

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
DECEMBER 11, 2024

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, December 11, 2024 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
Charles Anglin
William Clift
Shaun Lindsey
Garry Watts

Members of the Board absent:

Kevin Higgins

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

Motion:

Board Member Clift made a motion to excuse Mr. Higgins; Supported by Board Member Anglin.

Voice Vote:

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

4. ADOPTION OF THE AGENDA

Motion:

Secretary Jerzy made a motion to remove #8 and postpone indefinitely and approve the remaining agenda; Supported by Board Member Anglin.

Voice Vote:

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

5. APPROVAL OF THE MINUTES of the Regular Meeting of November 13, 2024.

Motion:

Secretary Jerzy made a motion to table the minutes of November 13, 2024; Supported by Board Member Perry.

Voice Vote:

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

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| 6. PUBLIC HEARING: | APPLICANT: Stephen Martlock |
| REPRESENTATIVE: | Same as above. |
| COMMON DESCRIPTION: | 2548 Cromie |
| LEGAL DESCRIPTION: | 13-07-177-005 |
| ZONE: | R-1-B |

VARIANCES REQUESTED: Permission to

Install 4' vinyl privacy fence in the front setback along the east property line, from the front property line to 80' to rear yard.

ORDINANCES and REQUIREMENTS:

Section 4D.07 – Setback Required: Walls, fences and landscape screens shall conform to the setback requirements for the zoning district, unless otherwise provided in this article.

Section 6.05 – Front Yard: Each lot in R-1-B Districts shall have a front yard of not less than twenty-five (25) feet. Where residences are to be erected on adjacent lots, such building line shall be staggered at least two (2) feet with no building located closer than twenty-five (25) feet from the front yard.

Chairman Sophiea asked the applicant to start with name and address for the record.

Steve Martlock, 2548 Cromie, appeared before the board.

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

Steve Martlock explained his front yard has a rear yard to the side. There is an existing eighty (80) foot fence there already. There are trash cans and other stored items along his front yard. It's detrimental to his property value. He would like a privacy fence to fix that. Remedy that.

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 said they do have a letter that Secretary Jerzy will read into the record.

Secretary Jerzy said it's from a Niel and Dorothy Streffling that reside at 2430 Cromie. They're neighbors and expressed they have no objection to the variance.

Chairman Sophiea thanked him. At this time he closed the public portion of the meeting and

turned it over to the board for discussion.

Board Member Clift said he's to understand that he's requesting for a four (4) foot fence to replace the existing four (4) foot chain link fence.

Steve Martlock said it's not to replace it. That fence that is there is their fence. They don't need to get a permit to get that fence. Or a variance. He needs a variance. That's what's perplexing.

Board Member Clift asked if he's replacing the chain link fence with his privacy fence is the question.

Steve Martlock wants a privacy fence of his own. Their fence is there now.

Board Member Clift asked if that fence is going to remain.

Steve Martlock believes so, yes. He's going to talk to them after this is approved and see if they want to remove it, but he doesn't think they will.

Board Member Clift has nothing further.

Board Member Anglin says everybody on the board knows how he feels about putting a fence up in front of the line of sight. Now, his question is, and he's going to try to be as understanding as he can with this. Between, because the only thing he really has to go by that gives him any type of dimension is the picture of the garage and the fence row. How far is it from the garage to that fence?

Steve Martlock answered four (4) feet. There's an easement there.

Board Member Anglin said right, ok. So, there's four (4) foot.

Steve Martlock said between the garage and the fence.

Board Member Anglin said the main reason, and he understands that'll be a little slim to try to put rows of garbage cans between. So, the main reason he wants to do is cut out the line of sight of those garbage cans sitting out front. Is that correct?

Steve Martlock replied yes. They put their stuff all the way to the end of the sidewalk.

Board Member Anglin repeated they put their stuff all the way.

Steve Martlock stated yes. Their stuff is out onto city property at this point, today.

Board Member Anglin asked if he has a better shot of that. So, the neighbors garbage cans.

Steve Martlock included and other items.

Board Member Anglin repeated and other items are put on that fence row away from where their house is at in line of sight.

Steve Martlock said yes. They store things in the line of sight. The line of sight is not really used by anyone in all honesty.

Board Member Anglin said if he wants to run it down that side yes.

Chairman Sophiea explained the neighbor who owns this chain link, it appears that fence, that property line, is their backyard.

Board Member Nestorowicz said yes.

Chairman Sophiea continued explaining this is his side yard of his front yard. So, usually he agrees with him that the fence shouldn't extend past the front build line of the dwelling, but given that there's already a fence here on the same line. There is good reason.

Board Member Anglin stated that's the reason he would like to get a little more detail on stuff. If this picture was taken of that, it would be nice having a picture sitting back taking a picture of the whole property set up so the board can get a better understanding of how that sits. Other than this print, which is hard to follow.

Steve Martlock explained that's from his property looking directly east.

Board Member Anglin understands all that.

Steve Martlock doesn't know what more he would really...

Board Member Anglin understands, please someone correct him, he's not allowed to put his garbage cans out in front of his garage on a fence row like that.

Steve Martlock said there is an ordinance against. He has talked to the city very lengthy about it and they say there is no violation there. He talked to the attorney and property maintenance.

Board Member Anglin said because they switched to the larger cans.

Board Member Nestorowicz said it's in his backyard. It's not his front yard, it's behind his house. It's his backyard.

Steve Martlock said he's the homeowner and he should be able to do what he wants with his property that's reasonable. He's his homeowner, he should be able to do what he wants with his property that's reasonable. That's all they would like.

Board Member Anglin understands and agrees with him.

Steve Martlock said line of sight doesn't matter to either one of them.

Board Member Anglin understands that and agrees with it. But there is a more in depth view on breaking the line of sight and that is if there's a problem in the neighborhood with the police driving down, they can't see from one yard over to the other. That's one reason why that code was put into effect. The line of sight. Fire department has the same thing with it, so they can see

what's going on.

Steve Martlock said they'd still be able to see over the fence. It's a four (4) foot height.

Board Member Anglin stated that's never been described as part of the reasoning. He's going by why those codes are there.

Steve Martlock said if there are these codes then, why don't they enforce them at other parts of the city.

Board Member Anglin agrees with him.

Steve Martlock said there are violations.

Board Member Anglin said that's why he's enforcing them. When it comes up to him. It has to stop somewhere. If it's not to code or not to the way it should be, somebody has to be willing to take the heat and say it's not supposed to be that way. He's willing to take that heat.

Steve Martlock thinks it should be taken into consideration. Putting that four (4) foot fence all the way to the sidewalk blocking that vision zone. How is it going to affect negatively? It won't affect negatively anything.

Board Member Anglin explained there are things it could affect. What if there are some kids in the driveway, in his yard playing, smaller kids. When the board rules on this it goes forever with that property. When he decides to move out there and somebody with kids comes in and buys that piece of property. They have four (4) or five (5) kids that are little, tiny things playing in the backyard. This guy is pulling out of the driveway or something and doesn't see him because of that fence there as they run out. Or somebody going down the sidewalk, which they do go on their bikes down the sidewalk and can't see the little kid coming out. So, there's a whole lot of hidden arrays that could happen to this. Especially, with this being part of the property forever. The best he would like to see done is come down. He can see wanting to hide that mess and those garbage cans. He can understand that.

Steve Martlock said it's not going to look right if they have ten (10) feet of chain link fence there sticking out like that.

Board Member Anglin said in other words he was thinking what he was thinking. He said he would like to see at least ten (10) feet from the sidewalk, or some feet from the sidewalk, so it does not create a blind spot.

Steve Martlock explained they're storing things in that blind spot right now.

Board Member Anglin said well, he shouldn't be. If somebody at the city tells him that, then he goes to the city attorney's office and file something with them.

Steve Martlock has done that. (Inaudible)

Board Member Anglin said they're really giving him the run around then as far as he's concerned.

Steve Martlock is being railroaded, yes.

Board Member Anglin repeated as far as he's concerned he's getting the run around. He probably shouldn't have said that up there, but that's what it sounds like.

Steve Martlock said the ordinances are very egregious towards a person like this.

Board Member Anglin said he'll leave the floor. Go ahead, sir.

Steve Martlock stated if they want to do this right, let the homeowners do what they want. They will never run into a problem like they're trying to present. He thinks he's talking extremes that will never happen.

Board Member Nestorowicz said the comment he wanted to make is, Mr. Anglin, to his knowledge with the city and the ordinance has to do with putting those garbage cans and stuff in the front of the house. The issue here is it's not in the front of the house, it's not in the site lines from the front of the house because it's in his backyard. Those garbage cans are allowed in the backyard. Unfortunately, his backyard becomes this neighbors front yard view. He thinks that's the issue they're running into. He's not...

Steve Martlock said therefore he should be allowed the fence with the vision...

Board Member Nestorowicz said to hold on. Personally, since that fence is allowed based on the fact that house next to him is a corner house and that's the houses backyard, he actually supports this residences need for a privacy fence. He does have that one concern about if it goes all the way up to the sidewalk, because he knows that his house and the houses on the street don't have sidewalks and such. But, lets say if there ever was a sidewalk and somebody was bike riding down the sidewalk, it would be to the driveway of that corner house. They wouldn't have a view because of the privacy fence. He does have that concern about privacy fence all the way, but he thinks a fence to block the view of those garbage cans and other items would not be a detriment. It would actually be good for the resident to have.

Secretary Jerzy wants to interject, too. He drove by there, looked at what the property owner across the street did to avoid that same situation. They put in some bushes. Who is to say he can't just put in some bushes there to mask what's there. Especially if they're going to keep the chain link fence. They're going to have a chain link fence plus this four (4) foot vinyl. To him, a couple bushes to hide. He's not going to get one hundred (100) percent coverage, but then still kind of dealing with the line of sight thing and getting some kind of privacy to boot. That to him seems to be the more simple solution instead of going back and forth. Granted, he understands the need to want to mask all that, but he thinks in order to try to find some type of compromise between the ordinance and the variance that seems to be a little better happier medium for the property as a whole going forward. He'll leave it at that.

(Inaudible)

Board Member Cliff asked Mr. Watriont to come up to the podium, please.

(Inaudible)

Board Member Clift asked him to help him with the storage on refuse cans in a residential neighborhood. He reached out to him last week when this first came in and he didn't follow up as good as he should of. He looked through municode. It talks about putting them in their proper storage place, but for the life of him he couldn't find where the proper storage place was.

Steve Watriont explained prior to them getting the ninety-six (96) gallon containers the property maintenance and zoning inspectors would enforce the trash cans in the front yard. That was really as far as they went was the front yard. So, they have never really enforced the side or rear yards. He believes Mr. Nestorowicz is correct on that. He read through the ordinance again, which was re-written after those came into being. It is vague. He would have to discuss that with his boss and administration and see what they want to do moving forward at this point in time. It does state that it must be... he brought it with him.

Board Member Clift stated to the board that on two (2) different occasions during the mighty blight sweeps of the last fifteen (15) years, he's been popped twice. His cans are in his backyard. However, they are on his east most property line, lined up neatly along the fence in front of his garage. He was hit twice, which prompted him to have to screen those. So, looking at the photograph in the packet, to him, that's way... That can out closer to the road is fifteen (15) feet from the curb. His cans were close to twenty-six (26) feet into his backyard. So, he reached out immediately to Mr. Watriont wanting to know if he can help him with this. He can't find out in writing what the ordinance truly is. However, he has been tagged a couple of times in his neighborhood about them being visible from the public right-of-way. Some of the board has been to his house and backyard, they know where he keeps his trash cans. So, he empathizes whole heartedly with the gentleman wanting to kind of screen that from view. It's four (4) feet high. He doesn't believe it's going to be a detriment to the area either. The only concern he would address to him, sir. If he doesn't remove the chain link fence and place the privacy fence along the chain link fence, make sure he address the weed growth between, because that's a whole other issue. The City of Warren doesn't require an off set for privacy fences along chain link fences. Which is kind of wild, but... anyway.

Steve Watriont stated in no case shall such receptacles be stored in any front yard. Receptacles may be stored on the side or rear yard, so as long as they are out of sight, covered, or partially shielded from view of the general public.

Board Member Clift said in the side yard partially shielded from whatever he just said. This is a violation, in his book, of the city ordinances. Correct? Well, either way... He empathizes with him whole heartedly and he supports his plan, sir. He yields the floor.

Board Member Watts basically had the same concern, because he drove by there yesterday to get an understanding. After four (4) years of his previous role and many garbage can complaints, those cans are not supposed to be there. They're in the line of sight and there's plenty of room to put them between the house and the garage there, but he chooses to put them out in front of the garage, not shielded, and they shouldn't be there. He wouldn't want to look at that either. It is beyond him why the city is not dealing with that.

Steve Martlock said they have done this to be deliberately arrogant.

Board Member Watts understands. The second problem he has, like Mr. Clift said, if they don't they're going to create another problem allowing a fence to go up against another fence, because many complaints about that over the years. If this fine gentleman happens to move or the gentleman of the other house happens to move, in five (5) years the city may be dealing with that complaint. So, he has a concern with that. He understands what he's trying to do and putting up a vinyl privacy fence is probably going to enhance this property value and what have you, look good. He's just concerned about the problems; blight issues not being taken care of with the cans, and they're going to create another blight issue with the fence against the fence and the weeds. Thank you.

Chairman Sophiea apologized saying a question hasn't been asked by the board.

Board Member Anglin said his other reason for the ten (10) foot span, vacant. That part of the code for that is, wherever there is a driveway coming out onto a road and they voted against anybody that he knows about ever that's brought where they want to put a privacy fence up to their driveway, even though this is not up to the driveway, that it can't be within ten (10) feet of that driveway. His question is, is his driveway ten (10) feet from the fence row? If it is...

(Inaudible)

Board Member Anglin said ok, then he can't put a privacy fence up that's going to block the line of view from somebody backing out of that driveway. Now they're under a hazard. Somebody backing out of that driveway and can't see down the sidewalk. You're in a car you're below, depending on the size of the car, he sits in a truck so he sits above it, but some cars sit below it and can't see over a four (4) foot fence real good. So, if they have some kid driving his bike down the sidewalk and they're backing out, they can't see them. That's why that code is there.

(Inaudible)

Board Member Anglin said they can't have a fence run down a driveway unless it has to be...

(Inaudible)

Chairman Sophiea stated they're discussing as a board. A question hasn't been asked.

Board Member Anglin said again, he goes back to why he's not happy, not really thrilled with saying yes they'll do a ten (10) foot... Allow a ten (10) foot space. He'd rather not see any in front of the line of sight, but he understands the blight. He feels for him with getting the run around from certain people in the luxurious city. It angers him when he hears that from a citizen that comes up and says that. Matter of fact, get a contact with him when he wants to and he will go over there with him and see why they're not following up on it. He doesn't have any pull or meaning, but he will be willing to give him solidarity for it, because it's not right to be lead a wrong path. So, saying that they need to keep a ten (10) foot clearance down from the edge of the sidewalk on any place that a car backs out of or street. Just like if they put a sidewalk down a corner lot, when getting to that street they have to kick it in ten (10) feet and kick it across and back and up round around the round. So, that's the way he would vote for this. If he can get where everyone agrees, him agree. Within ten (10) feet of that boundary and they need to make... He'd like to see, he doesn't know if they can, Ms. Attorney... He thinks everybody on

this board is appalled when somebody can't get an answer from the city. They come in front of the board trying to cure their problem that they don't want to answer. Can they send them a letter with agreement from everybody that this is taking place?

Jennifer Pierce said there is nothing stopping him from doing that.

Board Member Anglin said then he will do that.

Chairman Sophiea told Mr. Anglin that usually when they discuss a privacy fence, the privacy fence is usually six (6) feet tall.

Board Member Anglin said correct.

Chairman Sophiea said remember this going down to four (4) feet. He understands his concern about the car backing out of the driveway, but respectfully, this is a pretty unique property in the sense that his entire front yard is the neighbor's backyard. He knows its concern about children and blocking the view of backing up from a car, but what's the difference if he planted ten (10) foot tall arborvitae to the sidewalk. Is there an ordinance against shrubs? That would be more of a blockage than a four (4) foot tall privacy fence. Right now, it's a four (4) foot chain link with junk in front of it. In essence, it's already the same hazard. They're just beautifying the neighborhood. That's an ugly stretch of fence.

Board Member Anglin won't have anything to do where if he feels there is a danger of something happening. That's the reason they have the ten (10) foot set. He's willing to say ok go in front of the line of sight, because that doesn't have a real danger factor, but when it has some type of danger factor to it, he's not going to go for it at all. No matter what kind of explanation, so he doesn't agree with him. He doesn't care what explanation it is.

Board Member Nestorowicz would like to add on. Part of the thing that causes this is that corner house has additional pavement next to his driveway up to the fence line. The driveway really doesn't go up to the fence line, but on the homeowner's side of the sidewalk, he has it paved all the way to the fence line. Honestly, he doesn't think that's ever been allowed in the city where they can pave up to the fence line without a variance. That's part of the thing. Normally, there would not be the driveway in that area by the fence, but when driving by that corner house that's all paved up to the fence.

(Inaudible)

Board Member Nestorowicz said yes, there should be. Then it would not be a fence all the way up to what they're calling the driveway.

(Inaudible)

Board Member Anglin sees that.

Steve Martlock said so therefore, if it's like that, they can't have this ten (10) foot vision zone that he wants.

Chairman Sophiea asked if Mr. Clift had a comment.

Board Member Clift is prepared to make a motion on this matter. If nobody else any...

Board Member Anglin has no further comments.

Chairman Sophiea asked for any other comments from the board.

No response.

Motion:

Board Member Clift made a motion to allow the petitioner to install 4' vinyl privacy fence in the front setback along the east property line, from the front property line to 80' to rear yard.

Reasons being: Not a detriment to the area; Enhance the property values.

Board Member Nestorowicz supported the motion.

Chairman Sophiea said they have a motion by Mr. Clift, with support by Mr. Nestorowicz to approve the request as read.

Roll Call:

A roll call was taken on the motion. The motion failed (4 – 4).

Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Anglin	No, he feels there is blight but shouldn't allow it all the way to the sidewalk.
Board Member Lindsey	No, concerned about the line of sight.
Board Member Watts	No, concerned about the line of sight as well.
Secretary Jerzy	No, detriment to the area and concerned with the line of sight.
Chairman Sophiea	Yes, for the reasons stated in the motion.

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

Steve Martlock asked if this for the ten (10) foot or the complete fence.

Chairman Sophiea asked Mr. Watripont to talk to him. He believes most of it is allowed because it's not past the front.

Steve Martlock thought they were talking about the ten (10) foot or now they're saying there is no fence allowed at all?

Chairman Sophiea asked him to remind the board what is allowed without a variance.

Steve Watripont explained there is no fence allowed in the front yard without a variance. He can

go six (6) from the side of the house back. The variance request was to go up to the sidewalk, the motion was made for to the sidewalk. That's what's been denied. If he wanted to come back and ask for a different variance to be at ten (10) feet, he could come before the board. That would be a significant change and take into consideration the safety issues that some of the board members made. It's possible he could come back for that. But going to the sidewalk has been denied.

Board Member Nestorowicz asked if someone can make a motion to approve the request to have a fence, but have it stop before, you know, to leave ten (10) feet. A different motion.

Board Member Anglin asked if there's any way of rolling this back.

Board Member Nestorowicz said make a new motion since that one did not pass. Can they make a new motion?

Chairman Sophiea needs a new motion for reconsideration and amend the request.

Board Member Anglin stated they always ask them before. He apologized, that's much his fault. They normally ask what's their preference and they didn't do that.

Board Member Nestorowicz said they should be able to make a new motion. Since that motion didn't pass, they should be able to make a new motion as a board.

Jennifer Pierce informed they can.

Board Member Nestorowicz stated they can make a motion to allow a fence, but to have it stop before it reaches ten (10) feet of the sidewalk.

Chairman Sophiea guesses they should make a motion to re-open the item for reconsideration and then make another motion with the amended request.

Motion:

Board Member Anglin made the motion to re-open this item for reconsideration, Supported by Board Member Perry.

Voice Vote:

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

Steve Watripont explained the clear vision zone would be at an angle so it could be less than ten (10) feet if it's ten (10) feet from the driveway back, ten (10) feet up. It's like a fourteen (14) foot measurement. So, with it being three (3), four (4) feet from the driveway, it's possible it could be less than that. It could be probably five (5) foot or six (6) feet.

Board Member Anglin asked if he could word that as it must maintain a ten (10) foot line of sight.

Steve Watripont informed clear vision zone.

Board Member Anglin said clear vision zone from the driveway.

Jennifer Pierce stated clear vision zone, not ten (10) feet. Correct.

Board Member Anglin repeated clear vision zone. He would like to make a motion if the gentleman agrees with that wording.

Steve Martlock replied yes.

Motion:

Board Member Anglin made a motion to allow the petitioner to install 4' vinyl privacy fence in the front setback along the east property line, from the front property line to 80' to rear yard as long as it maintains a clear vision zone from the neighbors driveway to the sidewalk.

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

Board Member Perry supported the motion.

Chairman Sophiea said they have a motion by Mr. Anglin, with support by Mr. Perry to approve the request as amended and read.

Roll Call:

A roll call was taken on the motion. The motion carried (7 – 1).

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Lindsey	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Watts	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Secretary Jerzy	No, still believes it's a detriment to the area.
Chairman Sophiea	Yes, for the reasons stated in the motion.

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

Steve Martlock asked if he could get a number like how many feet from the sidewalk that'll be that.

Board Member Nestorowicz stated Steve can help him with that.

Steve Martlock said five (5) foot.

(Inaudible)

Steve Martlock said ok, because he still has to get the permit.

(Inaudible)

Steve Martlock asked if he'll know about all this. He asked him for his name.

(Inaudible)

Secretary Jerzy asked him to just go talk to him, please.

(Inaudible)

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| 7. PUBLIC HEARING:
REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE: | APPLICANT: Dawanna Randall
Same as above.
24701 Cottage
13-25-128-020
R-1-C |
|---|--|

VARIANCES REQUESTED: Permission to
Operate a group day care home.

ORDINANCES and REQUIREMENTS:

Section 4C.07 (A) – Group Child Care Homes; Districts Allowed With Approval: Special exception approval required. A state licensed group child care home which meets all the standards listed below and received approval of the Zoning Board of Appeals as a special exception pursuant to Article 20, Division 6, Special Exceptions Upon Approval of Zoning Board of Appeals, shall be permitted in One Family Residential Districts, R-1-A, R-1-B, R-1-C, R-1-P and Two Family Residential Districts, R-2.

Dawanna Randall, 24701 Cottage Lane, appeared before the board stating she is requesting to open up an in home daycare. She takes care of her grandkids and some other friends, so she decided to open up a group home. A couple of friends just told her to open up a group home. Then she does medical home care as well. So, she's been going through some classes to open up a group home child care.

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 informed they do have two (2) letters they will read into the record.

Secretary Jerzy thanked Mr. Chair. There is one (1) from a Jason Warchol who lives at 24820 Cottage Lane: "I received a notification in the mail about Dawanna Randall living at 24701 Cottage Lane wanting to open a group day care in her home. I would like to say that I'm not for this idea and would not like thin our neighborhood. If this group day care is for children under the age of 10 while parents are at work, then I wouldn't have a problem. Any other type of group day care I wouldn't be comfortable having in our neighborhood. If you need to our would like to reach out for any other information, please don't hesitate to contact me. Jason Warchol"

The other one is from... "Good morning. I send this message regarding the public hearing scheduled on December 11, 2024 at 7:30 PM regarding Dawanna Randall's request to operate a group daycare home. I do have a few questions regarding the scope of the home. Will this be an

adult group? Will it be a youth group home? Will there be residents that occupy the house regularly with over night stays? Can you provide more information so that I can make an informed decision please advise thank you.” That’s from a Rosie. She doesn’t provide an address. That’s all he has.

Chairman Sophiea thanked him. At this time, he’s going to close the public portion of the meeting and turn it over to the board for discussion.

Board Member Lindsey said good evening to Ms. Randall. He does have a couple questions about the request. It’s unclear for him. Is this for children.

Dawanna Randall replied it’s for children. Newbons up to nine (9).

Board Member Lindsey asked how many children he is looking to care for at one time. Dawanna Randall explained it’s going to be her and a co-worker, so it’s going to be up to twelve (12) for first and second shift.

Board Member Lindsey has another question about the buildings behind her house. Are they commercial businesses or what are they specifically.

Dawanna Randall explained some of them are commercial buildings and she thinks one of them is for aerobics or something. She’s not for sure. She knows some of them are commercial buildings, yes.

Board Member Lindsey has a little bit of a concern with just these businesses being behind her and perhaps the children playing. He doesn’t know if that’s the safest place for a childcare. So, that is a concern that he has. He wanted her to know where he’s coming from.

Board Member Anglin asked if that complex behind her is a block wall.

Dawanna Randall replied yes.

Board Member Anglin asked how high it is.

Dawanna Randall thinks when she measured it it’s about eight (8) feet.

Board Member Anglin said it was probably six (6), but ok yeah. It’s a nice height on a fence. Pretty hard for a six (6) year old to climb a six (6) foot block wall. So, he doesn’t have a problem with that. His other question she answered, there’s going to be twelve (12) kids maximum under the age of nine (9). So, he doesn’t have an objection to that. His only concern would be the drop off and pickups. He knows they’re normally staggered at different times, so he doesn’t really have an answer or question he can put to that. Just know his biggest concern would be the drop off and pickups.

Dawanna Randall asked what she wants her to answer. The drop-off and pick ups depends on when the moms or parents or the dads go to work. Her driveway is long enough for them to pickup and drop off. So, she wouldn’t have an issue with that.

Board Member Anglin said ok. Just as long as she knows that was his biggest concern of the whole

thing. It's not like she doesn't have a drive around where schools do that are able to handle that. But his daughter went to a day care in the neighborhood and it was probably the best place for her to be at because it was kids in the neighborhood. He thinks they're wonderful. As long as they're maintained and run properly he thinks they're wonderful. Thank you.

Board Member Nestorowicz just had a quick question. The driveway, there is no gate or fence at her driveway that he saw. Is there?

Dawanna Randall explained it stops. How can she explain? It does, but it stops at a certain end. Like it don't come all the way to the end.

Board Member Nestorowicz was just trying to figure out and he couldn't see her backyard. Is the backyard area soft enough where the kids that are playing, can they wander out down the driveway to go outside?

Dawanna Randall replied no, it's fenced in, but she has a porch that's fenced in as well.

Board Member Nestorowicz didn't see a fence along the driveway and was worried that kids could run out from the backyard into the front yard if it's not fenced in. That was his concern.

Secretary Jerzy said that was one part of his question. The other thing he wanted to also remind the board. He talked to Steve before the meeting. This is a special exemption for the property. So, this doesn't go forever more with the properties. It's just with the current homeowners. Is that his understanding? Maybe he can eloquent it a little bit.

Steve Watripont deferred that to the attorney, but that was his belief. That it's not a variance, this is not a variance. This is a special exemption, which is allowed through the zoning enabling act. He believes it goes with the individual. If someone else came, it would not... They don't have a variance per se, they have a special exemption.

Secretary Jerzy stated the special exemption is good as good as the current homeowner or current property owner.

Steve Watripont believes it's based on the person getting it. If this was a tenant in a rental he believes it would be the tenant that preserves those rights.

Secretary Jerzy asked that it doesn't matter whether it's a rental or property owner either. Based off the state guidelines.

Steve Watripont said he believes.

Jennifer Pierce agreed with him.

Secretary Jerzy thanked them for the clarification.

Chairman Sophiea has a question for the petitioner. What is the approximate size of the home and number of bedrooms and bathrooms?

Dawanna Randall has three (3) bedrooms, two (2) full bathrooms and a finished basement.

Chairman Sophiea said just as a matter of policy, personally, he fines this to be a detriment to most neighborhoods. Just the traffic of parents coming and going throughout the day, just as a matter of policy. He doesn't like it. She seems like a very nice person and he knows the yard is fenced in, but unfortunately he doesn't think the property is unique to justify a variance. Any other comments from the board?

Board Member Anglin would like to make a motion if nobody else has any questions.

Chairman Sophiea asked Mr. Watts if he had a comment.

Board Members Watts replied he did. He kind of feels the same way. He went by and took a look at it. This is not your fifteen, eighteen hundred square foot ranch. It's a smaller ranch. To put that many kids in there, that many people dropping off in a residential neighborhood, to him is running a business in a residential neighborhood. He doesn't think it fits well.

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

Board Member Anglin would like to make a motion with one comment before hand. Like he mentioned, his daughter was eight (8) years in a facility like this. They're talking about smaller homes of twelve hundred square foot ones, by Green Acre's elementary school. He never seen a problem. She had a nice time there because of the atmosphere there of it. If this is anything like that, it's got one hundred percent his vote. So, he's going to make a motion. Bear with him to get his glasses on so he reads it correctly this time.

Motion:

Board Member Anglin made a motion to give permission to operate a group day care home.

Reasons being: Not a detriment to the area; It's an enhancement for something that is very necessary.

Board Member Nestorowicz supported the motion.

Chairman Sophiea said they have a motion by Mr. Anglin, with support by Mr. Nestorowicz to approve the request as read.

Roll Call:

A roll call was taken on the motion. The motion failed (3 – 5).

Board Member Anglin
Board Member Nestorowicz
Board Member Lindsey
Board Member Perry
Board Member Clift
Board Member Watts
Secretary Jerzy
Chairman Sophiea

Yes, for the reasons stated in the motion.
Yes, for the reasons stated in the motion.
No, this is a detriment.
Yes, for the reasons stated in the motion.
No, detriment to the neighborhood.
No, does not fill well in the neighborhood.
No, detriment to the area as well.
No, it's a detriment.

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

Dawanna Randall asked to say something. Why is there other in home daycares ran in the area and then hers gets denied.

Chairman Sophiea explained the board evaluates each petitioner independently. There wasn't another petitioner up here seeking a variance. He's not sure what other locations she's referring to.

Dawanna Randall replied in the Warren area.

Chairman Sophiea explained they evaluate based on the size of the property, whether the property is unique, that it's not economical, that the property is unique among other things.

8. PUBLIC HEARING: **APPLICANT: Caroline Cook**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 8700 Continental
LEGAL DESCRIPTION: 13-27-384-013
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Operate a boarding house in a R-1-C district in a legal non-conforming two-family dwelling.

ORDINANCES and REQUIREMENTS:

Section 7.01 – Uses Permitted: Boarding house is not permitted used in R-1-C district.

This item was postponed indefinitely during the adoption of the agenda.

9. PUBLIC HEARING: **APPLICANT: Ace Real Estate Inc**
REPRESENTATIVE: Michelle Pietrzyk
COMMON DESCRIPTION: 24230 Mound
LEGAL DESCRIPTION: 13-28-176-011
ZONE: M-2

VARIANCES REQUESTED: Permission to

- 1) Store vehicles on a non-hard surface, without a building on the property and waive required metal/plastic fence screening slats.
- 2) Waive certificate of compliance requirement for the use of the land.

ORDINANCES and REQUIREMENTS:

Section 17.02 (s) – Industrial Standards: 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... The designated area shall always be hard surfaced... Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site.

Section 22.10 (c) – Zoning Certificate: Certificate required prior to occupancy, use, or change in use or occupant. No land, building or structure, or part thereof, erected or altered shall be occupied, used, changed in use or occupant, until a Certificate of Compliance shall have been issued by the Building Department stating that the land, building, structure or proposed use of

the land, building or structure complies with all applicable provisions of the State Construction Code, the International Property Maintenance Code, the Zoning Ordinance of the City of Warren and the provisions of the Warren Code of Ordinances administered and enforced by the Building Department.

Chairman Sophiea asked him to start with his name and address for the record, please.

Michelle Pietrzyk and Justin Olson, 24230 Mound, appeared before the board.

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

Justin Olson explained their just asking for a variance on no hard surface and no building to keep operating as an open storage, which is an over flow lot for Ellis Brother Towing. Land lot is 1,500 feet from Mound Road, out of vision from everybody. It's been running like that for twenty (20) plus years. It's come to his attention now they got to do all this stuff, so.

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.

Board Member Clift said good evening, sir. Over flow lot for a towing company. Is that what he understands?

Justin Olson answered correct.

Board Member Clift said the property is used for.

Justin Olson repeated correct.

Board Member Clift asked in its current state how do they remediate contamination of the ground fluids leaking out of vehicles blah, blah, blah, so on and so forth. He asked if they have a plan in place. Do they exercise any type of remediation to keep those types of dangerous automotive fluids that regularly escaped wrecked and crashed vehicles from entering into the ground water surface area.

Justin Olson said like he said they've been doing this for twenty (20) years and is never been a problem, but they've never had that question.

Board Member Clift said very good, sir. He thinks they kind of understand where he's kind of going with this at this point in time. He asked if Mr. Watriont had something to add. He'll listen to what he has to say, sir.

Steve Watriont explained if he gets approved today, he will be going in front of site plan, which Engineering and Planning will look at all. Correct?

Justin Olson said correct.

Steve Watripont continued that's where they started with this. Planning decided to send to ZBA first to see if he gets the variance and then come back for site plan approval.

Board Member Cliff thinks that's fair enough. He understands that. Instead of going the other way around. The other concern with this, his fellow board members, is waiving a certificate of compliance requirement. With a certificate of compliance on a property, at least somebody every couple of years is supposed to come around and do an inspection, see what's going on, take an evaluation of what's happening. Waiving that request, this piece of property basically is not looked at or regulated. He has serious concerns with open storage of vehicles of any kind and they've heard it from him in the past with stuff leaking into the ground. So, he just wants to express his opinion on that to the board. He understands its been going on over there for twenty (20) odd some years. Length of time of an activity doesn't necessarily mean it's the right activity to be going on at a piece of property. He yields the floor.

Chairman Sophiea asked Mr. Watripont while he's up there, it might be a question for the city attorney here, but do they have the jurisdiction to waive the certificate of compliance. Is that something that falls under...

Steve Watripont explained they do since there is no building and certificate of compliance is basically the three (3) trades. Plumbing, electrical, mechanical, going out looking. They would have nothing to look at. Building, there would be no building. Zoning would go out and check the grounds. Which they can check almost any time based on, regardless of the certificate. Fire is the other one, which basically they would be reviewing the site plan. To make one clarification of what Mr. Cliff said, a certificate of compliance is not a required inspection from time to time. Once a business owner gets it, they have it. There are business licenses that require inspections. A towing, junk yard, and that, does require an annual inspection, or annual license where they go out and inspect annually.

Chairman Sophiea said ok. If they were to erect any type of structure on that property it would rescind a waiver of occupancy.

Steve Watripont replied correct.

Chairman Sophiea asked automatically. Or would it be part of the site plan.

Steve Watripont replied if they erected anything it would be part site plan and building permits where all the trades are out there already anyways. So, it would create some other issues, but he believes there are issues with the length of the sewer and electrical and gas that would be needed also for a building.

Chairman Sophiea thanked him for his expertise.

Board Member Nestorowicz always hate these kind of properties in the city because it's totally land locked. With this major shared easement of driving from Mound Road passed three (3) other buildings before they get to this area. His biggest concern is allowing open storage on this

kind of non-hard surface, like whether it's gravel or what they have, is that it becomes like a junk yard that those vehicles could be leaking fluids, oils and it's all just going onto just an open surface. That's one of his biggest concerns because... He understands the need for using this property, but it doesn't have a building on it, it just... He doesn't know, his concern is it could become a future junk yard. Not that its current owners run it that way since its storage as a towing yard, but since this... Any variance they give stays with the property, so they give the variance to allow open storage that will go after they sell the property to somebody else then it can easily become a junk yard in the city and they have no control over it. It's one without even a building or anything else on it. That's his comment.

Chairman Sophiea does have a question for the petitioner on the enforcement history. There's a violation for prohibited sign in June of 2024. If this was just something not open to the public, are they familiar with what sign was.

Justin Olson replied probably Macomb Towing. He thinks he has to have a sign up when he does the auction to get all of those cars out of there. He thinks he got written up for a ticket for something like that. He had to have a sign or something to say where they are located to come to the auction and get these cars. Get them off the property. The cars don't sit there forever. They have so many days and applying for a title is a nightmare, you know, so it's just the waiting game until they get the title and able to sell the automobile.

Chairman Sophiea said ok. He asked Mr. Watripont if he had anything to add.

Steve Watripont confirmed it was Macomb Towing's sign.

Chairman Sophiea thanked him.

(Inaudible)

Justin Olson informed they were approached by some people to do a marijuana building, so then he was back there 1,500 feet or whatever sewer, couple hundred thousand dollars. He brought an excavator in to dig down to see if they could a septic. That ground is so compact he couldn't get that 8,000 pound excavator to poke through half of that yard. There was only certain areas where he could dig down about six (6) feet and couldn't go the full twelve (12) feet. That ground is not like its loose dirt and all the fluids are just going right to the center earth. He means it's really compacted.

Chairman Sophiea thanked him for those comments. Are there any other questions or comments from the board.

No response.

Chairman Sophiea said it's a difficult item because the property is unique in the sense that it's land locked, but at the same time you want to do something to further it's development.

Board Member Anglin exclaimed that is the dilemma. He doesn't like the idea having vehicles sitting on earth, but the asphalt millings they've allowed on parts and that don't hold back oil and that stuff anyway unless it's compacted. The property... the reasons for it are to be able to allow

this because it's in an area that's land locked, the trucking companies that are around it, he's sure every single one of them leaks something. He doesn't mean this to be (inaudible) or whatever about adding to a contamination, but unless they had those lots tested to tell them exactly what's on it and do an environmental every three (3) years or something to make sure it doesn't get any worse, he thinks they should stop them from putting it up there. They don't have any rulings to put that in place. They don't have any authority to put that in place on him. He would like to put that in place at a lot of places that have this type where they have to do an evaluation every three(3) years and if it gets any worse they get shut down. Since that is not in play, he doesn't think the board should stop him from putting the vehicles in there that's been there as long as he can remember. This is not a new project there. It's been there quite a while. So, it will not get a no vote from him.

Board Member Nestorowicz had one last question. Do they actually store the vehicles on the Center Line portion of the property also?

Justin Olson replied yes. The lot is split. It's 550 to Warren, 200 to Center Line. Well with Center Line they haven't had a problem. They try to put the stuff like the boats back there, the trailers back there. The constant cars they're moving out they like to put it on the Warren lot because they brought it to their attention that they're not supposed to be running like this, blah, blah, blah. So, they cleaned up as much as they could on the Warren lot, put more of the stuff in the back waiting on titles, waiting on all that stuff. More of the stuff that they have to sell besides the ones that are just going back and forth for crashes, body shop, whatever.

Board Member Nestorowicz said ok.

Board Member Anglin said if there's no other questions, he'd like to make a motion. He thinks it's going to be this way for the next fifty (50) years, too. So, he doesn't think they're going to be changing anything soon.

Justin Olson said the new fire stations look great. Those were his two (2) lots he sold to Warren.

Board Member Anglin thanked him.

(Laughter)

Motion:

Board Member Anglin made a motion to give permission to:

- 1) Store vehicles on a non-hard surface, without a building on the property and waive required metal/plastic fence screening slats.
- 2) Waive certificate of compliance requirement for the use of the land.

Reasons being: Metal and plastic fencing around the lot is useless because everything there is using the same type of basis that the lots are being used, for storage; Not a detriment to the area, because the area is all the same; Size and shape of the lot containing that in order to put a building on it they're spending a million dollars in plumbing and everything else to get that building up there.

Board Member Watts supported the motion.

Chairman Sophiea said they have a motion by Mr. Anglin, support by Mr. Watts to approve the request as read.

Roll Call:

A roll call was taken on the motion. The motion carried (5 – 3).

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Watts	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Clift	No, serious environmental hazard.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Lindsey	No, environmental hazard.
Secretary Jerzy	No, problem with waiving certificate of compliance and in the future it will become a detriment to the area.
Chairman Sophiea	Yes, for the reasons stated in the motion.

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

10. PUBLIC HEARING: **APPLICANT: MMC Management LLC-USE-**
REPRESENTATIVE: Michael Campbell
COMMON DESCRIPTION: 3000 Ten Mile
LEGAL DESCRIPTION: 13-30-201-003
ZONE: M-2

VARIANCES REQUESTED: Permission to-USE-

Allow above ground fuel storage in an M-2 district and within 48' of the east property line, 84' from the west property line and 146' 6" from the north.

ORDINANCES and REQUIREMENTS:

Section 17.02 (p) – Industrial Standards (M-1 and M-2 not an allowed use. M-3 and M-4 allowed use): Fire and safety hazards (the storage and handling of flammable liquids, liquified petroleum gases and explosives shall comply with State rules and regulations as established by Public Act No. 207, P.A. 1941 [MCL 29.1 et seq.], as amended, and in addition the following regulations shall apply): Bulk storage of flammable liquids, liquid petroleum gases and explosives allowed above ground if conditions meet those established by Chapter 13 of the Warren Codified Ordinances – Fire Prevention and Protection and Michigan flammable Liquids Regulations as amended. All tanks shall be located not less than one hundred (150) feet from property lines.

Chairman Sophiea said good evening. Before they begin he reminded him that this is a use variance that he's coming before the board tonight. Unlike a regular variance, a use variance requires six (6) yes votes instead of five (5). Tonight they are down one (1) board member, which puts him at a slight disadvantage. He wanted to give him the option if he would like to move forward or table to whenever they have a full board.

Michael Campbell appeared before the board asking if he does move forward, what is the time line for him to revisit the board here.

Chairman Sophiea informed they have a meeting coming up in January.

Michael Campbell said he could reapply.

Chairman Sophiea explained there is no guarantee there will be a full board then. There could be an absence or illness.

Michael Campbell will discuss the issue tonight and if he has to revisit he will.

Chairman Sophiea thanked him. Please start with name and address.

Michael Campbell stating he is the owner of the property owned by MMC Management. He is looking for a variance...

Chairman Sophiea asked for the address.

Michael Campbell said 3000 East Ten Mile.

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

Michael Campbell is looking to get a variance for an above ground fuel storage. He thinks that this wouldn't be a detriment to the area. They are an industrial facility. He thinks this would be consistent with like properties such as his. They've taken sufficient precautions to screen this from Ten Mile Road. He is between two (2) buildings that have thirty-five (35) feet tall buildings. You can't see from east, west. Wouldn't be able to see him from the south. They would be completely secluded and meet all of the other regulations that would need to adhere to for this type of application. They're looking for permission to do so.

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 and turn it over to the board for discussion.

Board Member Clift asked what kind of fuel is going to be in the storage pod, or tank, or whatever.

Michael Campbell answered diesel fuel and DEF fuel. There's also a small little water tank there as well.

Board Member Clift asked about gasoline.

Michael Campbell said they do have a smaller two hundred gallon gasoline.

Board Member Clift is going to be honest with him. He ran into this in another place, this similar type of request.

(Inaudible)

Board Member Clift continued saying most of these rules are laid out by Michigan State statute for fire safety, the boundaries. He opposed the question to their counsel whether they should even be voting on a variance such as this. Of if this shouldn't be going before the authority that writes the actual rules. The city code of fire ordinance, he's going to read it, if he can find it again.

Michael Campbell would like to address his concerns.

Board Member Clift stated he can do that while he's looking that up, sir.

Michael Campbell knows he's talking about fire safety. So, these are special tanks. They're called fire guard tanks, they are fire rated. These are not normal above ground tanks. These are special tanks that meet the Michigan codes for fire tanks. So, the fire suppression is everything obviously has been inspected by the state.

Board Member Clift said those inspections by the state don't allow him to place them where he wants to place without a variance because they don't meet the states requirement of one hundred and fifty feet from property lines and that's the address they're wrestling with now.

Michael Campbell would like to answer that. They're allowed to have an above ground storage in the state of Michigan. But, in order to be less than fifty (50) feet they have to be fire guard tanks. He's two (2) feet within that to the neighboring property line. So, anything below fifty (50) feet they need to be these special tanks, which these are.

Board Member Clift will yield the floor for the moment. He heard somebody wanting to make a comment.

Board Member Anglin asked how many fuel tanks they're going to have there.

Michael Campbell answered four (4).

Board Member Anglin stated there's going to be four (4) fuel tanks. What are the sizes of each of the fuel tanks?

Michael Campbell explained the way his property works is there is an ingress and egress. Either in the morning or at night when the equipment comes back they're able to fuel on either side of it. It also has a fire access route. He installed another driveway last year for a fire access. There is safety in mind with what they're doing here.

Board Member Anglin said the question is what are the sizes of the four (4) fuel tanks.

Michael Campbell replied they're five hundred gallons.

Board Member Anglin asked each.

Michael Campbell responded yes.

Board Member Anglin said that's 2,000 gallons total.

Michael Campbell said right.

Board Member Anglin asked if those are all to sit on his print here on a section that says fuel island.

Michael Campbell said they will all be contained within that footprint.

Board Member Anglin thanked him.

Board Member Cliff read section 13-2 of Warren's code of ordinances is where they adopt the international fire code as adopted by the State of Michigan and incorporated into the Michigan Building Code. He's trying to find the one. Section 13-5, modifications. Where there are practical difficulties in the way of carrying out the strict letter of the fire prevention code, the fire prevention chief shall have the authority to modify any provisions of the fire prevention code, or amendments upon application in writing by the owner, lessee, or their duly authorized agent. The chief shall ensure the spirit of the code as observed, public safety is secured, and substantial justice is done. A record of the decision of the chief in a statement with the reasons of approval or disapproval will be kept on file in the fire department and a copy sent to the applicant. That is why he is questioning whether they should even entertain this variance or not. So, maybe they need to leave this up to the legal department to look at just a little bit. He's not comfortable with supporting it until he has additional information on the requirements. He understands the gentleman's telling them they are tanks made and approved for this purpose. However, they're still having to make a decision whether they're going to allow them, within some cases, less than half the distance from the recommended or the hundred and fifty foot limit put out by the Michigan Building Code through the International Fire Code.

Michael Campbell stated the hundred and fifty foot limit was with standard tanks. These are fire guard tanks.

Board Member Cliff said if that's the case, sir, he doesn't even understand why he's here before the board having to get a variance to put these tanks in. He has to understand his position. He's just reading what he's reading, he does his homework, and there's...

Michael Campbell said from his understanding the city ordinance requires him to have a variance to even have a fuel tank, at all.

Board Member Cliff asked Steve to approach, please.

Steve Watripont explained the hundred and fifty feet is written into the zoning ordinance. He does not know all the fire laws, he doesn't pretend to even know all of them. However, he does know he went through site plan and he does know the Fire Department looked at it. He doesn't know if they looked at it specifically for this or not. So, he understands his concerns. He would need a variance because the ordinance says 150, even if the fire did say it was fine. So, he does understand what he's saying, but he still would need a variance because it does vary from the ordinance.

Board Member Cliff thanked him. Is that something the board can request from the Fire Department? Something to sign off on this saying they're good with it.

Chairman Sophiea said he would have to defer to his city attorney. He believes this is properly executed since this item has gone through Planning and they're just obviously, whatever their Warren and correct him if he's wrong, city attorney. Whatever ordinances and whatever the board approves, can't go against whatever the state law is. Obviously that trumps whatever the board does. The city attorney was going to make a comment.

Jennier Pierce said it's her understanding that this has been through Planning and fire has signed off, but if he would feel more comfortable getting something in writing from the fire chief that it's all in accordance with state law and comfortable with the plan, they certainly have the right to table this to get that approval.

Chairman Sophiea asked Mr. Anglin if he had a comment.

Board Member Anglin doesn't know if this is a question, but he would've liked to see documentation on those tanks that he was talking about. Does he have anything like that? He didn't see it in the packet. Saying that these tanks fit this situation.

Michael Campbell didn't bring any supporting documentation other than any commentary that Steve could bring, he's seen the tanks.

Board Member Anglin asked Steve if these are the tanks he's mentioning in front of the board today.

Steve Watripont has seen the tanks. He is not an expert in that field, so he would have no difference between this tank or one that is not shielded.

Board Member Anglin would personally feel more comfortable if this was tabled. Since they have no documentation, and it's not that he wouldn't take his word for something, but this is pretty major.

Michael Campbell explained the tanks have a certification right written on the outside in this plaque. He means, he could take a picture of the plaque of course, but these are state stamped on the tanks themselves.

Board Member Anglin stated that is what he's trying to get at to make sure that these tanks are the tanks that he's saying they are. Sometimes it's like prove it to him first and then he'll believe him.

Chairman Sophiea asked if the tanks are already out there. All four (4) of them?

Michael Campbell answered that is correct.

Chairman Sophiea asked how long they have been out there.

Michael Campbell has been operating here for twenty-four (24) years.

Board Member Anglin asked if those tanks have been there twenty-four (24) years.

Michael Campbell replied these tanks have been there for probably eighteen (18).

Chairman Sophiea asked the same tanks.

Michael Campbell explained he get new tanks every three (3) or four (4) years. The paint wears off, he doesn't like the look of them.

Chairman Sophiea asked how this came a zoning violation. During a business license renewal?

Michael Campbell rezoned the back of his property from parking, P-1 to M-2. So, he extended that.

Steve Watripont could probably answer better. They did have some issues with the property, maintenance wise. It was brought up, he didn't have the full approval for storage he had there. So, they went through the site plan process. He believes they're about eighteen (18) months into this. He's done a wonderful job. He was out there to inspect on the site plan as it was approved conditionally waiting on variances and a couple other things. He went through everything. He had it exact shape as they see on that site plan when he went through there. He also needed additional parking, so he expanded a little in the back of the lot, so he needed to do rezoning back there. He took care of and everything else. So, he's been working with him for probably a year and a half, two (2) years.

Chairman Sophiea asked if that zoning designation change with the parking lot in the back, that didn't...

Steve Watripont said that didn't trigger it.

Chairman Sophiea asked if it wasn't in compliance before.

Steve Watripont said right. There was some issues and then at that time he decided to bring it all up to date and everything else. So, it was somewhat minor issues in total.

Chairman Sophiea thanked him.

Board Member Anglin said he'll get back to what he was originally talking about is the certification on these tanks. Now, he realizes that the fire department is going to make sure they're certified and that, but he doesn't know the procedure on how they do that. If the board authorizes to have the parameters reset for those tanks, for this, does the fire marshal or fire department, state fire department, come back in and say they have to have certain tanks to meet this forty-eight (48) foot requirement.

Chairman Sophiea is concerned, too, if he comes back with a photo of the stamp on the side of the tank and gives them each a copy, he's not going to know what that stamp means. He means, what's that going to do?

Board Member Anglin said well, at that point they need to have the fire marshal say the tanks that are in there, or are going in there, meet that forty-eight (48) foot setback. That's the setback

he really doesn't like, is that forty-eight (48) foot.

Board Member Nestorowicz asked if they just want to ask for that fire marshal to give him a statement for the next meeting? They're approval of it.

Board Member Clift liked that idea. How about they table this to the next meeting pending a review by the city fire marshal and he tenders an opinion to the board.

Chairman Sophiea said the fire department is not part of Planning.

Board Member Anglin said anybody that's related into that that states this meets the fire codes that are going to be put into place.

Michael Campbell explained even with this approval or denial tonight, he's still going to need to be inspected by the state, still going to need to be inspected by the electrical inspector. All those other things are going to have to be, the matrix of all that will be done to code.

Chairman Sophiea asked who inspects him from the State of Michigan.

Michael Campbell replied State of Michigan.

Chairman Sophiea asked why they inspect him. Is it an annual process.

Michael Campbell explained it's done through his fuel vendor. It's not him personally, but his fuel vendor mandates they bring him out.

Chairman Sophiea said in theory, it's kind of like a gas station. The company comes out, they fill the tank and then the State of Michigan is inspecting the tank as if it was an underground thing. Is that what he's saying? The distributors required, that the people who bring the fuel, require him to have a certificate from the state that his tank is.

Michael Campbell doesn't know if there's a certificate per se, but they do come out. He doesn't know what they...

Chairman Sophiea asked who comes out. Someone from the fuel company or someone from...

Michael Campbell replied yes, someone from the fuel company. Also, they had someone from the state from licensing. He forgot the acronym of the actual entity that it is.

Chairman Sophiea said it's probably something for a business license, but he doesn't know.

Secretary Jerzy has a follow up question. Has this process been happening for the last eighteen (18) years that the tanks have been on the property?

Michael Campbell explained this is sort of really... It's never been an issue until the City of Warren came out and he did his rezoning. He wanted to make sure he was operating.

Secretary Jerzy said that wasn't the question. Have they been out every year that those tanks

have been on the property?

Michael Campbell can't answer that. He doesn't know if they're out every year. He just knows this is a new application and they had to have an electrical inspection.

Secretary Jerzy asked him if he does own the property correct.

Michael Campbell said correct.

Secretary Jerzy asked him if he doesn't know what's going on his own property.

Michael Campbell knows what's going on his property, he doesn't actually call them. The fuel company does. This is a managed service from them. Corrigan Oil is a big company that's been around for a long time, they know what they're doing.

Secretary Jerzy would like to add to that to see documentation for the last eighteen (18) years or something that these have been on the property.

Board Member Anglin would agree with him.

Secretary Jerzy continued if these have been operating...

Michael Campbell explained these are not a fuel station where they come out every year and license. It's an above ground storage tank.

Chairman Sophia asked if he owns the tanks.

Michael Campbell answered no, they're rented. Actually, he doesn't even pay rent. They're just given to them.

Chairman Sophia asked if they're given to him because they buy fuel from them.

Michael Campbell said that is correct.

Chairman Sophia said there should be something that the fuel company can...

Board Member Anglin said there should be something. He's just not comfortable with the forty-eight (48) feet and not making sure they've covered all the basis necessary to make sure that those tanks are built to be in that space. Is he saying that properly? That they're insulated, blocked in, and everything is up to code for them being in a forty-eight (48) foot from property line. That's the only thing that scares him.

Michael Campbell explained this variance is only about having the ability to have the tanks, not the type of tank. They have other matrix that they will meet by compliance they will have to do that.

Board Member Anglin said his concern he doesn't care how many tanks, how many gallons or whatever. If there's going to be a tank there, he needs to know that it is the right tank to be

installed for a distance of forty-eight (48) feet from the property line. Now, he doesn't know how he's going to go about doing that, but it won't get his vote unless it's done. It might go any other way with anybody else, but he's looking to get something that tells him that forty-eight (48) feet is...

Michael Campbell explained it would be meaningful and helpful to know what actual supporting documentation he's actually looking for.

Board Member Anglin replied that would be above his skill level to know that, his education. That's why he would have to come up with something that has a state fire marshal seal on it, a city fire marshal seal on it, that basically states that the tanks being installed in this area are safe to be within the forty-eight (48) feet of the outside perimeter. It could be worded a little more eloquent than that, but he would understand what that meant.

Chairman Sophiea understands what Mr. Anglin is saying, but it's kind of a difficult ask.

Board Member Anglin said it would be a difficult ask if that blows up, Mr. Chair.

Chairman Sophiea doesn't think anybody is going to put in writing that their tank would never blow up. They're not going to do that. Freak things happen all the time.

Board Member Nestorowicz said he knows for himself, he just heard from the fire department that they were fine with this, then he would be fine with it. That's what he's just trying to find, our fire department. If they technically should be part of the planning process, for site plan approval, so somebody from the fire department should've seen this plan and actually checked off and ok'd it. So, if he saw the fire department say they're fine with this, that's all he would need.

Chairman Sophiea said that makes sense.

Board Member Watts has a question for Mr. Watripont. This has been through Planning. So that means all the inspectors have looked at the plans, correct? Fire department?

Steve Watripont replied correct. He doesn't know what detail they looked into it, because it's just a fuel area on there. So, he doesn't know if they have the knowledge and everything that was presented today. That's beyond him as well. He knows that the fire department has looked at it, signed off, it's been to Planning, Engineering, everyone has signed off on this. Mostly for the outdoor storage items. He doesn't know how much detail the fire department looked at it. He personally believes if he asks for a fire inspector to go out there and look at it, he believes they have. They can give the board a quick report on it and probably satisfy most of the board members.

Board Member Watts would be comfortable with that having worked with the fire department on many projects. He would be comfortable with that.

Board Member Anglin is understanding that if they table this to next meeting then all they have to do is have something from the fire marshal and bring it back up and approve it. He would do that. So, is the gentleman willing to table this to the next meeting?

Michael Campbell replied yes, he's pretty confident. He knows the fire department has been out there and they did have some commentary.

Board Member Anglin would like to make a motion to table this to the next meeting.

Michael Campbell asked for a little clarity on what document he's looking for them to produce.

Board Member Anglin said he'll explain this. Table this to January 8th to get some clarity from the City of Warren's fire marshal stating that these fuel tanks will be in compliance with all the rules and regulations.

Motion:

Board Member Anglin made the motion to table this to January 8, 2025 to get some clarity from the City of Warren's fire marshal stating that these fuel tanks will be in compliance with all the rules and regulations; Supported by Board Member Clift.

Roll Call:

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

Board Member Anglin	Yes, to table.
Board Member Clift	Yes, to table.
Board Member Perry	Yes, to table.
Board Member Lindsey	Yes, to table.
Board Member Watts	Yes, to table.
Secretary Jerzy	Yes, to table.
Board Member Nestorowicz	Yes, to table, but who is going to contact the fire department to get their ok. He just wants to make sure who is going to contact them.

Jennifer Pierce believes Ms. Jones will contact and ask for a letter.

Chairman Sophia can probably have a summary of the planning minutes or something.

Chairman Sophia	Yes, to table.
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The petitioner's request was **TABLED** to January 8, 2025.

11. NEW BUSINESS

Chairman Sophia took a moment to welcome their new member, Mr. Watts. They are happy to have him on board. He knows he has a lot of experience with the City of Warren and happy he's part of the team now.

Board Member Watts thanked him.

Chairman Sophia wished everyone a happy holiday. They probably got the email already, but on Thursday, December 19th at six o'clock there's a holiday party. The information was probably emailed to them. If anyone didn't get it for some reason, he's happy to forward it to them. He asked for any other new business.

12. ADJOURNMENT

Motion:

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

Voice Vote:

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

The meeting adjourned at 8:53 p.m.

Paul Jerzy
Secretary of the Board