wide driveway connecting the two resulting in a "horseshoe" driveway. (Engineering approval is required to install a second approach.)
- 2) Construct a 14' x 22' = 308 square ft. garage on a non-conforming lot, no less than 5 ft. from the side (south) property line.

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. Anglin, support by Mr. Perry to approve the request for the reasons stated. Roll call.

Roll Call:

A roll call was taken on the motion. The motion carried (9 – 0).

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

The petitioner's request was APPROVED as written.

8. PUBLIC HEARING:

APPLICANT: Metro Detroit Signs

(Rescheduled from 11/8/2023)

REPRESENTATIVE:

Kevin Deters – Metro Detroit Signs

COMMON DESCRIPTION:

28532 Schoenherr

LEGAL DESCRIPTION:

13-13-101-004

ZONE:

PB

VARIANCES REQUESTED: Permission to

Allow the following related to signage:

1) Retain an existing 8.16' high ground sign as follows:

a. Size: 96" x 49" = 32.7 square ft.

b. Under clearance: 4.08 ft.

c. Setback = 0, directly abuts property line, 1 ft. in from public sidewalk.

2) Replace an existing wall sign 1.5' x 18' = 27 square ft.

If approved total signage = 59.7 square ft. (Note: If granted the variance from 1/8/1969 for a 9 square ft. ground sign will be relinquished.)

ORDINANCES and REQUIREMENTS:

Section 4A.33 – Signs Permitted in Professional Business and Special Service Districts

(P.B., S.S.): B) One on premise sign or advertising display of a size not exceeding twelve (12) square feet in area for each business on the premises shall be allowed in Professional Business Districts and Special Service Districts.

Section 4A.11 – Specific Sign Definitions: 15. Freestanding sign. A sign that is erected upon or supported by the ground and is affixed to the ground, but not attached to any building, including signs on poles or pylons that are anchored into the ground. Also called ground signs.

Section 4A.19 – Clearance: All freestanding, projecting, and marquee signs shall have a clearance of ten (10) feet beneath the sign structure, excluding monument signs.

Section 4A.17 – Setbacks: The following setback regulations shall apply to signs located in all zoning districts: B) All freestanding or ground signs shall be set back from the right-of-way line a minimum distance equal to the height of the sign.

Steve Watripont doesn't see the petitioner here. If the board recalls last month he was going to try to re-work with the property owner and submit that within a week to be on this agenda. He haven't heard from him on this. His suggestion would be to either remove it, postpone it indefinitely and

have it reposted when they do bring something back, or to remove it completely. That would be his suggestion. He doesn't think he's running late, because he's always here on time.

Chairman Nestorowicz thanked Mr. Watriont. That is correct, he always is on time.

Motion:

Secretary Jerzy made a motion to postpone item 8 to a date to be determined in the future; Supported by Board Member Higgins.

Chairman Nestorowicz stated they have a motion by Mr. Jerzy, support by Mr. Higgins to postpone item 8 indefinitely until they resubmit their paperwork and have it reposted at that time.

Secretary Jerzy asked if they need a roll call.

Chairman Nestorowicz doesn't think so.

Voice Vote:

A voice vote was taken. The motion carried (8 – 1). Board Member Clift opposed.

- | | |
|----------------------------|------------------------------------|
| 9. PUBLIC HEARING: | APPLICANT: Zachary Crawford |
| REPRESENTATIVE: | Same as above. |
| COMMON DESCRIPTION: | 13126 Julius |
| LEGAL DESCRIPTION: | 13-35-282-003 |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to

Petitioner wishes to retain an existing accessory structure which is:

- 1) Eleven foot one inch (11' 1") in height.
- 2) One hundred and seventy (170) square ft. in size.
- 3) Located outside the side building lines of the dwelling.

ORDINANCES and REQUIREMENTS:

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

Chairman Nestorowicz asked the applicant to start by stating name and address for the record, then take the board through the request.

Zachary Crawford, 13126 Julius, appeared before the board explaining he has a corrugated metal car port that he purchased with the property. After some time he found out that the car port had not had a permit on it. So, he has been working with the city to try and get that rectified. Then, he was informed that he may need a door on the carport. He went in to see if he could retain the carport

without a door on it.

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

No response.

Chairman Nestorowicz turned it over to the board for discussion.

Board Member Sylvester said just looking at this, did he ever get a building permit for this.

Zachary Crawford repeated it was with the home when he purchased the home. Board Member Sylvester understands that. He's been to the city so far and he's here. He asked if he tried to obtain a permit.

Zachary Crawford has been working with the city to do that and then he was informed that the door would be an issue. So, he has yet to finalize the permit yet, due to financial strain, and also the door was also a little bit of a financial strain as well. His goal was... he is going to get the permit for the carport.

Board Member Sylvester asked right now there is no concrete floor there.

Zachary Crawford replied there is.

Board Member Sylvester said what he's looking at in this picture where the shovels are and it looks like a lawnmower, that's concrete?

Zachary Crawford replied correct.

Board Member Sylvester asked if there's a rat wall around this.

Zachary Crawford replied yes, sir.

Board Member Sylvester said Steve.

Steve Watripont is not sure of the rat wall. It would happen during the permit process. He did come in to get a permit. They looked at it as if it were a garage to try to get a permit processed, that's where he would need the garage door also. So, he's not going for that. He's going for an accessory structure which it's over the 120 square feet, where it's just an accessory structure, which would still require a permit, but it needs approval first before they can issue a permit because it's oversized.

Board Member Sylvester asked how long it's been here.

Steve Watripont has no idea. He's not the inspector on this one. They were on it, they started enforcement in May on this one. So, that's when they became aware of it and didn't have any other enforcement.

Board Member Sylvester said other than what he's asking for and looking at it, he's never seen anything like that around here. Is this a problem? Can it be fixed where it meets the ordinances and everything?

Steve Watripont explained with permission from this. Basically, it doesn't meet the ordinances because it's not a garage and a shed can only be 120 square feet. That's why he's before the board.

Board Member Sylvester stated right now what he's looking at this really can't meet any of their requirements.

Steve Watripont replied not the way it is.

Board Member Sylvester thanked him.

Secretary Jerzy asked how this came about. How did the city know it was there finally? He guesses is the question.

Zachary Crawford received a letter in the mail from an inspector informing him there was no permit on it. So, he ended up reaching out to the city to verify and see what his next steps that he needed to take to correct the problem.

Secretary Jerzy understands. It seems kind of odd where he's sitting in the city that they found it, but they did find it. His one concern he has about this is the two (2) feet from the property line. That's kind of a safety concern if he has a fire on the property. Can he get fire apparatus and stuff through there. He's puzzled why he wouldn't want it secured even more with a door, other than it being financial, but that's his privy. So, he means they've had stuff come before them that's pre-existing that the homeowner didn't know about. He's kind of torn on this, because aesthetically it looks obviously different and the closeness to the property line is a concern of his. Other than that, he doesn't see why he couldn't keep it. He yields the floor.

Board Member Sophiea has a question for the petitioner. He's looking at the photograph he provided in his petition and it looks like there is a backwall on this carport. Is that correct?

Zachary Crawford replied that's correct.

Board Member Sophiea asked the front opening is facing the street. This is his car in the driveway?

Zachary Crawford replied correct.

Board Member Sophiea said it doesn't appear a car is parked in the carport. He asked if he's just using it for open storage.

Zachary Crawford explained he's been cleaning out. He's been downsizing. A lot of what has been put in there is stuff he's working on getting rid of so he can put a car in there.

Board Member Sophiea doesn't necessarily have a problem with carports, but usually they don't have walls on the side. It's more of a lean to coming off the house. He yields the floor.

Board Member Anglin said this is kind of borderline, especially with the shape of it, where it's sitting. He understands he got stuck with it because he purchased it. His biggest drawback that he's looking at this right now is it sits in the view of the street. Which means everything that's piled in that people see from the street. That's one of the reasons why they've always wanted sheds to be behind the line of site. So, what he's going to say is he will vote to pass this, but it would be with stipulations that a door in front is put on this building. Financial reasons is not something that they on the ZBA can actually pass something for a financial reason. So, that issue they can't use. His issue is if he puts a front on it so it looks good from the street, he'll have no objections. He'll even make the motion. But the applicant has to agree to that.

Zachary Crawford understands. If he has to, that's obviously something he would have to do to keep the structure. The hope was to see what he could or could not do.

Board Member Anglin understands.

Chairman Nestorowicz believes that if the stipulation is about having a door put on it. He asked if he has two (2) years.

Board Member Anglin said it's his understanding it's two (2) years.

Chairman Nestorowicz explained if they make a stipulation that a door has to be put on it, he would actually have two (2) years to get that door completed.

Steve Watripont explained that two (2) years is a site plan thing and this is a residential. So, that doesn't apply here. It would be a permit process and it would be up to the building inspector, whether they wanted to extend it other than the six (6) months. They usually will go another six (6) months, so it's probably a year, but they can't guarantee that to this board. Unless the city attorney says they can put a time limit it has to be completed by. He's not sure on that stipulation. He apologized.

Board Member Higgins asked if she's going to weigh in on that.

Jennifer Pierce doesn't think that's part of this board authority to put conditions, time limits on it. He thinks that's up to whatever the permit time is. If the Building Department wants to extend that they can. She doesn't think them as a board has two (2) years to do it.

Chairman Nestorowicz wanted to make sure he has adequate time, especially with winter approaching and stuff like that.

Board Member Higgins wants to give his two cents worth here. It always does not sit well with him when an unsuspecting buyer buys something that's pre-existing. Actually, the way he looks at it is this is their city and they have responsibility for this stuff. They bare some liability for him purchasing it in the first place. So, his suggestion would be to give him the variance he's asking for just as written, not conditional on getting a door, but he thinks that's a good idea for him to do in the future and he might want to consider doing it. Leave it up to him. That's how he would make a motion if he could get some support from his fellow members.

Board Member Sylvester understands what Mr. Higgins is saying, but if they address all the situations that come in front of the board that way. There's really no reason for them to be here and people can buy stuff without asking any questions and the city will just fall apart. His question to the applicant is that if he looked at, maybe he misunderstood him. Has he looked at trying to get a door on this?

Zachary Crawford said not yet. He's been inquiring to some people that he's in contact with to see what the process would look like to do it. But he has not gotten a lot of information yet. He hasn't been gotten back to on that yet.

Board Member Sylvester wants to table this until this gentleman can get some information with regard to a door. As Mr. Anglin had said, to see it from the street that's not a good thing. This is different than most of the board has ever seen. Obviously, this picture, there's no way he's getting a car in there anyway. He doesn't know how much he's cleaned out, but again, he thinks they should table this until he comes back with some information with regard to how this is going to look with a door on it.

Chairman Nestorowicz thanked him for those comments.

Board Member Anglin said just to run off what he was saying. Is the fact that, everybody knows how he feels, it needs to have a door on it. The reason he doesn't want to table this is, in his opinion, he has one of two choices. Put a door on or tear it down. So, if it comes out that it's going to cost him a fortune to put a door on that, then his option would be to tear it down at that point. So, giving him time to find out the finances situation to build on. Him being a builder, he sees exactly what has to be done with that. So, it is doable. It looks like it would be something very tricky, but it's not. So, it just depends on what kind of door he puts on there.

Board Member Sylvester asked if he believes he should at least come back and give the board an idea of how he's going to accomplish that.

Board Member Anglin said no, that would be Building Department. They're the ones that are going to give him approval from how he finishes that out, because he has to pull a permit.

Board Member Sylvester said ok, so they're back to the time limit. They all agree there needs to be a door.

Board Member Anglin said right. Six (6) months should be plenty of time. They could put that up in a weekend.

Board Member Sylvester asked if they could have that in the motion.

Board Member Anglin said other than the finances.

Steve Watripont said if he may. If it's approved he has one (1) year to pull that permit. So that would give him one (1) year and six (6) months by ordinance and law. So, he could have a year and a half at least without an extension from the Building Department.

Board Member Anglin thinks that would be the best.

Chairman Nestorowicz said not to table, just move ahead with it with the stipulation of a door, personally.

Board Member Sylvester has one more question for the petitioner. He asked if when he leaves here, not that he's going to call tonight, but is he going to start working on trying to find a place that can put a door on this.

Zachary Crawford said absolutely.

Board Member Sylvester asked that he's not going to wait a year and a half.

Zachary Crawford replied no he doesn't want to wait that long. He understands it's an unusual looking structure. His original concern was when he got the letter is if it was something he would even be able to keep anyways, just due to the unusual nature of it. Should he take it down, the process of getting rid of everything there too. But if he has to put a door on it, then he has to put a door on it. It's something he's going to have to look into very soon. He has a couple contractors that might be able to give him an idea of what he would need to do to do it.

Board Member Sylvester asked if he has any idea of who put up this structure.

Zachary Crawford said with the conversations he had with his neighbors, it's been up for years.

Board Member Sylvester understands that. He was just wondering if he had any idea of who might of done it.

Zachary Crawford said it's understanding the previous homeowner.

Board Member Sylvester said if he looks into trying to enclose this and make it look more like a garage he'll give him the opportunity to do so. But he hopes he doesn't take a year and a half to do it.

Zachary Crawford said absolutely not. He wouldn't want to do that.

Secretary Jerzy said one other thing just to add. He asked if he's on a dead end street, right?

Zachary Crawford said that is correct.

Secretary Jerzy said it's not like they have free flowing traffic flowing by looking at this thing every single day.

Zachary Crawford said that is correct.

Secretary Jerzy said if the neighbors had a problem with it somebody would be here. That's his opinion. Him personally, unless somebody wants to argue the point, he'd never known a carport to have a door. Maybe he's wrong, but any carport he's ever seen or heard of has always been open. So, that's his two cents and he'll yield the floor.

Chairman Nestorowicz asked for a motion.

Board Member Anglin said if there are no further questions by any of the board members he would like to make a motion. As long as he agrees with this motion is the fact that he's going to add on to the end the opening on the front will be enclosed with a door. It's noted that the petitioner agreed to this.

Motion:

Board Member Anglin made a motion to give permission to retain an existing accessory structure which is:

- 1) Eleven foot one inch (11' 1") in height.
- 2) One hundred and seventy (170) square ft. in size.
- 3) Located outside the side building lines of the dwelling.
- 4) **Opening in front will be enclosed with a door.**

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

Board Member Sophiea supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Anglin, support by Mr. Sophiea to approve the request with the condition added onto the motion.

Roll Call:

A roll call was taken on the motion. The motion carried (8 – 1).

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Sophiea	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Board Member Cliff	Yes, for the reasons stated in the motion.
Secretary Jerzy	No, 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:	APPLICANT: Peggy Badyna
REPRESENTATIVE:	Matthew Mouilleseaux
COMMON DESCRIPTION:	32564 Pine Ridge
LEGAL DESCRIPTION:	13-03-233-007
ZONE:	R-1-C

VARIANCES REQUESTED: Permission to

Allow a deck no less than 29 ft. from the rear property line.

ORDINANCES and REQUIREMENTS:

Section 7.08 – Rear Yards: Each lot in R-1-C Districts shall have a rear yard depth of not less than thirty-five (35) feet.

Chairman Nestorowicz asked him to state his name and address for the record, then take the board through the request.

Matthew Mouilleseaux appeared before the board stating his address.

Secretary Jerzy asked him to speak closer.

Matthew Mouilleseaux apologized. He explained his request is for Mr. Badyna. She currently has a deck structure out there. It is currently the same exact deck structure they're going to be putting back up. It is currently, he would say, an eyesore as it stands right now. It is currently unsafe. They are not looking at changing anything, they are just simply looking at replacing what was there. It was built with the property, he believes, from his understanding over thirty (30) years ago. There was not a requirement for a permit at that time. So, with them redoing it, essentially, he is requesting a variance of the back of the deck being less than twenty-nine (29) feet from the back of the property. Currently, the variance of what would be there is required is thirty-five (35).

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

No response.

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

Board Member Clift asked the petitioner if he heard him correct, they're just replacing an existing deck that's already there and they're going to meet the same basic footprint of the existing structure that is there now?

Matthew Mouilleseaux replied that is correct. It's going to be the same exact structure going back up. Just obviously, a new structure.

Board Member Clift said very good sir. This looks pretty straight forward in his eyes. So, he doesn't have a problem allowing this to move forward, but he know his colleague has a comment so he'll yield the floor.

Board Member Anglin asked if that's the church that sits behind him. That's their parking lot?

Matthew Mouilleseaux replied he is correct.

Board Member Anglin said again, there is no objection from him on that. It backs up to the church parking lot. So, there is no other hinderances that could come about from having it there. So, he has no objections.

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

Motion:

Secretary Jerzy made a motion to give permission to allow a deck no less than 29 ft. from the rear property line.

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

Board Member Perry supported the motion.

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

Roll Call:

A roll call was taken on the motion. The motion carried (9 – 0).

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

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

11. PUBLIC HEARING: **APPLICANT: Ginkgo Property Group LLC**
REPRESENTATIVE: MD Haque
COMMON DESCRIPTION: 11 Mile
LEGAL DESCRIPTION: 13-20-227-001
ZONE: C-2

VARIANCES REQUESTED: Permission to

Construct a parking spot in the side yard setback, no closer than 13' from the side (north) property line.

ORDINANCES and REQUIREMENTS:

Section 10.07 – Side Yard Abutting Upon a Street: In R-3 districts the width of side yards abutting upon a street shall be not less than twenty-five (25) feet.

This item was removed from the agenda during the adoption of the agenda.

12. PUBLIC HEARING: **APPLICANT: Team Up Academy / Landmark Church**
REPRESENTATIVE: Paul Reschke
COMMON DESCRIPTION: 5717 and 5713 Thirteen Mile
LEGAL DESCRIPTION: 13-05-476-006
ZONE: MZ, C-2, P

VARIANCES REQUESTED: Permission to

- 1) Retain a building no less than 25 ft. from the north property line.
- 2) Retain two driveway approaches located closer than 500 feet to a major intersection:
 - a. Mound driveway, 404' from major intersection.
 - b. Thirteen Mile driveway, 311' from major intersection.

ORDINANCES and REQUIREMENTS:

Section 5.11 – Churches, Schools, Libraries, and Civic Clubs: Churches, synagogues, mosques, public schools, public libraries, private educational institutions, funeral homes, community buildings, country clubs, fraternal lodges or similar civic or social clubs shall be permitted with permission of the Planning Commission pursuant to the standards set for in Section 22.14(b)(1) and upon compliance with the following minimum requirements: (3) That the driveway approaches shall not be located closer than five hundred (500) feet to a major intersection. (11) Each lot shall have a rear yard of not less than forty-five (45) feet where the building does not exceed two (2) stories or thirty-five (35) feet in height. Where any building exceeds thirty-five (35) feet in height, then such building shall be setback one (1) foot in addition to the forty-five (45) feet for each foot the building exceeds the height allowed.

Paul Reschke, 14218 Lakeside Boulevard, appeared before the board stating what can he tell the board.

Chairman Nestorowicz asked him to explain his request and then see if there are any questions.

Paul Reschke received site plan approval for the use. These are variances based on the use to an existing property. This is the Shango center at Thirteen and Mound, which they're all probably very familiar with. They're going to be located in the very corner. Team Up Academy, Landmark Church, Joyful Tots, which is also going in is going to be a part of the whole program. So, maybe they need a little description of Team Up Academy? Yes, no, maybe?

Board Member Perry said yes.

Paul Reschke said Team Up Academy is a thirty (30) day boot camp type training program to get applicants who participate of assimilated into an industrial environment. Warehouse, logistics, could be manufacturing. What they're going to do is work with second chance citizens, the underserved. If they look at statistics a lot of kids that come out of high school they're not going on for post-secondary degrees. The Detroit Regional Chamber across the three (3) counties. It amounts to like thirty-two (32) percent. He's going to venture to say that number is probably higher in Warren. SO, it's something they've worked with the city council. They're behind this project. Chambers of Commerce. They've met with John James, he's introducing an apprenticeship bill for veterans. Veterans will be candidates for this program, too. He likes the program because it's kind of like a pre-apprentice program. It just gives people basic skill sets. A lot of times when a Tier I get a project, they go to the temp agencies and these people, they don't know what they're getting into. They're not necessarily qualified for what they're going into. They find out they're in a shop, they don't want to do this stuff and a lot of them leave by lunchtime. So, this program will get them prepared. They'll actually work with their client partners to get them assimilated.

They'll know what they're getting into. They'll customize the program based on if it's a Dana or Magna, James Group, or whoever it might be. They might have certain requirements. Their objective is to get these people that they're plug and play. So, when they go into these environments, they know what they're getting into, they know the proper procedures, the etiquette, how to deal with conflict, all that kind of stuff. They'll get a forklift certification coming out of the program. So, they'll be prepared to go into those operations day one and be able to function. Landmark Church is a part of it from the mentoring and vetting of candidates. This isn't going to be a free ride. The candidates will come, punch in, have to get use to what it takes to work in that environment. They're going to expose them and they're going to go through the program and know what they're getting into. So, when they leave the program they're going to be prepared. Then they have the daycare added to it also. They have a meeting tomorrow with Senator Paul Wojno to get him on board. Hopefully, he'll support it. Their plan is also to get into the school systems and get them on board as another potential career path for some of these kids that don't go to college. They'll be able to get into a position where they're earning a wage and probably starting in the low twenties, but with the opportunity to step up from there. So, it's kind of the basis of the program. It's an existing building. The two (2) conditions. The traffic coming south on Mound Road hits that one driveway, so it doesn't even come to the intersection. If going west on Thirteen Mile there are two (2) driveways. Usually that first one that's within the three hundred some feet, that's usually where Mike has his seasonal sales of Christmas trees, flowers, all that kind of stuff. Which they're probably aware of. Most people go to that second driveway, which is definitely beyond the five hundred (500) feet. So, there really would be no back log at all to any traffic patterns.

Chairman Nestorowicz thanked him for that explanation. He thinks the board appreciates that. This is a public hearing. Is there anyone else in the audience wishing to speak on this item?

No response.

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

Board Member Sylvester said on the right up here it says Team Up Academy/Landmark Church. Is this going to be a church or is that just the church backing this?

Paul Reschke explained they're going to occupy a portion of the space. There's 22,500 square feet. They'll be in about 6,000 square feet of it. That's quite temporary. That's the space in question.

Board Member Sylvester asked if there's going to be church services held in this building.

Paul Reschke replied on the weekend, yeah, probably. They'll probably have one (1). It's a small church. It used to be the Landmark Church in Hazel Park. It's been increasing in size, but they're part of the program from the mentoring and counseling side of it. They could provide some after school stuff.

Board Member Sylvester asked if that is a requirement for the people that are going to be attending this academy.

Paul Reschke replied no. They understand that. It's not a requirement.

Board Member Sylvester asked they don't have to go to church services.

Paul Reschke answered no.

Board Member Sylvester asked if they're going to have church services five (5) days a week. Weekends? What?

Paul Reschke replied they're so small it'll probably be one (1) service on Sunday. They'll use that space for other purposes. There's a demising wall with roll up doors. They may use that space for training during the week.

Board Member Sylvester asked it's a place where they can have a service, but it's not going to be set up like a church.

Paul Reschke explained on Sunday for one (1) service.

Board Member Sylvester asked how many outside contractors, companies, whatever are they affiliated with, if at all, that will be looking for taking graduates from them.

Paul Reschke explained it's in the start up infancy phase. They developed the curriculum. In January they're going to start doing pilots to test the program and work with a couple of the local companies, like Dana. Run some candidates through it, make some tweaks to the program, fine tune it and get it ready to roll. Their hope is to try to run about three hundred (300) through the program next year. Over the course of time.

Board Member Sylvester asked if this is a five (5) day a week course or whatever?

Paul Reschke answered five (5) day, yes.

Board Member Sylvester asked how many candidates they'll have in there on a day.

Paul Reschke stated probably ten (10) to fifteen (15). Biggest class size would be thirty (30). Just so they can have the hands on.

Board Member Sylvester asked where does the three hundred (300) come in.

Paul Reschke repeated over the course of a year.

Board Member Sylvester asked over a year.

Paul Reschke said yeah.

Board Member Sylvester asked how long the time before they get a degree.

Paul Reschke said they call it a thirty (30) day, but it's obviously five (5) days, four (4) weeks. Like he said, they're going to get into the pilot and that could change. They don't anticipate more than a month.

Board Member Sylvester stated he mentioned Dana. So, then after thirty (30) days they might...

Paul Reschke said they'll get placed temporarily for a ninety (90) day window of time. If they work out, then they get hired in.

Board Member Sylvester said ok, but they're not at that time coming back to the school.

Paul Reschke said no. They'll be on boarded working for whatever company takes them.

Board Member Sylvester thanked him and wished him all the luck.

Board Member Perry asked if they had a placement area. Besides Dana. Does he have other companies?

Paul Reschke explained they're working on that. They have meetings set up to, you know, everything they're hearing from people that there's demand for this. It's just a matter of creating the relationships with the client partners.

Chairman Nestorowicz asked for any questions on this or motions.

Board Member Anglin has a couple of questions and to bare with him while he goes through these. Are the students charged or if somebody being billed for these classes?

Paul Reschke answered no. Actually, they will get paid as they go through the program. They realize it's probably an incentive that's going to be needed. Will they be paid day one (1)? No, they're probably going to spend two (2) weeks before they get their first paycheck. Part of this is working with them and making sure their successful. The money from the program will come from wherever they're placed after they go through the probation period.

Board Member Anglin asked the company hiring them will pay for...

Paul Reschke said the fee.

Board Member Anglin said ok. The other thing is the church is taking up a small percentage of that space and they're only using it one (1) day a week.

Paul Reschke said correct.

Board Member Anglin said his question is are they going to try to go for tax exemption on that property as a church. Considering that it's only used one (1) day a week. There's no

where near using all that space.

Paul Reschke doesn't think so. He can't answer that definitively. He doesn't know, he's sorry. It's not a very good answer.

Board Member Anglin understands that, but that's why he said bear with him.

Chairman Nestorowicz would tend to think that if he thinks there's no issue with the driveways and stuff as a strip mall. The only reason they're up here is because of...

Board Member Anglin said he agrees with the Chairman, that's why he said bear with him. He just doesn't like the idea of things being hidden underneath something not paying their property taxes.

Paul Reschke said they're a subtenant, so he doesn't think they would even have the right to do that.

Board Member Anglin said that's all.

Paul Reschke asked if he heard that.

Board Member Anglin replied yes he did, thank you.

Steve Watripont explained that would be a matter of assessing would take up. They would go in and look and see what it's being used as and everything else. They're dealing with assessing on multiple issues right now, so they make them aware when they see this in a setting that does or could have an exemption. So, they bring it to their attention as well. The city works well with that inter-department.

Board Member Anglin thanked him.

Board Member Sylvester said one further question. Is there any educational accreditation given to either the instructors or the students upon their completion.

Paul Reschke explained that is something they will be working on, yes.

Board Member Sylvester asked right now there is nothing.

Paul Reschke replied no. Like he said, this is a work in process.

Board Member Sylvester asked if they had that in as part of his program before they start having students in the building.

Paul Reschke answered not necessarily. This is a pre-apprentice type program.

Board Member Sylvester said he went through an apprentice program when it was all accredited and everything. So, every hour that he spent he knew that it meant something

and he was going somewhere and he was going to be achieving something. He doesn't want these people going into this building and spending the time, trying to learn and they don't have any backup. He would think that the teachers for industrial training would have some sort of accreditation standards they would have to live up to.

Paul Reschke is not sure on that one.

Board Member Sylvester asked if he could find out.

Paul Reschke said he could.

Chairman Nestorowicz asked for any other questions or motions.

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

Motion:

Secretary Jerzy made a motion to grant the petitioner:

- 1) Retain a building no less than 25 ft. from the north property line.
- 2) Retain two driveway approaches located closer than 500 feet to a major intersection:
 - a. Mound driveway, 404' from major intersection.
 - b. Thirteen Mile driveway, 311' from major intersection.

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

Board Member Perry supported the motion.

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

Roll Call:

A roll call was taken on the motion. The motion carried (8 – 1).

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 Sieracki	Yes, for the reasons stated in the motion.
Board Member Sylvester	If he gets the educational accreditation question answered he would be a yes, but right now he's a no.
Board Member Sophia	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

Paul Reschke said he will get him the answer.

13. PUBLIC HEARING: **APPLICANT: Mary Treder Lang, President**
REPRESENTATIVE: John Dell'Isola, PE
COMMON DESCRIPTION: 13900 Masonic
LEGAL DESCRIPTION: 13-01-301-005
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

- 1) Allow 1,320 linear ft. of 10' high black vinyl-coated chain link fence (surrounding and within tennis court area).
- 2) Erect an accessory structure:
 - a. Outside the side building lines of the principal building.
 - b. That is 160 square ft. in size.

ORDINANCES and REQUIREMENTS:

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.

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

Chairman Nestorowicz asked the applicant to start with name and address for the record, and then explain the request here.

Mary Treder Lang appeared before the board stating she is the president of Regina High School, 13900 Masonic.

John Dell'Isola, 48680 Van Dyke, appeared before the board. Two (2) items they're bringing to the board tonight came out of a site plan approval for an athletic complex that they are proposing. One is for the construction of a tennis court fence, which requires ten (10) feet. That does exceed the max height. Then the other was for the placement of a storage container, eight (8) by twenty (20), roughly eight and half feet.

Secretary Jerzy said he's having a hard time hearing him. Thank you.

John Dell'Isola explained the storage container is eight (8) feet by twenty (20) standard, eight and half feet in height. That container would also be a landscape buffer on its perimeter set on a concrete pad at the future athletic complex.

Chairman Nestorowicz said this is a public hearing. Are there any members in the audience wishing to speak on this item?

No response.

Chairman Nestorowicz closed the public portion and turned it over to the board for discussion. He has a quick question. On the plan here the tennis court is easy enough, where are they putting the accessory structure? He was trying to figure what that was on the plan.

John Dell'Isola explained it's located in the northeast corner of the track area. So, if looking at the track where it's touching the parking lot, that northeast shoulder area. See a rectangle, which is...

Chairman Nestorowicz said he sees it.

John Dell'Isola believes a landscape plan was provided as well.

Chairman Nestorowicz said it's not actually a building, it's just a storage container that's going to be sitting out there?

John Dell'Isola replied that's correct, yes.

Chairman Nestorowicz asked what the purpose is of that storage container.

John Dell'Isola explained it's for the storage of the track and field items that would otherwise be left throughout the facility. Such as hurdles, pads for jump areas, and other items that would be used for the field.

Chairman Nestorowicz asked if there was a reason that wasn't made as a small building for storage as opposed to a storage container.

John Dell'Isola said the economics of it for sure is facilitated by just having to build a concrete pad and then placing the container, which then would be painted in school colors. Not uncommon for this type of use. He knows of at least one other on Utica that does the same.

Secretary Jerzy asked if they feel that's going to be adequate enough storage space to retain everything.

John Dell'Isola replied yes. They did review that with the athletic program and it would be limited to what is allowed to go in there.

Secretary Jerzy asked if they'll be coming back looking for two (2) more storage containers.

John Dell'Isola answered no.

Secretary Jerzy yielded the floor.

Board Member Cliff is a little confused. If they're going to invest this much capital into this project, why are they not putting a nice permanent accessory structure as opposed to a cargo container.

John Dell'Isola explained what goes in this container really requires nothing more than that. There is some future plans for a concession and restroom building, which is not depicted yet. That would be

closer to the school building where the utilities would be located. There is no electricity that is required to do this storage. It's not hot and cold sensitive items that are going in here. It's more just to protect them from the elements and keep them locked up so they don't walk off the site.

Board Member Anglin said Mr. Chair.

Board Member Clift said he's not finished.

Board Member Anglin apologized and yields.

Board Member Clift stated his thought process is running here. Just full disclosure, he has an aversion to storage containers. He'd rather see a nice permanent accessory structure put in on a piece of property, especially when it's visible from the roadway.

John Dell'Isola explained this one will be buffered and it will not be seen from a public roadway.

Board Member Clift yields the floor. Thank you, sir.

Board Member Anglin asked when they say storage container, what are they referring to as being a storage container. One of the ones like they buy at Home Depot that will be set up there or a box off the back of a truck.

John Dell'Isola explained it's a shipping container. An eight (8) by twenty (20) and eight in a half high shipping container.

Board Member Anglin has objections to shipping containers used as storage units. So, he doesn't need to go into anymore detail than that. Thank you.

Board Member Sylvester said they've all seen shipping containers. Is this one that's going to be placed there that's been on a truck for the last four (4) years and it's all rusty and not looking that good and got signage on it and everything, or he doesn't know. Can they buy these things now new and they haven't been used at all?

John Dell'Isola answered they can. They can buy used one or...

Board Member Sylvester asked if that's what they're going to be doing.

John Dell'Isola replied yes.

Board Member Sylvester asked it's not going to be with any shipping container company or off a freighter some place. Right out of the factory and all new.

John Dell'Isola explained there is a newer option and there is a used option that they've explored so far. They would not buy a used one that is rusted.

Board Member Sylvester asked that they're buying a new one.

John Dell'Isola replied essentially, yes.

Board Member Sylvester asked if it's been used.

John Dell'Isola said as far as they know.

Board Member Sylvester thanked him.

Chairman Nestorowicz said actually it's funny, because one of the other items that they had a lot of discussion on for tonight's agenda was another storage container that somebody wanted for storage. He personally has not been a fan of storage containers, because he personally thinks they need to have a true accessory building out there. That's just his personal opinion. He thinks, yes, they buy the storage container it's new, but how long does it stay new. What happens to it. He means, he doesn't know what happens to it...

Board Member Sylvester said well, Mr. Chair people (inaudible) with houses too.

Chairman Nestorowicz said yeah, he knows. Anyway, Mr. Sophiea.

Board Member Sophiea was going to echo the same sentiment. He thinks this is a great plan, he just has a problem with the storage containers. He thinks they're just by definition something more temporary. He has an aversion in making them permanent. That's his position. He has no problem excepting the first variance or making a motion for that.

John Dell'Isola asked if the board acknowledge this shipping container would be painted and buffered and located in an area not visible to the public.

Chairman Nestorowicz said yes they heard that.

Board Member Clift wanted to make it clear to the petitioner why he thinks most of this whole aversion to these containers. It's because of rodent harborage, animals can live about and underneath them, because inherently they are manufactured and built with holes in the bottom for forklifts to grab them from the sides. In his experience as a code enforcement officer, that's just a prime place for critters of all types in nature to end up making their homes. He's seen it when they're sitting on asphalt, he's seen it when they're sitting on concrete, he's seen it when they're sitting on gravel. That ends up being a detriment to their whole site plan and any adjoining neighborhoods if they have critters and rats and raccoons or whatever making their homes under these containers. He doesn't think people explain that clearly enough to folks. They're looking at it as a cost effective measure, and he'll agree with him. If they were manufactured in a different fashion and were erected and set up, enclosed, secured to the bottom, and with a rat wall underneath them, like any other accessory would be. He doesn't think it would be as much of a problem, but in his experience that is not his case. He just wanted to explain his view or his version of it. With that, he yields the floor.

Board Member Sylvester said he has a question for Steve. They see in Royal Oak right where these things are being used as apartment buildings. So, he understands what Mr. Clift is saying, but are these people going to bring this, they're saying it's going to be a new container, is there a company that comes in and sets these and takes care of all those concerns that Mr. Clift has, and actually so does he, to where animals can't get it. It's a container that's going to act like a building. Does it still

have to follow some ordinance requirements and everything before they can place it there.

Steve Watripont said they're coming before the board to get a variance for that. He has no idea on that industry, he doesn't work in that industry, so he can't answer the first part of his question. The reason they're here is because it needs a variance.

Board Member Sylvester agrees with Mr. Clift. If it's just going to be a container that's dropped right on the ground, yeah they might have another problem. So, he means, if it's secured and has a rat wall around it and all the openings are sealed up and can't really tell it's a container until getting up close to it, that's a whole different way of looking at this. He just doesn't want a box dropped in a parking lot and say that's for hurdles and what have you.

Steve Watripont asked if that's a question.

Board Member Sylvester said it's like building a garage or whatever. It's still a building, it's going to be acting like a building. He would have to imagine it would have to follow some requirements before it can be installed.

Steve Watripont explained it would be a storage container, and that's what they're going for the variance here. A building would require building permit specifically and everything else. This would be storage, so it's a different permit process.

Board Member Sylvester asked what's included with that.

Steve Watripont replied cement.

Board Member Sylvester asked just so it's on a cement pad.

Steve Watripont said cement pad.

Board Member Sylvester thanked him.

Board Member Sophiea said he'll make it simple here, if he may address the petitioner. He doesn't know if they're going to have enough support tonight for the second part regarding the accessory structure. He's willing to make a motion for the first item, if they're willing to remove that, if they would be in agreement with that. He doesn't think they're going to have the votes here tonight to get the storage container past.

John Dell'Isola asked if they could pursue that at some point in the future.

Board Member Sophiea said re-apply, yes.

Motion:

Board Member Sophiea made a motion to grant permission to:

- 1) Allow 1,320 linear ft. of 10' high black vinyl-coated chain link fence (surrounding and within tennis court area).

Request #2 was removed.

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

Secretary Jerzy supported the motion.

Chairman Nestorowicz said they have motion by Mr. Sophiea, support by Mr. Jerzy to approve the request as stated in the motion for the fencing around the tennis court.

Roll Call:

A roll call was taken on the motion. The motion carried (9 – 0).

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

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

Chairman Nestorowicz asked if they still need to vote to deny the shipping...

Steve Watripont explained the board would ask them to have item 2 withdrawn at this point. On the record the petitioner stating.

Board Member Higgins said he thought that was done.

Chairman Nestorowicz said that's better than the board denying it. If they just withdraw that they can come back.

Mary Treder Lang withdrew the request 2 with the intent of coming back in a future point in time.

Chairman Nestorowicz thanked them. They got the fencing and all of that is approved.

Mary Treder Lang thanked them.

14. PUBLIC HEARING:	APPLICANT: Osama Razooq
REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	12980 Twelve Mile
LEGAL DESCRIPTION:	13-14-203-001
ZONE:	PB

VARIANCES REQUESTED: Permission to

1) Split an existing parcel of land into 3 parcels with parcels "B" and "C" being 55 ft. wide

2) Retain an existing dwelling set back no less than 16 ft. from the front property line.

ORDINANCES and REQUIREMENTS:

Section 12.02 – Dwelling Units: In PB districts, every one-family dwelling shall comply with requirements established under Article VIII of this ordinance.

Section 8.03 – Lot Area: A one-family dwelling in R-1-P districts, together with accessory buildings, hereafter erected shall be located on a lot having an area of not less than nine thousand (9,000) square feet and with an average width of not less than sixty (60) feet; provided, however, when a community water and sewer system is provided the lot are shall not be less than seventy-two hundred (7,200) square feet and with a lot width of not less than sixty (60) feet.

Section 8.08 – Front Yard: Each lot in R-1-P districts shall have a front yard not less than twenty-five (25) feet in depth.

Osama Razooq, 12980 Twelve Mile, appeared before the board. The purpose of his request, he wants to create three (3) parcels from the existing parcels that will fit with existing lots in the neighborhood. Preserve the existing house on the property. His hardship, if parcel c was sixty (60) feet wide it would limit the driveway width on parcel b due to the location of the existing house. Second, if he had to meet the twenty-five (25) feet setback for the existing it would require moving the covered porch, which would ruin the (inaudible) of the existing house.

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

No response.

Chairman Nestorowicz closed the public portion and turned it over to the board for questions and discussion. He wanted to start off by making a comment. He doesn't like when they go less than their standard lot size. He knows it's only five (5) feet, but especially when they approve a smaller lot and then being on Twelve Mile. Then they'll have what they had earlier request when someone needed the driveway, they wanted to do the horseshoe driveway because going out onto Twelve Mile is hard backing out onto due to traffic. When they start making these smaller properties, then they're going to be cramming and having less driveway space. They don't have any parking space because they're on Twelve Mile. (Inaudible) hard time coming up with smaller parcels. That's his personal opinion.

Secretary Jerzy asked the house that's currently on the property is on a fifty-five (55) foot wide parcel, is that correct?

Osama Razooq replied yes.

Secretary Jerzy said between all three (3) parcels...

(Inaudible)

Secretary Jerzy yields the floor.

Board Member Sylvester said looking at this, and let him know if he's wrong, the first one which would be to the north, 75.09, the next two are 55.00. Why can't the one to the north just be ten (10) feet shorter and make the other two (2) sixty (60)?

Board Member Anglin said that's a good question.

Osama Razooq said his point with the middle parcel, parcel b, because they're a great differential around the house. So, that will limit to the driveway. If parcel c, which is the east lot got sixty (60) feet, so they're going to go towards the lot by about five (5) feet. There's a great differential around the house. It's about four (4) feet. There's no picture here shows the house. The house is really high and there's about three (3) to four (4) feet around the house, great differential. So, if they get close to the house that means they need to cut all the area along the east side of the house.

Board Member Sylvester asked if Steve had something.

Steve Watripont explained if he made them sixty-five (65), sixty (60) and sixty (60) he would have to come to the board for a variance to have the corner lot at sixty-five (65) because it's required to be at seventy-five (75). So, he's meeting that with the corner lot right now.

Board Member Sylvester asked if it said that on the write up.

Steve Watripont said no, because he's not asking for that in the write up.

Board Member Sylvester said ok, well.

Chairman Nestorowicz said if he could just explain, Mr. Sylvester. For parcel a would have to be seventy-five (75). If it's less than seventy-five (75) then he would have to ask for a variance. So, that's why if he made that like sixty-five (65)...

Board Member Sylvester said all he's saying, going over this there is no way he would know that. Well, right. Why does that have to be seventy-five (75)?

Chairman Nestorowicz said it's the way the ordinances are written.

Board Member Sylvester said he knows the ordinance.

Chairman Nestorowicz said it's that type of a... it's because that's how the ordinance is written as. He can't say why it is.

Steve Watripont explained the ordinance requires corner lots to have a seventy-five (75) foot frontage.

Chairman Nestorowicz said quite honestly, they can divide this parcel into two (2) parcels, but then wouldn't be able to build the third house. That's the thing.

Board Member Sylvester said correct. He's in agreement with him. The petitioner they had earlier having to do the horseshoe driveway because backing out and lets face it, Twelve Mile Road isn't that much better than Ryan.

Chairman Nestorowicz said Mr. Clift and then Mr. Sophiea after Mr. Clift.

Board Member Clift wanted to point out to his fellow board members that properties behind this particular property, those lots are fifty (55) feet in width, with exception to the one closest to the side road where it's sixty-five (65). What he's saying, in his view or his opinion, making this split and building those other two (2) houses doesn't really take away from the surrounding dimensional aesthetics of the lots of the neighborhood. With that, he'll yield the floor.

Board Member Sylvester had a question for Mr. Clift. The property that's behind the 75.09 footage is sixty-five (65). Now, the reason or the 75.9 is because it's on Twelve Mile Road? Is that the reason?

Osama Razooq said no, the one behind it is sixty-nine (69).

Board Member Sylvester stated he was just told it had to be seventy-five (75), but now since he just brought up the property behind it. Now he has two (2) questions. That's allowed to be sixty-five (65) and the other ones are fifty-five (55), so if they've already established fifty-five (55), he doesn't understand what the problem is.

Board Member Clift thinks it's because, Mr. Sylvester, sometime between the time of those properties behind were built now that the ordinances have changed. Therefore, those dimensions are not (inaudible).

Chairman Nestorowicz said Mr. Watripont might be able to...

Board Member Clift said he's taking a stab in the dark at that.

Steve Watripont said Mr. Clift is correct.

Board Member Clift thanked him.

Steve Watripont doesn't have all that information, but that property was probably platted before the city was a city. So, those areas that were platted, if they read the ordinance, it says those platted before the city may be built on at those sizes and gives different dimensions. But the ordinance requires a corner lot, now, to be seventy-five (75) frontage and any other lot to be sixty (60) to be buildable lots without coming before the board.

Board Member Clift will direct his comment to Mr. Sylvester. That whole neighborhood is based on nonconforming. He yields the floor.

Board Member Sylvester said if that went in that sixty-five (65) right now, Steve. The one that's at sixty-five (65) right now. If there was no house on there that would have to be seventy-five (75)?

Steve Watripont replied no because it was platted before 1958.

Board Member Sylvester stated he said if it was now.

Steve Watripont asked if it was platted now.

Board Member Sylvester said right. It would have to be seventy-five (75)?

Steve Watripont said that plat has been around a long time.

Board Member Sylvester knows it's sixty-five (65) now, but he's talking about current.

Steve Watripont explained the whole area gets plotted with the county and it's set up into lots. Again, he doesn't have the specifics, he would have to look it up, but that happened well before 1958. Most of the city was platted before that. There was a lot of farmland in there that was platted as subdivisions. So, with that, that is the plat for that subdivision, the whole area. Those lots were designed at that size. In the south end, a lot of those were set up at forty (40) feet frontage. But that's how it was platted. Well before he was born. Probably most of them. He won't say anyone specific. At least well before any of them were adults.

Board Member Cliff said his comment is just saying it fits with the neighborhood and surrounding area, what he's asking for. As far as the danger and backing out onto Twelve Mile. Hey, if they want to buy a house that's got... That they have to back out onto Twelve Mile Road, that's personal responsibility issues, in his opinion. He doesn't have a problem supporting this as it lays. He'll leave it with that.

Board Member Anglin understands what he's saying, but the reason that the codes and that have changed for these things is to allow more green belt around houses and that, because now they're at 1,200 square feet is the minimum they can build a house on a property. Back in the day, when they were building down there, they could have 600 square foot houses and build on it. That's how they got away with the smaller lots. So, they're actually going to put a house that's larger in this area that houses are on the other side. Those houses built on the other side are smaller than 1,200 square feet. So, of course they live on a fifty-five (55) width lot. But they start changing every single lot that comes up in these neighborhoods, they're going to end up having oversized houses and... His view point is they're going to end up with kind of like a Royal Oak. Where, he means, they have two (2) foot in between these big houses. Million dollar houses they're building, but they sit on a postage stamp. He himself likes to see the greenage put around it. He thinks it's more appealing to the neighborhoods.

Board Member Sylvester said looking at this where the detached garage is and he's believing that the proposed driveway in the dotted area. He knows they talked about backing out of the drive and backing out onto Twelve Mile Road or Ryan or wherever, but these people are being given the option to be able to... He means, if they pull into their garage they can back out of their garage and they can drive straight out of their driveway. So, he means, yeah, if they're going to live there on Twelve Mile Road and they have that and they have the garage and know backing out is probably not the best thing to do, they do have that option to turn their vehicle around.

Board Member Higgins asked how long he has owned the property.

Osama Razooq answered less than a year. He bought it in June.

Board Member Higgins asked June.

Osama Razooq replied yes.

Board Member Higgins asked of what year.

Osama Razooq answered this year.

Board Member Higgins asked if he bought it with the fore thought that this was going to be his plan all along.

Osama Razooq answered no. When he bought it, it was just a plan in his mind, because it's a really big lot. So, the house...

Board Member Higgins said ok. He hears him. So, if his plan didn't come together, his plans weren't really crushed because in June he didn't plan to go in this direction and he didn't do his due diligence to figure out he couldn't really do three (3) lots like this given what he needed in a way of a variance. Correct?

Osama Razooq replied yes and no.

Board Member Higgins thinks more yes than no, himself. Commentary from what he's hearing. His point is this. What about the house is on parcel b, correct?

Osama Razooq replied yes. The house is in really good shape.

Board Member Higgins said good. So, what about... does it have to be three (3) parcels? Could not b and c become one (1) big parcel and parcel is a parcel onto itself. So, they get two (2). Wouldn't get three (3). This is going to become an economic windfall for him, this is going to have some monetary. So, he's just not going to get as much as a monetary windfall. But he thinks they could move forward with that.

Chairman Nestorowicz wanted to add to Mr. Higgins. In the back of his mind he had thought about that, but if that was the plan was. He doesn't need the boards approval for any of that. They don't actually have any say about that, because parcel b is large enough, parcel a is large enough. He doesn't need a variance.

Board Member Higgins said correct. He guesses where it's going is based on what he's looking at, that makes sense to him. He wouldn't be opposed to granting a variance and say go back to the drawing board. That's what he's saying. He thanked him for the answers to the questions.

Osama Razooq has one more thing. To him, when they take a look at the property as one (1) piece. Now, it looks like an abandoned house there. Actually, he has a tenant in the house. So, that's why it came up to his mind, ok. If they add two (2) houses that corner would be really nice.

Chairman Nestorowicz said there is not a question currently directed towards him, so unfortunately.

Board Member Anglin said this looks to him to be totally a financial situation. The ZBA cannot make a judgement call when it is a financial reasoning for a variance. So, that in itself nulls what they're trying to do right here discussing this even. The final thing on this is this shouldn't be in front of

them because it's financial. That is not something the board can vote on.

Osama Razooq said it's nothing about financial.

Board Member Anglin said he's going to vote no on this. He's going to state very publicly this is a financial situation and they should not be voting on it.

Chairman Nestorowicz thinks they should vote to retain the existing dwelling that's no less than sixteen (16) feet from the front property line, because that's an existing dwelling.

Board Member Anglin agrees with that.

Chairman Nestorowicz said depending on what whoever makes the motion whatever they feel regarding that first.

Board Member Anglin said if there are no other board members have anything they want, he'll make...

Chairman Nestorowicz wants to separate them then. Lets say if one, you're in favor of one portion, but against the other. They should separate them into two (2).

Board Member Anglin said his opinion is they should allow 2 and not allow 1.

Chairman Nestorowicz said make a motion to separate item 1 and 2.

Motion:

Board Member Anglin made a motion to separate the two items, Supported by Board Member Clift.

Osama Razooq said before they proceed they have one more thing.

Chairman Nestorowicz said there is not a question directed to him.

Osama Razooq said no, not a question. Because nothing about financial. Just about the property.

Chairman Nestorowicz said it's the boards time to talk. If there is a question from the board to him, they'll ask. But right now there is no questions towards him.

Voice Vote:

A voice vote was taken. The motion carried (9 – 0).

Chairman Nestorowicz asked if Mr. Anglin wants to make motion.

Motion:

Board Member Anglin made a motion to deny:

- 1) Split an existing parcel of land into 3 parcels with parcels "B" and "C" being 55 ft. wide

Reasons being: Detriment to the area; Size and shape of the original lot.

Board Member Higgins supported the motion.

Chairman Nestorowicz said they have motion to deny, 14a, which is the split., support by Mr. Higgins. Roll call.

Roll Call:

A roll call was taken on the motion. The motion carried (7 – 2).

Board Member Anglin	Yes, to deny.
Board Member Higgins	Yes, to deny.
Board Member Clift	No.
Board Member Perry	Yes, to deny for the reasons stated in the motion.
Board Member Sieracki	Yes, to deny.
Board Member Sylvester	Yes, to deny.
Board Member Sophiea	No, doesn't like the idea of parcel c being vacant. The extra green space.
Secretary Jerzy	Yes, to deny.
Chairman Nestorowicz	Yes, to deny

The petitioner's request for #1 was **DENIED** as written.

Chairman Nestorowicz asked Mr. Anglin if he wanted to make a motion.

Motion:

Board Member Anglin made a motion to give permission to:

2) Retain an existing dwelling set back no less than 16 ft. from the front property line.

Reasons being: Previously existing there; Not a detriment to the area.

Board Member Clift supported the motion.

Chairman Nestorowicz said they have motion by Mr. Anglin, support by Mr. Clift to approve 14b, which is the existing dwelling setback no less than sixteen (16) feet.

Roll Call:

A roll call was taken on the motion. The motion carried (9 – 0).

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

Secretary Jerzy
Chairman Nestorowicz

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

The petitioner's request for #2 was **APPROVED** as written.

Chairman Nestorowicz repeated request to split into three (3) parcels was denied by the board, but the fact about retaining the existing dwelling did get approved from the board.

15. PUBLIC HEARING: **APPLICANT: The Tobin Group, LLC-USE-**
REPRESENTATIVE: Benjamin Tobin
COMMON DESCRIPTION: 14721 Frazho
LEGAL DESCRIPTION: 13-24-253-014
ZONE: MZ, C-1, C-3 and P

VARIANCES REQUESTED: Permission to -USE-

Operate a medical training facility 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.

This item was rescheduled to January 10, 2024 during the adoption of the agenda.

16. PUBLIC HEARING: **APPLICANT: Zachary Matouka / The Yard Men-USE-**
REPRESENTATIVE: Nicholas Brass
COMMON DESCRIPTION: 26190 Groesbeck
LEGAL DESCRIPTION: 13-24-253-015
ZONE: MZ, C-3, P

VARIANCES REQUESTED: Permission to

- 1) Operate a landscaping business and allow 30,400 square ft. of outdoor storage as follows: **USE**
 - a. Outdoor storage of landscaping materials, 22,400 square ft.
 - b. Overnight truck and trailer parking related to landscaping business, 8,000 square ft.
- 2) Waive the hard surfacing of the outdoor storage area (30,400 square ft.) and replace with asphalt millings.

ORDINANCES and REQUIREMENTS:

Section 15.01 – Uses Permitted: Outdoor storage is not a permitted use.

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), shall be maintained in a usable dustproof condition, shall be graded and drained to dispose of all surface water, provide protective bumper curbs as per Section 4.32 (i) and 16.07, and shall otherwise comply with Section 2.46 and 16.05 of this ordinance.

Section 17.02 – Industrial Standards: (S) Open storage other than junk. All open storage shall be located in a designated area approved by the Planning Commission as a part of site plan approval. The area shall be enclosed on three (3) sides by chain link fencing with metal/plastic slats used for screening as deemed necessary by the Planning Commission.

Secretary Jerzy thanked him for waiting through the meeting, seeing he has a child. He appreciates their patience tonight.

Zachary Matouka, 26190 Groesbeck, appeared before the board stating the variances they're looking to do overnight truck and trailer parking, as well as asphalt millings. If they have the site plan up there, the landscaping materials will be concrete. Then everything in front of the building from Groesbeck will be concrete as well. So, they won't see the asphalt millings or the trucks and trailers.

Chairman Nestorowicz asked if there was anything he wanted to add while the board is looking at this.

Zachary Matouka explained their redeveloping the whole lot. So, right now on it is just an abandoned building/house. They're knocking that down and redeveloping the whole lot. It's going to look a lot better than what it is now.

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

No response.

Chairman Nestorowicz not seeing anybody, he closed the public portion and turned it over to the board for questions and discussion. Mr. Jerzy.

Secretary Jerzy said correct him if he's wrong, about a business or two down from him there is another landscaping company. He thinks if he recalls correctly, came before the board.

Zachary Matouka thinks somebody else did come before him.

Secretary Jerzy said there's landscaping services in the area is being his point.

Zachary Matouka said correct.

Secretary Jerzy thanked him for taking a tough lot to deal with and trying to do something with it. All the property on Groesbeck is really a challenge to deal with the way, you know, the angled street and all that. He's looked at the site plan, too. He didn't really see anything that stood out. He thinks this would actually be a good use for that area. It's a good spot for it. He doesn't see any detriment to any properties behind him. There's residential behind him.

Zachary Matouka said correct. Roseville properties.

Secretary Jerzy said right. It looks like a pretty good setback between there. He doesn't really see anything that stands out. He thinks it's a really good project and hopefully will get the rest of the boards approval. He'll have his approval. He yields the floor.

Board Member Sylvester said the problem he has with this is that they do have ordinances and they do have requirements. The use for this number 1, is to allow 30,400 square feet of outdoor storage.

Then outdoor storage of landscaping materials, 22,400. Uses permitted, Section 15.01 outdoor storage is not a permitted use. He knows what Mr. Jerzy had just said. Does anybody have that information of which they just approved, the other landscaping facility. He doesn't want to say somebody has 500 square feet and then give another one that has 15,000 square feet. He means, they have to have some sort of standard. He knows what the gentleman is trying to do and everything, and that's fine, but they're taking each individually and who knows where they're going to end up.

Board Member Anglin asked if he may answer that.

Chairman Nestorowicz said go ahead, please.

Board Member Anglin said it wasn't quite as much space as this, but he doesn't remember the numbers. But there was a lot of space.

Secretary Jerzy thinks it's in the ballpark.

Board Member Anglin said they did a couple of them, even one over in the south end. It was quite a lot of space. He's seen the ones that have been up, just so he knows. He's actually seen the ones that have been put up. There's the one over by Groesbeck that carries the landscaping equipment, supplies and that. So far everyone he's seen that's put up has done a real nice job with what they did. He's going by his site plans, which really follows pretty much what these other places have done. To answer his question is, no he thinks the other place was somewhat smaller, but it had a considerable amount. It was quite a bit.

Secretary Jerzy said it had the house attached to the front, if he recalls correctly.

Board Member Sylvester said that's what he's saying. The other one was smaller, this one is bigger. The next one is going to be bigger.

Board Member Anglin said well, it was somewhat smaller.

Secretary Jerzy said it depends on the parcel. The parcel makes a big difference, too. Each parcel it's going to vary from parcel to parcel. Especially, on Groesbeck. So, he means, doesn't know what the actual parcel was, but he thinks it was right in that same stretch.

Board Member Anglin said the parcel was smaller, but he guesses if he tries to do a formula on it. How much square footage was asphalt chippings compared to how much was there. The percentages are probably the same.

Secretary Jerzy said they're very close.

Board Member Anglin said this lot is larger than the other one. He'll be real close with that if anybody wants to check his math, because he doesn't have that information in front of him.

Board Member Sylvester is not opposed to any of these individuals trying to create a business and get something going or whatever, but they have to follow some rules, too. If the rules aren't being changed, they're just looking at it and making decisions on their own. He doesn't think that's a good

thing. They need to have something to follow. If they keep increasing and increasing and increasing sooner or later it's going to come back to bite them.

Board Member Anglin said his opinion, that's why there are nine (9) of them sitting here for. To give each of their thoughts into it. But what they need to do, and he thinks what the principal of having a zoning board is, is to be able to flex themselves depending on the property. Where this property is located and what has been done in the past and what he wants to do with this, is a good flex of their abilities to do something. Because all that can do is just help the city. He doesn't see any down side to this. It's taking a piece of property that... if they looked at this piece of property right now, it's bad. If it gets improved the way these site plans say it's going to be improved, he has no objection to this whatsoever.

Board Member Sylvester asked if they looked at other companies that come in after this gentleman right here.

Board Member Anglin said they'll never know what's going to happen down the road.

Chairman Nestorowicz said they don't know what happens.

Board Member Sylvester said no, that's what he's saying. He's just asking how do they deny those people.

Chairman Nestorowicz said wait a second, if anybody moves into this property has the same stuff. It stays with the property. So, they don't... they wouldn't... He has to remember when looking at any property, every property is unique. There is no precedence ever set anything this board does. Every property is unique, and they look at each property individually.

Board Member Sylvester said don't get him wrong. He thinks this gentleman is going to have a good business where he's at. He just, he doesn't know. Making a decision on each individual one and trying to find out something that's right or wrong with it and either denying or approving it. They need to go by something. Something has to be written some place that they have to stay within the guidelines. That's his opinion.

Board Member Higgins wants to backup Chuck's position. He thinks that's what they're here for. They look at these things individually and thinks where the lot sits has a lot to do with it and what it's currently being used for. This is different if this property was on Schoenherr with not all the other commercial businesses by it, industrial, it would be a lot different question. So, he thinks that goes into it. He's following Chuck's lead and thinks he'll be supporting this.

Chairman Nestorowicz said if there's not any other discussion, do they have a motion?

Board Member Anglin would like to make a motion.

Motion:

Board Member Anglin made a motion to give permission to:

- 1) Operate a landscaping business and allow 30,400 square ft. of outdoor storage as follows: **USE**

- a. Outdoor storage of landscaping materials, 22,400 square ft.
 - b. Overnight truck and trailer parking related to landscaping business, 8,000 square ft.
- 2) Waive the hard surfacing of the outdoor storage area (30,400 square ft.) and replace with asphalt millings.

Reasons being: Not a detriment to the area; Size and shape of the lot; Asphalt millings actually hold up better to trucks driving on it than concrete situation.

Board Member Higgins supported the motion.

Chairman Nestorowicz said they have 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 (3 – 5).

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

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

Chairman Nestorowicz thanked him again for staying so late.

Zachary Matouka thanked them and to have a good night.

Secretary Jerzy wished him luck.

16a. PUBLIC HEARING:

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

ZONE:

APPLICANT: 27050 Gloede Investments LLC

(Rescheduled from 9/13/23, 10/11/23, 11/8/23)

Angelo Jadan

27048 Gloede

13-13-477-018

M-2

VARIANCES REQUESTED: Permission to

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

ORDINANCES and REQUIREMENTS:

Section 4G.11 Prohibitions: (1) A marihuana business, patient operation, caregiver operation, or personal recreational adult-use is not permitted to have any of the following: (B) Except as permitted by MCL 333.26423(D) and MCL 333.27961(A), Marihuana-related outdoor storage.

Chairman Nestorowicz doesn't see them here.

Steve Watripont said before they read it into the record, he would like to make a couple comments. With marihuana issues they are doing enforcement on other ones on the same thing. City attorney and him have discussed, they have looked into it, and basically there's no leeway for them to give a leeway for them. Other than them coming and standing in front of them with this. It's the only leeway they have, because they can't enforce it while it's in front of the board.

Chairman Nestorowicz said going to that item.

(Inaudible)

Chairman Nestorowicz said the petitioner is not here.

Steve Watripont said he saw that as well. That's why he walked up to do that.

Board Member Anglin thinks they ought to deny this or drop it off from coming back up or whatever at this point. It's been here 1, 2, 3, 4 times.

Board Member Clift said if Mr. Anglin wishes to make a motion, he would definitely support that.

Board Member Sophiea asked if there's been contact with the city clerk's office.

Chairman Nestorowicz asked Nicole if she's heard from them at all.

Board Member Sophiea said it was a no call, no show. He thinks it might have been the same thing the last meeting. He thinks they should dismiss it.

Chairman Nestorowicz said he would agree. Somebody can make a motion to do that.

Motion:

Board Member Anglin made a motion to deny the petitioner's request to allow a permanent shipping container (8' x 40' = 320 square ft.) on the exterior of the premises for storage of packing supplies – no cannabis.

Reasons being: Being in front of the board a minimum of four (4) different times.

Board Member Clift supported the motion.

Chairman Nestorowicz said they have motion to deny the request from Mr. Anglin, support by Mr. Clift. Roll call. It would be a yes to deny.

Roll Call:

A roll call was taken on the motion. The motion carried (9 – 0).

Board Member Anglin

Yes, to deny.

Board Member Clift	Yes, to deny
Board Member Sylvester	Yes, to deny
Board Member Perry	Yes, to deny
Board Member Sophiea	Yes, to deny
Board Member Sieracki	Yes, to deny
Board Member Higgins	Yes, to deny
Secretary Jerzy	Yes, to deny
Chairman Nestorowicz	Yes, to deny

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

16. NEW BUSINESS

Chairman Nestorowicz stated they have to do officers for this coming here. Open nominations and start at the first position then work they're way through. First, would be Chair.

Motion:

Chairman Nestorowicz made the motion to nominate Mr. Sophiea for Chair, Supported by Secretary Jerzy.

Voice Vote:

A voice vote was taken. The motion carried (9 – 0).

Chairman Nestorowicz said that takes them to Vice-Chair.

Board Member Sophiea said the current Chairman has done a great job, he's happy to follow his steps.

Motion:

Board Member Sophiea made the motion to nominate Mr. Nestorowicz for Vice-Chair, Supported by Board Member Clift.

Voice Vote:

A voice vote was taken. The motion carried (9 – 0).

Chairman Nestorowicz said next is Secretary.

Board Member Higgins thinks Paul does a great job.

Motion:

Board Member Higgins made the motion to nominate Mr. Jerzy for Secretary, Supported by Board Member Clift.

Voice Vote:

A voice vote was taken. The motion carried (9 – 0).

Chairman Nestorowicz said next is Assistant Secretary.

Motion:

Secretary Jerzy made the motion to nominate Mr. Perry for Assistant Secretary, Supported by Board Member Clift.

Voice Vote:

A voice vote was taken. The motion carried (9 – 0).

Secretary Jerzy asked if they want to do Council of Commissions.

Chairman Nestorowicz said Mr. Clift has been the representative to Council of Commissions. Does Mr. Clift want to continue with that?

Board Member Clift has decided he will let that go to somebody else.

Board Member Anglin said he'll take it.

Motion:

Board Member Higgins made the motion to nominate Mr. Anglin for Council of Commissions representative, Supported by Board Member Clift.

Voice Vote:

A voice vote was taken. The motion carried (9 – 0).

17. ADJOURNMENT

Motion:

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

Voice Vote:

A voice vote was taken. The motion carried (9 – 0).

The meeting adjourned at 9:13 p.m.

Paul Jerzy
Secretary of the Board