

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
JUNE 25, 2025

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, June 25, 2025 at 7:30 p.m. at the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

David Sophiea, Chairman
Roman Nestorowicz, Vice-Chairman
Paul Jerzy, Secretary
Charles Perry, Assistant Secretary
Michael Assessor
William Clift
Jon Green
Shaun Lindsey
Garry Watts

Members of the Board absent:

None

Also present:

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

A roll call was taken and all members of the board were present.

4. ADOPTION OF THE AGENDA

Motion:

Secretary Jerzy made a motion to adopt the agenda as written; Supported by Board Member Nestorowicz.

Voice Vote:

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

5. APPROVAL OF THE MINUTES – Regular Meetings of June 11, 2025

Motion:

Board Member Clift made a motion to postpone the minutes; Supported by Board Member Perry.

Voice Vote:

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

6. PUBLIC HEARING:

APPLICANT: The Home Depot -USE-

(Rescheduled from 3/12/2025 and 5/14/2025)

REPRESENTATIVE:

Kaleb Sondgerath

COMMON DESCRIPTION:

25879 Hoover

LEGAL DESCRIPTION:

13-22-432-016

ZONE:

MZ, C-2, C-1, P

VARIANCES REQUESTED: Permission to -USE-

- 1) Allow 1,167 square ft. of permanent outdoor storage in a P district.
- 2) Allow 9,770 square ft. of permanent outdoor storage in a C-2 district.

For a total of 10,937 square ft. of permanent outdoor storage.

ORDINANCES and REQUIREMENTS:

Section 14.01 – Uses Permitted: Outdoor storage is not a permitted use in C-2 district.

Section 16.01 – Uses Permitted: Outdoor storage is not a permitted use in P district.

Chairman Sophiea asked if the petitioner is present for item 6.

Secretary Jerzy would like to read something into the record real quick and this may clarify why the petitioner is not here. From the Planning Department they have an impact statement. They usually save this for after the public portion, but...

“The Planning Department recommends this variance request be further postponed pending site plan approval. The petitioner's request for site plan approval for permanent outdoor retail sales and permanent outdoor storage is scheduled for the July 28, 2025 Planning Commission meeting.”

Board Member Green said Mister...

Board Member Clift was ready to make the motion to postpone till August 13th.

Board Member Nestorowicz said discussion.

Secretary Jerzy said Mr. Green real quick.

Board Member Green asked if they can have discussion or does he need to make a motion first.

Chairman Sophiea allowed discussion first.

Board Member Clift said pardon him.

Board Member Green asked Mr. Watriont for some clarification because he thinks this is the third time. So, there is a site plan that exist.

Steve Watriont explained there was an approved site plan and there was issues with it when he came in front of the Zoning Board the first time. It was sent back for revisions on the site plan. They haven't finished that. They finally submitted that. He actually got his copy for review today.

Board Member Green stated clarification, he meant Planning not the ZBA.

Steve Watriont said no the original time it came before ZBA it had conditional approval through site plan. There were things in there that were wrong to be heard, so it went back to Planning per Plannings request. They have not submitted the revised plans yet. They did now after it went back and forth with Planning members. They finally submitted something that will be heard.

Secretary Jerzy said July 28th.

Steve Watriont said last meeting in July.

Board Member Green stated they're no possibility of any enforcement. Like he mentioned earlier, they now have a storage container behind the building. One of the largest storage containers. Until this gets passed their desk again, there is no possibility for any enforcement.

Steve Watriont explained there is possibility for enforcement. What they do, traditionally, they don't enforce something they're going in front of Planning or the Zoning Board for until it's heard out. If there's stuff that's not on the site plan, it's obviously a violation of anything without any consideration of approvals and he will be going out there on Friday.

Board Member Green asked if these are changes they're making to ask for more variances. To him, it looks like they're stretching it out until they get to the next season. This originally was temporary in 2011 he thinks. At some point they can change this back to a temporary, right? Or does it stay permanent forever?

Steve Watriont explained when it comes before them, the request is permanent. It can be denied and can be approved as temporary and go from there.

Board Member Green stated like he mentioned before, is this backwards? Is this a use variance.

Steve Watriont explained most use variances have the option to come for ZBA first. In this case, it was a total Planning issue. He believes they requested it come back to them before it's heard.

Board Member Green said just a reminder. The petitioner doesn't necessarily have to be here for the board to vote on anything. Once it's in their package and even though the recommendation is not to vote on it, and he's assuming that's what they'll do today, not vote on it. Just to bring it to everybody's attention, this is starting to get stretched out a

little bit. There is a reason for it. He appreciates his answers.

Chairman Sophiea stated his concern just while the item is pending, there's no enforcement typically. It sounds like because something is pending in front of the Planning Commission, even if they denied this tonight, there still wouldn't be enforcement because Planning is pending. Is that correct?

Steve Watripont explained if they denied it tonight, they're probably would be enforcement because then that would finalize it at this point, so it can't be on the site plan.

Chairman Sophiea said ok.

Board Member Watts agrees with what Mr. Green said. He looks at how many times they've come in for a variance and he looks at how the outside storage has increased. Obviously, they're outgrowing the property. Or something. You know, they have a residential neighborhood there, they have all that stuff outside. It doesn't look good. He honestly has a problem with that. He feels like this is a delay tactic because maybe they are expecting problems. What they do, he guesses.

Chairman Sophiea is concerned that it came before them first in March for this season. Nothing is going to happen until the end of July. That means it won't be back before them until August. At that point, the season is over.

Secretary Jerzy has a quick question for Mr. Watripont while he's still up there.

Steve Watripont said that's why he's waiting.

Secretary Jerzy is glad. So, can enforcement be done based off the old site plan or is enforcement going off of the current site plan that's ending in Planning.

Steve Watripont explained enforcement would go back, strict enforcement would go back to the previous approved site plan. Unless that site plan was deemed to be expired and no longer valid. Then there would be no site plan, which means they wouldn't be able to have anything. He doesn't know that situation on it. That's just a typical thing.

Secretary Jerzy thanked him for clarifying. He appreciates it. He has nothing else.

Chairman Sophiea asked for any other comments from the board.

Board Member Nestorowicz has that concern because he actually wonders if this goes forward if they would get permanent, if there is enough support here. He personally doesn't like permanent outdoor storage. He thinks it's a detriment. Temporary seasonal, yes. It's like they're going through (inaudible) putting this off, putting this off, basically getting the entire selling season.

Chairman Sophiea said right.

Board Member Nestorowicz said they're not moving forward and nothing is changing from

their perspective on this. That's just his opinion.

Chairman Sophiea almost never agrees with permanent outdoor storage at retail, so he's right in a sense that it wouldn't garner his support anyway.

Secretary Jerzy said to him it seems like, and everybody else kind of echoes the same sentiment, it seems like whatever fines they're going to get from the city is minuscule to the profit being gained with the additional material on their premises. So, to them it's probably just a drop in the bucket. He kind of has to agree with what everybody else is saying. Ears are open, eyes are open, it's kind of obvious, at least to him, it's kind of like a shell game at this point. That's all he. He just wanted to go on the record saying. He doesn't really know what to do with this item. He's not in favor of the permanent outdoor storage either. He thinks it's just going to become even more detrimental moving forward. Anyway, if they want to postpone it they can postpone it. Whoever makes the motion to postpone it would probably have to be to the August 13th meeting. If they decide to go that route.

Chairman Sophiea is leaving it up to the board here to decide if they want to do a motion to postpone or deny, but he guesses he should have a public portion first. He'll ask the audience if there is anyone out there that would like to approach. Sir, do you have a comment you would like to make? Come up to the microphone.

(Inaudible)

Chairman Sophiea asked him to state his name and address for the record.

Michael Flanagan, 11043 Toepfer, appeared before the board stating that they should be held up to the same standards as anybody else in Warren, right? If they did something like that on their property, they wouldn't put up with it. So, why do they have to put up with it? Because they're a multi-billion dollar company? It's an eyesore and he shops there all the time.

Chairman Sophiea thanked him for his comments. Is there anyone else in the audience that would like to speak on this item?

No response.

Chairman Sophiea formally closed the public portion of the meeting. He turned it back to the board for a motion to postpone or deny.

Motion:

Board Member Watts made a motion to deny; Supported by Board Member Perry.

Reasons being: Outgrown the area; Detriment to the neighborhood; Eyesore when driving down Hoover; Trying to get out of the parking lot they have all that stuff sticking up where they can't see; Detriment to the area.

Chairman Sophiea said they had a motion to deny by Mr. Watts, support by Mr. Perry for the reasons stated. Roll call.

Roll Call:

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

Board Member Watts	Yes, for the reasons stated.
Board Member Perry	Yes, to deny for the reasons stated in the motion.
Board Member Nestoorwicz	Yes, to deny for the reasons stated in the motion.
Board Member Assessor	Yes, to deny for the reasons stated in the motion.
Board Member Clift	No, they were moving through the process as they were instructed to and they do good things in their community with financial contributions.
Board Member Green	Yes to deny.
Board Member Lindsay	Yes, to deny for the reasons stated in the motion.
Secretary Jerzy	Yes, to deny with the added reason that he doesn't believe it's necessary and believes it's also self-imposing on top of being a detriment to the area.
Chairman Sophiea	Yes to deny and it's also economical consideration.

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

7. PUBLIC HEARING:

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

ZONE:

APPLICANT: Terraval LLC (Ramona Cean)

(Rescheduled from 5/14/25 and 6/11/2025)

PEA Group (Becky Klein)

23170 Schoenherr

13-25-351-006

M-1

VARIANCES REQUESTED: Permission to (REVISED)

- 1) Allow 20,158 square ft. of open storage to a property that the primary structure is 5,008 square ft.
- 2) Waive requirement of no open storage within 75' of front property line on Roseberry Ave. as property is a double frontage lot.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards: (S) Open storage other than junk. ... the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site... In M-1 and M-2 zones the designated area shall not be located any closer than seventy-five (75) feet to the front property line unless the size of the lot is less than one hundred fifty (150) feet in depth in which case the Planning Commission may allow the designated area to be located no closer than twenty-five (25) feet from the front property line.

Chairman Sophiea asked if the petitioner is present for item 7. Please start with name and address for the record.

Becky Klein appeared before the board stating she is with PEA Group, 58105 Van Dyke.

Chairman Sophiea thanked her and asked her to please tell the board about her request.

Becky Klein explained what they're requesting is the ability to continue using the property as it

historically has been used. This is actually an old industrial parcel in an old industrial district in Warren. It's about an acre in size. It's kind of an odd shaped lot. She thinks it's flanked on the south side by a salvage yard and on the north side by another small industrial. It has two (2) frontages and because it is a small parcel, that seventy-five (75) foot setback on each side basically cuts back most of the usable yard area of the property and makes it unusable for storage. So, what they're requesting is the primary frontage and the entrance is on Schoenherr for this property. Roseberry is really a rear area for this property. They have requested that they be allowed to use that area in the rear for storage various business use.

Chairman Sophiea thanked her for those comments. This is a public hearing. Is there anyone in the audience who wishes to speak on this item?

No response.

Chairman Sophiea closed the public portion of the meeting. He turned it over to the board for discussion. There is a Planning impact statement that Mr. Jerzy will read into the record.

Secretary Jerzy thanked the Chair. According to the Planning Commission and Planning Director:

"After review of the request, no issues were found to impact the abutting, local or general public. The petitioner attained site plan approval for open storage of trucks and trailers on May 12, 2025."

Chairman Sophiea turned it over to the board for discussion.

Board Member Green asked the petitioner to come back up and asked if she is the owner.

Becky Klein is the engineer.

Board Member Green asked how long she has owned this.

Chairman Sophiea asked her to state her name and address for the record.

Ramona Cean, 378 Forester Lane, appeared before the board.

Board Member Green asked her how long she has owned this.

Ramona Cean replied since 2012.

Board Member Green looks at some of the backup. He sees there has been some signage issues. So, none of this has anything to do with... She's not putting any signs up or anything?

Ramona Cean answered no.

Board Member Green said ok. That's all he wanted to know. Thank you.

Board Member Watts asked if they have been using the property all this time.

Ramona Cean replied yes. They have been using it since 2012. Actually, till last year in September. It got vacant September 2024 and back then they received a notice from the city that they got to do some adjustments work on the property.

Board Member Watts has a couple questions along with that. Maybe Mr. Watripont might have to answer that, he doesn't know. Did they not have a Certificate of Compliance to occupy the property?

Ramona Cean replied they did.

Board Member Watts asked all along.

Ramona Cean replied yes. She means they couldn't have used it, right?

Steve Watripont explained this is a new company going in there. It was vacant. A company went in. He believes it was a painting company. They had a lot of stuff stored out and everything else. It was noticed at that point in time. They have since moved out and now it's a trucking company going in that's going through the process. There was a variance... he has to recall a lot of this stuff. For parking of vehicles or something back there, but it wasn't for the semi-trucks and trailers. That's the primary purpose. It's a slightly change of use. There was a COC prior. The painting company actually filed one, but wasn't able to put all their stuff they wanted out there. So, he thinks they left. The owner can probably answer more to that.

Board Member Watts said ok. That will leave him a little farther. This is going to be used for a trucking company then?

Ramona Cean replied yes.

Board Member Watts asked if she's leasing it to a company or is it her company.

Ramona Cean owns the trucking company. They use it for the trucking. The spending company moved in. They were there for three (3) years, or two (2) years she believes. But it was used for trucking. Now, it's going to be used for trucking again.

Board Member Watts said here's his problem. He's familiar with the area, number 1. Number 2, he went down there and took a look at it. He's kind of concerned with the semi-trucks coming into that area there. That's like, to him it's like, how does he want to put this? Over use. It's like there's not enough room for a trucking company to be in there. He read the thing here that the condition was not created by applicant. Well, if you bought the property and knew what they were going to use it for. He doesn't see how they should get a variance. They should have known they couldn't put the equipment in there. That's where he's going to.

Ramona Cean explained it's a small trucking company. They have six (6) trucks and a few trailers. He's not going to be a huge one. Most of the kind of trucks are on the road. It's mostly used for people in the office to dispatch those trucks. It's not going to be... the trucks are on the road because they want to make money, the drivers and the company.

Board Member Watts said he went by there when it was on the agenda last time. In his mind, he's no truck driver but he's not bad at it if he had to, but he's trying to picture how they're going

to maneuver a fifty-three (53) foot trailer and tractor into that area. It seems like it's overkill. Thank you.

Chairman Sophiea personally doesn't have a problem with waiving the seventy-five (75) foot setback just because the property is smaller. A concern for him is mainly the first item in the request about the open storage being such a significant part of the square footage.

Board Member Nestorowicz said the question he has in the open storage, is that where they're going to be keeping the trailers or what is the open storage going to be.

Ramona Cean explained it's parking. They must park the trucks during the time the drivers are going home to do their break.

Board Member Nestorowicz said to the Chair when he's looking at this. If that's going to be parking for trucks, he'd rather see a plan that shows this is how many trucks are parked within an area. Not just open storage. When he sees open storage... he'd be curious to know in that area how many trucks are they parking.

Secretary Jerzy said they could attach a number if they granted a variance.

Board Member Nestorowicz doesn't feel comfortable putting out a number. They've had those plans before when they had the lines and could see how many trucks.

Chairman Sophiea thinks it would address Mr. Watts' concern, too. If there was a maneuvering lane shown on the plan. How many trucks were parked.

Board Member Nestorowicz has no problems with the distance and all that, but he worries that if they give that general open storage. Is that for six (6) trucks, is it for ten (10) trucks, is it for twenty (20) trucks?

Chairman Sophiea said is it for junk one day.

Board Member Nestorowicz asked if it's gong to be piece products or something. That's what he's hesitating on. That's his comment.

(Inaudible)

Secretary Jerzy thinks Mr. Nestorowicz brings up a great point, though. The property is only so big. He feels like if they do attach some kind of number to it, if she expands her business, that variance becomes null and void. They would have to come back with another site plan to expand on the property. What that number is, he doesn't know. She claims they just have six (6) trucks, maybe they say no max than eight (8). That gives her a little bit of room for expansion if need be. Doesn't block up the neighborhood that bad, because of the fire house right across the street. If something changes with the business growing and being more successful, then at that point they readdress it going forward. That's kind of what he sees. It's kind of a unique property to try and put just anything in there. That's the tricky part of it.

Board Member Green said on that piece of property the question would be then, how many

trucks can she get in there? Six (6) she said, right?

Ramona Cean said twelve (12) with no problem. Twelve (12) tops. When they moved in 2012 they had twelve (12) trucks.

Board Member Green asked if that filled the whole property.

Ramona Cean answered no. They enough space to maneuver the trucks and trailers with no issue.

Board Member Green asked no more room for anymore trucks though.

Ramona Cean replied no. They're never full twelve (12) at the same time.

Board Member Green understands that.

Ramona Cean said they work. They hadn't had any issues for many, many years.

Board Member Green thanked her.

Chairman Sophiea would like to see this rescheduled with an updated site plan. From engineering or the architect, just showing the maneuvering lanes and where the trucks are going to be parked. Are there any other comments from the board? Or questions?

Board Member Nestorowicz wanted to add one thing. See, it's like, the reason he was asking about how many trucks can, if that's what's going to be in the open storage, because does that mean there's going to be trucks in open storage area 1 and open storage 2. Or is that part of a maneuvering lane where they're going to move trucks around. He really thinks they need to have the site plan identify how many trucks and where they're going to be parked. That's his comment.

Chairman Sophiea is in agreement with that.

Secretary Jerzy thinks that's a fair statement, because if they grant open storage on that property, if she goes out of business in five (5) years now they're stuck with 20,000 square feet of just blanket open storage on that property.

Chairman Sophiea said they can postpone this. It wouldn't require re-noticing.

Board Member Clift said reviewing the impact statement on the second page. It looks like there was some instructive items placed asking for a revised site plan labeling storage areas one, storage area two and what was going to be in there. So, it's looking like they've already, or the city or somebody, has already kind of asked for a multitude of these things. Is there not a site plan for this location?

Becky Klein stated there is. What they have in the packet is the resubmittal site plan. As far she knows, was accepted by Planning.

Chairman Sophiea stated they have that site plan, but he doesn't think it goes into detail that they're asking about.

Becky Klein stated no, it does not include a parking layout and does not delineate precisely where the trailers and trucks would be put in that area. That was not specified by Planning. They have a nontraditional parking layout here. Typically, if they're parking a full semi tractor and trailer, they want an eighty (80) foot parking spot that's about twelve (12) feet wide. If they're parking just the trailer, they can get by with one that's fifty-five (55) feet long. They have that in most of these perimeter areas.

Board Member Clift said referring to the site plan for open storage and then they're photographed that's included with the packet, it kind of shows what they have where. Tractor trailers on the northeast, or trailers. It's hard to tell, it's a grainy photograph. Tractors in the northeast corner of the lot and the dog leg, if you will. Along the south east wall coming west and maybe some vehicle parking in there in the area marked number four outside of that open storage area. He's just trying to devise a way if they wanted to put a restriction for the number. Put a number on things. He thinks they have the information at their disposal for that. 1, 2, 3, 4, 5, 6, 7, 8, 9 trailers on the south. 1, 2, 3, 4, 5, maybe 6 on the north side. Fourteen (14). If they park their tractors in front of their trailers, gives them room for fourteen (14) tractors.

(Inaudible)

Board Member Clift said if they wanted to address it is as a tractor trailer combination or split them up independently. Nothing could go along that wall on Roseberry Avenue. He can see the traction marks on the pavement where they do their tandem sliding at. That would also be their maneuvering lane. That whole center cap would have to be open in order to turn anything in and out and around there. He can't be positive, he thinks he might have been in that location once in a previous lifetime, but he remembers there being an asphalt company there. Making deliveries with a fifty-three (53) foot trailer, but that was a long time ago. He just thought he would throw that consideration out there. They might have what the boards kind of leaning towards with coming up with a cap or a number. Did they own twelve (12) tractor trailer combinations.

Ramona Cean replied yes.

Board Member Clift said twelve (12) tractors, twelve (12) trailers.

Ramona Cean said yes.

Board Member Clift asked if she's an over the road operation.

Ramona Cean said yes.

Board Member Clift asked if they're gone most of the time. Couple weeks?

Ramona Cean said they go to the US, all forty (40) states and Canada.

Board Member Clift said that's an OTR operation. Chances are less than three (3) percent of their stuff is there on downtime. Anyway, he just wanted to make those points. It looks to him... 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15 tractor trailer combinations, in his opinion, would make a great restriction cap for what's being stored in the open storage.

Becky Klein stated they would be fine with a numerical cap like that, if they wanted to impose that.

Board Member Clift thanked her for answering her questions. He yields the floor.

Chairman Sophiea asked for any other comments from the board.

Board Member Nestorowicz said they can add the stipulation that the open storage is only the fact that it's tractor and trailer parking. Nothing else. So, they won't find out in a year that there's barrels of who knows what or something. You know what he means?

Ramona Cean replied no, no. They are fine with that.

Board Member Nestorowicz will go along with that.

Chairman Sophiea asked for any other comments from the board, or discussion. He thinks that's a good compromise.

Board Member Clift said one more time to the respondent. That number fifteen (15) is fair for them that he came up with?

Ramona Cean replied yes.

Board Member Clift said if nobody else has anything, he's going to draft an amendment to the request and he'll go ahead and make a motion. Just give him a moment.

Motion:

Board Member Clift made a motion to grant permission to:

- 1) Allow 20,158 square ft. of open storage to a property that the primary structure is 5,008 square ft. **Used for tractor trailer storage, 15 tractors, 15 trailers.**
- 2) Waive requirement of no open storage within 75' of front property line on Roseberry Ave. as property is a double frontage lot.

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

Board Member Lindsey supported the motion.

Chairman Sophiea said they have a motion by Mr. Clift, supported by Mr. Lindsey to approve the modified request as read.

Roll Call:

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

Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Lindsey	Yes, for the reasons stated in the motion.
Board Member Green	Yes, for the reasons stated in the motion.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.

Board Member Watts	No, detriment to the area.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Sophiea	Yes, for the reasons stated in the motion.

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

8. PUBLIC HEARING:

APPLICANT: Even Moshe

(Rescheduled from 6/11/2025)

REPRESENTATIVE: Same as above.

COMMON DESCRIPTION: 22241 Van Dyke

LEGAL DESCRIPTION: 13-33-276-014

ZONE: C-2

VARIANCES REQUESTED: Permission to

Retain 32 square ft. wall sign on the south elevation, in addition to a previously approved 32.25 square ft. wall sign on the north elevation for a total of 64.25 square ft. of wall signage.

ORDINANCES and REQUIREMENTS:

Section 4A.35 (C) – Signs Permitted in Commercial Business and Industrial Districts: Total wall signage of a size not to exceed forty (40) square ft. shall be allowed for each business in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.

Chairman Sophiea said good evening. If they can both state name and address.

Even Moshe, 22241 Van Dyke, appeared before the board.

Chairman Sophiea thanked him and asked him to please tell the board about his request.

Even Moshe said he wrote it down. He's here to request a variance for their sign. Visibility at their location has been a real challenge. They had many customers tell them they have trouble finding the shop, and that's something no small business can afford. He's noticed other businesses near by with signage that seems to exceed what the ordinance allows for their building size. He's not here to call anyone out. He just wants to point out that there seems to be some flexibility being allowed in other cases. He's hoping to be treated the same and given the same chance. They're not asking for anything excessive, just the visibility they need to serve the community and keep their business moving forward.

Chairman Sophiea thanked him for his comments. This is a public hearing. Is there anyone in the audience who wishes to speak on this item?

No response.

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

Secretary Jerzy said he goes by that property basically everyday to work. It's unique in the shape that he's got really no front space, front setback. He's pretty much right on Van Dyke. There is no room for a pole sign anywhere on that property the way it sits on the corner. The additional

sign for traffic coming south where he gets pretty good portion of business both ways. They don't even know it's there until they're by it. So, he can understand the petitioner's plight in this regard. The sign is a nonilluminated sign if he recalls correctly. It's not a light detriment. Since that business has come up and running. He's been on the board for a few years and seen this little project kind of take form with the setback variances and stuff like that. It's come a long way. He's done a nice job with his property. A big concern with the auto shop is that it ends up being a junk yard in the corner. He's actually maintained it really, really well. So, kudos to that. He's not repairing cars outside, anything like that. He's running a really good business. Got nice ventilation in there with the way the sides are cut out of the building, too. He doesn't see this being anything overly extreme to anything else they've granted in the past. So, he would be in favor of this.

Chairman Sophiea asked for any other comments.

Board Member Nestorowicz wanted to reiterate, because he was going to say some of the comments before Mr. Jerzy actually came in. He drives down that part of Van Dyke often. That building is right on the sidewalk. You can't put in a pole sign or a monument. You can't put any kind of sign there. They can't say put it on the front of the building necessarily easily, because the traffic has to be able to see the sign. He's not asking for anything excessive, because the amount he's asking for is within... Each sign is actually within the forty (40) that they would normally give. Asking for one for each part of the building makes total sense. So, he would be in support of this.

Secretary Jerzy said the only knock he would have is that he put it up before coming. Other than that...

Even Moshe explained he's ran shops before. This is his first time opening his own thing.

Secretary Jerzy said it happens everyday. It happens all the time.

Even Moshe is just trying to keep it clean. He cleans the bus stop. He cut down the pole...

Secretary Jerzy said it's a beautiful corner. It has come a long way for sure.

Even Moshe said he keeps it clean, he tries.

Chairman Sophiea asked for any other comments from the board or possible motions.

Board Member Nestorowicz will make a motion if there's no other discussion.

Chairman Sophiea closed the discussion.

Motion:

Board Member Nestorowicz made a motion to grant the petitions request to retain 32 square ft. wall sign on the south elevation, in addition to a previously approved 32.25 square ft. wall sign on the north elevation for a total of 64.25 square ft. of wall signage.

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

Secretary Jerzy supported the motion.

Chairman Sophiea said they have a motion by Mr. Nestorowicz, supported by Secretary Jerzy to approve the request as read.

Roll Call:

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

Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Green	Yes, for the reasons stated in the motion.
Board Member Watts	Yes, for the reasons stated in the motion.
Board Member Lindsey	Yes, for the reasons stated in the motion.
Chairman Sophiea	Yes, for the reasons stated in the motion.

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

9. PUBLIC HEARING: **APPLICANT: Tomas Zuniga**
REPRESENTATIVE: Partners in Architecture
COMMON DESCRIPTION: 22323 Ryan
LEGAL DESCRIPTION: 13-31-278-018
ZONE: M-1

VARIANCES REQUESTED: Permission to

- 1) Allow 15,724.20 square ft. of open storage of trucks, vans and trailers without a primary structure on the site.
- 2) Allow open storage 43' from the front property line.

ORDINANCES and REQUIREMENTS:

Section 17.02 (S) – Industrial Standards – Open Storage Other Than Junk: ...the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site...

Chairman Sophiea said good evening and please state name and address for the record. \

Tomas Zuniga, 8220 Rathbone, appeared before the board.

Chairman Sophiea thanked him. He said if he's going to talk, state address too.

Andrew Sowinski, Partners in Architecture, 5059 Elkin, appeared before the board.

Chairman Sophiea thanked them and asked them to please tell the board about the request.

Andrew Sowinski explained they're requesting open storage. Primarily, it's very similar to the other project that was discussed. It is primarily over the road trucking. So, it will be over night

parking and storage larger concrete trucks, service trailers and some smaller panel vehicles. As well as some employee parking area. This plan was sent through the Planning Commission. They looked at it and approved with some contingents. The parking that is closer than seventy-five feet from the front parking area is small panel trucks. The idea being they're not going to park vehicles closer to the residential. They're going to park them closer to the street. The smaller vehicles having a lesser impact on the Ryan Road elevation. So, it's primarily the parking for the employees and then smaller panel vans similar to this. Take a look at that. Those are the small vehicles that are closer to Ryan Road. So, there's large vehicle parking for ten (10) large vehicles, eighteen (18) passenger vehicles for employees, eleven (11) spaces for smaller commercial vehicles and trailers. Then four (4) parking areas for larger trailer. There is an open space on the north west corner that is left open for snow storage during the winter time. There is also an onsite detention area. So, the placement of that kind of opens up to snow storage right adjacent to the detention area.

Chairman Sophiea thanked him for those comments. This is a public hearing. Is there anyone in the audience who wishes to speak on this item?

No response.

Chairman Sophiea closed the public portion of the meeting. He turned it over to Secretary Jerzy to summarize the Planning impact statement.

Secretary Jerzy thanked him.

"After review of the request, no issues were found to impact the abutting, local or general public. The petitioner received site plan approval with conditions for open storage of semi-trucks, employee parking, and a new parking lot on May 12, 2025."

Chairman Sophiea thanked him. At this time he turned it over to the board for discussion.

Board Member Clift asked what the surface of the lot is. Is that paved lot, gravel lot?

Andrew Sowinski replied it is fully paved.

(Inaudible)

Board Member Clift asked if his primary work is concrete work.

Tomas Zuniga replied correct.

Board Member Clift asked if this would alleviate a lot of the congestion of them coming in and out of that yard on the east side of Rya, right.

Andrew Sowinski aid right.

Board Member Clift stated it looks a lot better than the dilapidated bowling alley he stared at for a number of years sitting over there. He just couldn't recall off the top of his head if he had paved that entire lot in yet. He thinks the last time he took a hard look over there he was doing the

grading. That was some time ago.

Andrew Sowinski said it's not paved yet. It will be.

Board Member Clift asked if they're going to utilize that for anything until after they get this completely done then, right. He has a concern about dragging dirt and stuff out into the roadway over there, unless they have a plan for that.

Tomas Zuniga said right now it's partially asphalt except for where they knocked that building down. Mostly sand, there is no dirt. There won't be any dirt coming out.

Board Member Clift asked that it's not his intent to start utilizing that area for storage or parking until their project over there is complete, complete.

Tomas Zuniga said not until it is complete, correct.

Board Member Clift said that was his one main concern. He appreciates his candor and answers, sir. He yields the floor.

Chairman Sophia prefers that it's paved obviously, too. That's always his concern. If it's stone or dirt, it deteriorates and causes a full swell of problems. It's good that it's going to be paved with the proper drainage.

Board Member Nestorowicz has a question. Currently he's operating on the east side of Ryan, correct?

Tomas Zuniga said that is correct.

Board Member Nestorowicz asked if this is just added storage in addition to that or is he moving over from one side of the street to the other. He's just wondering. Or is it just expansion.

Tomas Zuniga replied it's expansion to the east side.

Board Member Nestorowicz normally doesn't like storage on property with no building business going on there. That's one of the things he worries about because giving the open storage it stays with the property. They sell it off and then always have a property without a building or business operating there. The existing building on the east side, farther, not that far down, will still exist, correct?

Tomas Zuniga said it's directly across from the parking lot, correct.

Board Member Watts asked how long it will be before they have that property paved.

Tomas Zuniga said as soon as they get the permits it shouldn't take no longer than three (3) months.

Board Member Watts asked if it would be paved before the bad weather sets in.

Tomas Zuniga said that is the intent.

Board Member Watts asked if he's currently parking vehicles over there.

Tomas Zuniga replied no.

Board Member Clift said it was in the back of his head earlier tonight and forgot it slipped out. He has to ask the question though. Is this specifically going to be parking for utilization of vehicles used in their own personal business owned operation, or does he intend on renting spaces out for other people to park in that area on a rental bases.

Tomas Zuniga stated it will not be rented out. It will only be for strictly their own equipment or rather trucking.

Board Member Clift thanked him and yields.

Secretary Jerzy has a question for Mr. Watripont. He's kind of going through the variances granted on the property. Correct him if he's wrong, but wasn't there a big sign, Bronco Lane sign, on that property.

Steve Watripont said there was, it's still there.

Secretary Jerzy doesn't see a variance in the packet for that said sign.

(Inaudible)

Secretary Jerzy said hold on ma'am.

Steve Watripont said she might know more than he might right now.

Secretary Jerzy said oh my goodness. If she wants to speak, speak into the microphone.

Chairman Sophia said to start with name and address.

Deana Gardiner, 15675 Alpine, appeared before the board stating when they all started this project, they don't want to tear the sign down. Their intention is to change Bonco to Zuniga, same letters. They will clean the sign up. Take all the extending pieces that are no longer viable off. Take the marquee off, because they're not advertising anything on it. Just to have the Zuniga name. New painted poles. Make sure they pass everything. When they went to the building department about the sign change, they told them they needed all this taken care of first before she could submit the permit for that.

Secretary Jerzy said again, the question. Is there a variance on the property for the sign?

Steve Watripont is not aware of it. He doesn't know if there is multiple addresses and this was combined and it was not caught.

Secretary Jerzy asked if they move forward, this project might be something to look into.

Steve Watripont explained when they go for the sign, they may have to come back for a variance if it doesn't have one. If it's over the seventy-five (75) square feet.

Chairman Sophiea said it probably is.

Secretary Jerzy said just need to get them more help.

Steve Watripont appreciates that.

Chairman Sophiea asked if there's any other comments or discussion on this item.

Board Member Clift said he'll make a motion on the item.

Chairman Sophiea closed the discussion. Please do.

Motion:

Board Member Clift made a motion to grant permission to:

- 1) Allow 15,724.20 square ft. of open storage of trucks, vans and trailers without a primary structure on the site.
- 2) Allow open storage 43' from the front property line.

Board Member Perry supported the motion.

Reason being: Fantastic size and shape of the lot; Not a detriment to the area since it's been cleared up that it's going to be a paved lot; He doesn't see a lot of dust and debris and things like that floating around into the neighborhood.

Chairman Sophiea said they have a motion by Mr. Clift, support by Mr. Perry to approve the request as read. Roll call.

Roll Call:

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

Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Green	Yes, for the reasons stated in the motion.
Board Member Lindsey	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Watts	Yes, for the reasons stated in the motion.
Chairman Sophiea	Yes, for the reasons stated in the motion.

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

10. NEW BUSINESS

Board Member Green asked for Mr. Watripont. Two items real quick, because he knows some people have to get out. The storage container at Sardelli's. He's asked on this Thirteen and Mound flower shop and how he wants to approach this as far as getting a site plan.

Chairman Sophiea asked what location.

Board Member Green said Thirteen and Mound. The flower place on Thirteen and Mound. He's been concerned about, actually wondering about if there are any violations or not. He really doesn't have the information to make an assessment and something is off. He doesn't want to do it as an individual, he wants to do it as a board. What he's going to ask for, and before he makes the motion, maybe allow a little bit of discussion on it. He wants to get site plans for everybody of that property. His concern grew even more today when he drove by and saw it was all cleaned up. Somebody must have said something. He drove by a few hours later and it was wrapped with fireworks sale signs. That would be interesting to him that there was all these multiple businesses that can be run out of one spot. In order to make an educated decision, he thinks they need to re-look at the site plan.

Chairman Sophiea doesn't recall that location coming before them for a variance this year. The reason, maybe Mr. Watripont can elaborate. Is that something to do with the site plan approval, by passing zoning.

Steve Watripont believes there was a permanent outdoor sales site plan approval on that.

Board Member Green said he's looking for this for two reasons. One for government purposes and one for enforcement. That's the two reasons he's looking for. He's asked multiple questions since he's been on the board and he knows there's enforcement stuff because they don't have a lot of people. He feels like they're getting taken advantage of a little bit. Not that it's not a good business and people like to go there and stuff like that. He's had people even say... for a while there they expanded so big that it was double the size it originally was and there was stuff all over. They got a temporary sign there. That was his original question. Do they have approval for temporary sign, because they stuck it right in front of his buddies store where they have a brand new strip mall with brand new landscaping. He couldn't answer him because he didn't have the information to answer him. Now that they're in between businesses they park their truck and back out in front of the guys business again with the sign taking up parking spaces that he wishes were filled with customers, but they're not. In order to make educated decisions, he thinks a copy of the site plan would be appropriate for them to take a look at. He didn't want to do it as an individual, he wanted to do it as a body.

Board Member Nestorowicz would support that.

Board Member Green said his motion then would be, if they wanted to entertain it, could vote no.

Motion:

Board Member Green made a motion this board be supplied with a site plan for Thirteen and Mound flower outdoor sales for governmental purposes and code enforcement purposes.

Board Member Nestorowicz supported the motion. The thing about that that always concerned him, he understands that at some point they got some permanent outdoor sales, but he always thought that was on the corner where they built the strip mall. When they built the strip mall, did that permanent outdoor sales move.

Chairman Sophiea said if they recall when they were here last year they mentioned they were going to have a store in that strip center somewhere.

Board Member Nestorowicz said they technically have a store front that they call, but there's nothing inside. It's totally empty.

Board Member Green wanted to add some history. When he was on the DDA they came to them to buy an out lot at majestic plaza for the same reason, but then decided they didn't want to give up that. It's been going on for a while.

Secretary Jerzy said they heard a lot from that owner of that particular thing, but he's promised a lot of things and never delivers. He said it was going to be his last year, this that and the other thing. Just like the fireworks tents. He's found some way to bypass the board it looks like.

Board Member Green asked if fireworks have to come to the board.

Secretary Jerzy said the fireworks do have to come to the board, which is a whole another ball of wax because nothing has water barrels. Nothing is set up how the board asked him to set it up. Steve can't enforce it because it's not on the ordinances. So, he's kind of digress, but he would entertain that motion. Be in favor of trying to see what's going on over there.

Board Member Watts has a question for Mr. Watripont. The permanent variance. Does he happen to know off the top of his head if it was for the corner?

Steve Watripont believes that it went through probably within the last year for the current location.

Board Member Green said that's why he wants the site plan. He wants to get these things answered without them just going back and forth and guessing.

Chairman Sophiea said that makes sense. Administratively, he's a bit confused how that item can go through Planning and get Planning's approval without going to the Zoning Board. Did Planning approve them for permanent outdoor sales?

Steve Watripont believes they did for permanent outdoor sales.

Chairman Sophiea asked if that's a permitted use in the zoning.

Steve Watripont explained the zoning ordinance allows outdoor sales, yes.

Board Member Clift asked if Mr. Green has showed up to the Building Department's desk

and asked them to see that thing. Just out of curiosity.

Board Member Green said to Mr. Clift to be clear one more time. He didn't want to act as an individual, he wanted to act as a body.

Board Member Clift understands.

Board Member Green wanted this on the record, he guesses would be more appropriate. He's kind of leaning, and part of the reason he's doing it, and he thinks they're entitled to it is because the fair use doctrine that allows for governmental purposes that they are supplied. They're not violating any laws or anything he doesn't think.

Chairman Sophiea said it was a motion by Mr. Green, support by Mr. Nestorowicz to request copies of the site plan.

Jennifer Pierce asked to chime in here. First of all, he would agree if it was an item on the agenda that this board was considering. This board has no enforcement authority to go out and enforce the site plan, that's going to be the administration, Zoning and Building department. She doesn't know, legally, that it qualifies that they can request it as a board.

Board Member Green said the reason he brought it forward is because there is a document called the fair use doctrine and what it does it... the use of these certain copyright protect words like architectural plans, obviously. But they can reproduce plans as part of a review, inspection, or approval of the process. They can also, the doctrine of fair use contemplates the reproduction of copyrighted materials for a limited purpose without liability or infringement. The standard course look at are the purpose and character of the use, including what the use was for, commercial use or nonprofit, then (inaudible) copyrights. So, it would seem to him that for them to speak intelligently on it that he thinks they're entitled. But he would be willing to give them some more time to look at this and come back to another meeting. If that's more appropriate.

Jennifer Pierce would be happy to. As she said, she knows he wants to do it as a body, but she doesn't know what the legitimate purpose is if it's not an item on the agenda that this board is going to be considering. They're discussing it as citizens.

Board Member Green would beg to differ. They are discussing it as the Zoning Board of Appeals for the City of Warren right now. He thinks they have a vested interest in how this is being manipulated. That's his feeling on it. They can motions on anything and doesn't have to be on the agenda.

Chairman Sophiea said obviously they're not an enforcement board, but he guesses the question is whether they're entitled to a copy of that site plan. Not because it's an item on the agenda, but because they see other items similar and trying to have a uniform outlook temporary selling in those stands.

Board Member Clift said before they vote on it in any fashion, he has to ask the question to Mr. Green his colleague. Mr. Green, he's going to request this motion for clarity for the board of a professional nature for education.

Board Member Green said no, for governmental purposes. They're a governmental body.

Board Member Clift said fair enough.

Board Member Green said it's clear that legally, well, again he would be willing to defer and let the city attorney look at it for another week, but he believes it's clear that they're entitled to it. He thinks it's more appropriate for him to ask as a body than him to ask as an individual. Then it looks like he's got a vendetta or doing something outside the scope of this bodies authority. He guesses he's asking the city attorney if she needs to take more time to look at it.

Chairman Sophiea said permitted to make the motion and the city can decide later if they're going to...

Jennifer Pierce said absolutely. If they want to make the motion and that passes, pending whether or not it's a legal use.

Chairman Sophiea said ok.

Board Member Nestorowicz asked to add on. The reason why he supported Mr. Green's motion is because, you know, over the years seeing that property have many (inaudible) how they're operating there. To understand where it is exactly the sales area, so that way they don't ever have these questions come up again next year. Was that sign valid, was it not valid, was he able to have a tent there, is he not? It used to be on the corner, then it moved.

Secretary Jerzy said or at the bare minimum they find out he has a site plan and it's out of their privy and they go on their marry way.

Board Member Nestorowicz said exactly.

Chairman Sophiea is still a little bit confused with how the Planning Department works, because Planning approved permanent outdoor selling on this location. Why couldn't the petitioner tonight, like Home Depot, go to Planning get permanent.

Steve Watripont said that's storage. Sales and storage are different.

Chairman Sophiea said ok.

Board Member Green said with that said then. They had five (5) fireworks people come them. Each time one of the major concerns as a board was whether or not they were complying with the state regulations and stuff like that. They're going to be selling fireworks out of there next week and who knows. They don't know if they got any state stuff.

Board Member Watts knows for a fact that fireworks tents are inspected by the Fire Department. That's required by law.

Board Member Green said if they put in for a permit they are, yes.

Board Member Watts knows the ones in Warren are getting inspected.

Board Member Green doesn't know that that one has gone through anybody.

Board Member Watts agrees. He'll just chime in here and he's been watching this for many years. As a former business owner, both brick and mortar and otherwise. The fireworks places are popping up. They used to be Easter flowers, Mother's Day flowers at every gas station out of the back of a U-Haul. Those have kind of seemed to go away. Then this place over here. At one time they had this guy operating on the corner. Young's Garden Mart, the place on Schoenherr, and a place on the Eleven Mile service drive that are brick and mortar operations. Then this guy has no investment. He pays a few months rent and he moves on. That's not fair to brick and mortar. He just thinks that they really need to have a little more regulation on that stuff. He thinks it's good to ask for a site plan, because they can educate themselves by the time next year comes and they have all these approvals again. Looking at it now, they've already learned there's problems with the fireworks tents. With the winds they've had the last couple of months, there are things being found everywhere. That's all they need is one of those big tents to fly out and hit a bunch of cars. Or one of those stakes come out and go through the windshield of a car and kill somebody. There's a lot of issues here they really need to be looking at as a board for future reference.

Board Member Green explained his motivation was he simply asked about the temporary sign up about a month and a half ago. Nothing. He's got nothing. So, now this is why he wants to see the site plan and then see for themselves. For example, if they can have a temporary sign. So somebody who invested over \$100,000.00 by putting a new business in there, with a new parking lot, with all brand new landscaping, has a legitimate complaint.

Chairman Sophiea said ok and asked if there is any further discussion.

Board Member Clift is curious if that individual who feels that way over there has made a complaint to the proper authorities and got any kind of result, or lack thereof.

Board Member Green said he's making the complaint for him to this body.

Board Member Clift asked nothing right.

Board Member Green asked what's that.

Board Member Clift stated nothing right. No answers. No response.

(Inaudible)

Board Member Green doesn't think he has. What does that have to do with this motion, though?

Board Member Clift is just curious. Going on the record that he knows that this body has forwarded complaints of certain things they've become aware of before. Sometimes they get answers back on them and sometimes...

Board Member Green said to be honest, if they're forwarding complaints they could be here till 4 o'clock in the morning.

Board Member Clift yields.

Board Member Green thanked Mr. Watripont.

Chairman Sophiea said they have a motion by Mr. Green, support by Mr. Nestorowicz to provide copies of the site plan at the Thirteen Mile and Mound flower stand.

Voice Vote:

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

Chairman Sophiea said obviously subject to permissible disclosure, whatever you want to call it. Any other new business? Motion to adjourn?

Steve Watripont wondered if he can ask one question. He was coming up trying to take notes. They said two items. The first item he heard storage.

Board Member Green said storage container at Sardelli Pool's. That big one. Steve Watripont said he couldn't hear him.

Board Member Assessor said Thirteen and Van Dyke.

Board Member Green said the storage container at Sardelli Pool's. That giant one. Remember he mentioned it to him when they were doing the Lowe's.

Steve Watripont said yes.

Board Member Green thanked him.

Secretary Jerzy had one other item he wanted to mention to Steve real quick before they adjourn. 22660 Van Dyke, regarding signage on the side of the building. South side. That's all he's got.

Steve Watripont explained they have enforcement already on that one. The hamburger?

Chairman Sophiea said great.

Secretary Jerzy said yep.

Board Member Watts has one more. Just what Steve needs.

Steve Watripont said he is off tomorrow so he might not remember all this.

Board Member Watts was going to bring it up earlier under the item, but the Schoenherr location for the trucking company. When he was down there, in all fairness, it was a month or so ago, on Roseberry just to the south of the property, maybe equal to the property. There was probably a forty (40) foot, forty-five (45) foot semi-trailer sitting there. It looks like it has been there for twenty-five (25) years. You could just tell by the garbage underneath it, the tires, and everything like that. He meant to bring that up before and just wondered if somebody can take a peak at that. He's not sure who it belongs to.

Steve Watripont said it was near the agenda item, but not on the property.

Board Member Watts said it was not on the property, it was on Roseberry. Those things kind of bug him, Steve. They had staff go out and look at the property to generate the information. Somebody probably drove by that. Didn't a light go off? He apologizes if that was him.

Steve Watripont said he's not in the field too much anymore. He understands his frustration on a lot of these things.

Board Member Watts thanked him.

Chairman Sophiea asked for a motion to adjourn.

11. ADJOURNMENT

Motion:

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

Voice Vote:

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

The meeting adjourned at 8:39 p.m.

Paul Jerzy
Secretary of the Board