

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
JULY 23, 2025

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, July 23, 2025 at 7:30 p.m. at the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

Roman Nestorowicz, Vice-Chairman
Paul Jerzy, Secretary
Michael Assessor
William Clift
Jon Green
Shaun Lindsey
Garry Watts

Members of the Board absent:

David Sophiea, Chairman
Charles Perry, Assistant Secretary

Also present:

Candice Mayer, City Attorney
Steve Watripont, Zoning Inspector
Nicole Jones, Council Office

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

Motion:

Secretary Jerzy made a motion to excuse Mr. Sophiea and Mr. Perry; Supported by Board Member Watts.

Voice Vote:

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

4. ADOPTION OF THE AGENDA

Chairman Nestorowicz stated before they do the adoption of the agenda. Since they are two (2) individuals down, he just wanted to make any petitioners the offer if they wanted to be heard by a full board about rescheduling if they so wish. They need to basically have a majority of five (5)

votes in affirmative for all items except for the last one, which is item number 13 which is a use variance. They would six (6) votes. So, if anybody would want to reschedule to the next meeting, they're welcome to approach and tell the board now. Otherwise, they will proceed as is also.

No response.

Motion:

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

Voice Vote:

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

5. APPROVAL OF THE MINUTES – Regular Meetings of June 11, 2025, June 25, 2025 and July 9, 2025.

Motion:

Board Member Clift made approve the minutes of June 11, 2025 and June 25, 2025; Supported by Secretary Jerzy.

Voice Vote:

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

Motion:

Board Member Clift made approve to table the July 9, 2025 minutes; Supported by Secretary Jerzy.

Voice Vote:

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

6. PUBLIC HEARING:	APPLICANT: Jeffrey and Jessica St. Andre
REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	4436 Buchanan
LEGAL DESCRIPTION:	13-05-377-006
ZONE:	R-1-C

VARIANCES REQUESTED: Permission to

Construct a 12' x 16' (192 square ft.) sunroom, not placed against any other accessory structure in addition to an existing 19' x 30' (570 square ft.) detached garage for a total of 762 square ft. of accessory structure floor area.

ORDINANCES and REQUIREMENTS:

Section 4.20 (A) – Detached Accessory Buildings: ... The construction of all such accessory structures shall be subject to the following conditions:

3. That the accessory building be placed against any other accessory structure, such as a detached garage, that may exist in the yard. Only one (1) detached accessory structure shall be permitted in the yard.

5. That all accessory structures, excluding garages, will not exceed a total of 120 square feet.

Section 5.01 – Uses Permitted: In all R-1-A districts, no building or land, except as otherwise

provided in this ordinance, shall be erected or used except for one (1) or more of the following specified uses:

(i) ... All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

Chairman Nestorowicz asked for name and address for the record, and then explain the request to the board.

Jeffrey St. Andre appeared before the board, 4436 Buchanan. They're requesting a variance for (inaudible).

Chairman Nestorowicz is not hearing and asked if the microphone was on.

Jeffrey St. Andre is requesting a variance on fifty-six (56) square feet for the sunroom. It's actually replacing a deck that was there. It's been destroyed. The previous deck was sixteen (16) by fourteen (14) and the room is slightly smaller. When he bought the house, the garage was already there. He didn't make the garage or anything like that, so the previous homeowner already put the one (1) car addition onto it.

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

No response.

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

Board Member Watts asked what size was the deck.

Jeffrey St. Andre replied the original deck was sixteen (16) by fourteen (14).

Board Member Watts said this is twelve (12) by sixteen (16).

Jeffrey St. Andre said twelve (12) by sixteen (16) so it's a little bit smaller.

Board Member Watts doesn't have a problem with this, if anybody else.

Secretary Jerzy has a quick question. It looks like it's going to be out of the line of site.

Jeffrey St. Andre replied yes and in the backyard. Nobody can see it.

Secretary Jerzy doesn't see anything else that stands out with this. Unless anybody else has anything else to say, he would like to make a motion.

Motion:

Secretary Jerzy made a motion to grant the petitioner's request to construct a 12' x 16' (192 square ft.) sunroom, not placed against any other accessory structure in addition to an existing 19' x 30' (570 square ft.) detached garage for a total of 762 square ft. of accessory structure floor area.

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

Board Member Clift supported the motion.

Chairman Nestorowicz said they had a motion by Secretary Jerzy, support by Mr. Clift to approve the petitioner's request for the reasons stated in the motion.

Roll Call:

A roll call was taken on the motion. The motion carried (7 – 0).

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member 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.
Board Member Assessor	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

7. PUBLIC HEARING: **APPLICANT: St. Anne Catholic Church**
REPRESENTATIVE: Rev. Adam Nowak
COMMON DESCRIPTION: 32000 Mound
LEGAL DESCRIPTION: 13-04-151-001
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Conduct annual parish festival on the church property during the following:

- 1) Friday, September 19, 2025 from 5:00 p.m. to 11:00 p.m.
- 2) Saturday, September 20, 2025 from noon to 11:00 p.m.
- 3) Sunday, September 21, 2025 from noon to 10:00 p.m.

ORDINANCES and REQUIREMENTS:

Section 4.35 – Circuses, Fairs, Carnivals and Similar Uses. Permit Circuses, Fairs, Carnivals and Similar Uses In Any District After Approval by the Board of Appeals Under the Following Conditions:

- (1) When engaged in by schools, churches, fraternal societies and familiar non-profit organizations as accessory use for the sole purpose of raising money for the financial support of such institutions in pursuit of their natural functions; provided, that such uses are confined to the land and buildings normally used and occupied by such institutions.
- (2) A permit is obtained from the City of Warren Police Department.
- (3) Such use and occupancy is not disturbing to the public peace and tranquility.
- (4) Such use and occupancy will not create undue traffic hazard and congestion.
- (5) Permits for such uses shall be valid for a total of sixteen (16) consecutive or nonconsecutive days; however, the permit expires thirty (30) days from the date of issue.

Chairman Nestorowicz asked them to start with name and address for the record, and then what their request is.

Father Derek Peterman appeared before the board stating due to changes in assignments Reverend Adam Nowak is not here. He is the new pastor at St. Anne's. That is the only correction they have to the petition. 32000 Mound Road.

Chairman Nestorowicz asked for the request today.

Ken Mattei, 36331 Duke, appeared before the board stating the request is to hold St. Anne's festival on September 19th, 20th and 21st. Friday would be the 19th, five (5) o'clock until eleven (11) o'clock. Saturday, twelve (12) noon till eleven (11) o'clock and Sunday, twelve (12) noon till 9:30.

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

No response.

Chairman Nestorowicz closed the public portion of the meeting and turned it over to the board for discussion. He just wanted to ask one question. In past years they always add that condition that music is to stop playing by ten (10) o'clock. Just wanted to make sure that's still ok with everybody.

Father Derek Peterman replied yes, of course.

Board Member Green has one (1) condition also. That any signage be taken down within the appropriate ordinance amount of time. The signs they put up for these festivals and stuff, sometimes they're left out for quite a long time. He would appreciate it if that would be something they mention to their people and make sure the signs are down. He thinks it's fourteen (14) days. Something in a reasonable amount of time.

Secretary Jerzy said if nobody else has anything else to add. He would like to make a motion.

Chairman Nestorowicz said yes, Mr. Jerzy.

Motion:

Secretary Jerzy made a motion to grant the petitioner's request to conduct annual parish festival on the church property during the following:

- 1) Friday, September 19, 2025 from 5:00 p.m. to 11:00 p.m.
- 2) Saturday, September 20, 2025 from noon to 11:00 p.m.
- 3) Sunday, September 21, 2025 from noon to 10:00 p.m.

With the condition that the music be shut off one (1) hour prior to closing hours each night.

Reasons being: Not a detriment to the area; Needs boards approval.

Board Member Assessor supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Jerzy, supported by Mr. Assessor to approve the request for reasons stated in the motion.

Roll Call:

A roll call was taken on the motion. The motion carried (7 – 0).

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member 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 Nestorowicz	Yes, for the reasons stated in the motion.

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

8. PUBLIC HEARING: **APPLICANT: Mike Shaba**
REPRESENTATIVE: Marvin Steiner
COMMON DESCRIPTION: 4415 Eight Mile, Building B
LEGAL DESCRIPTION: 13-32-357-025
ZONE: M-2

VARIANCES REQUESTED: Permission to

Allow sales of secondhand appliances to within 105' from residential zoned property.

ORDINANCES and REQUIREMENTS:

Section 14.01 – Uses Permitted: In all C-2 districts no building or land, except as otherwise provided in this ordinance, shall be erected or used except for one (1) or more of the following specified uses:

(u) Secondhand dealers shall be permitted if the following locational criteria are complied with:
1) The site for a secondhand dealer shall be located more than five hundred (500) feet from the following zoning districts: R-1-A, R-1-B, R-1-C, R-1-P, R-2, R-3, R-3-A, R-4 or R-5.

Marvin Steiner appeared before the board stating he's the architect for Mike Shaba.

Chairman Nestorowicz said address please.

Marvin Steiner stated the tenant is here tonight, Angelo. He's sitting in the audience if they have questions for him. They're looking for a use...

Chairman Nestorowicz asked for his address, please. For the record.

Marvin Steiner, 15735 Norwich Road. They're requesting a use variance to have a secondhand appliance store on the subject site. The site has four (4) units currently. One of them is an auto repair, the other is a granite shop. There's a third, storage building. The fourth would be the secondhand appliance store. The site is located less than the five hundred (500) feet from the R-1 and R-1-P zones. It's why they need the use variance. He would point out that the only reason they need this is for the secondhand goods. If these were new appliances, there would be no variance and they could sell them there. He would suggest there is not a whole lot of difference between selling the used appliances and selling new appliances. The site is not conducive to someone like Best Buy or ABC to come in and sell new appliances, but it is a small site and is conducive to the secondhand goods. Looking at the definition of secondhand goods that starts off saying secondhand goods, any person purchasing, selling or exchanging secondhand articles of any kind and it goes onto to list scrap metals, cast iron, old iron, old steel,

tool steel, aluminum copper brass lead pipe, etc. So, it would seem to him that was the emphasis of this particular ordinance that they're concerned about selling scrap metals and they fall into the receiving articles of any kind, which he guesses could be anything that was sold that was used. In the M-2, where this property is in the M-2 zone, they would be allowed. He's going to point these out, they're probably aware of them anyway. Any kind of commercial business, automatic screw machine, stamping machines, presses, press brakes, hydraulic presses. Certain amount of noise and smoke that's measured by a bunch of things he won't go into. There's gasses and glare. Bulk storage of flammable items below ground, open storage other than junk, marijuana businesses, and a few others. So, there's a lot of things that would be allowed that if you start looking at them, it doesn't seem like secondhand appliances would really be anymore detrimental than either the uses that are already there or the uses that they could have. As he's reading the ordinance there are five (5) criteria that they are to judge the request on whether it's unnecessary, hardship. The first one, the property cannot be used as zone. They lose on that one, they could use it for something else. They've had the property vacant for over a year and have not been able to find anybody that wanted to use it for something else. It is an older building. It is on Eight Mile, it's a bit hard to get to. The second item is the self-imposed conditions. They didn't impose any of the conditions. The condition being the residential being less than five hundred (500) feet away. However it was discoverable by the owner, they did discover it and that's why they're here tonight. Is the property unique? It is somewhat unique that it's small. There is only certain uses that can fit in that particular unit and as he said before, they've been trying to rent that for over a year. Angleo came up and wants to rent it and sell secondhand residential appliances, dishwashers, refrigerators, microwaves, etc. He has another store currently in Mexican Town that's doing well. He's looking to expand. The big thing he thinks they score well on is that this is not a detriment. He doesn't see how this could be anymore a detriment than either new appliances or the many other uses he listed or the three (3) uses that are currently on the site. There's an adage that people say when you buy a new car from the new car dealer, as soon as they drive it off the lot it's a used car. He thinks that would apply to appliances. If you buy a new appliance, take it off and put it in their truck or car, that becomes a used appliance. They're just one (1) step away from new appliances. Lastly, is the variance necessary. He doesn't know. They've been looking for a tenant for a year and a half and haven't found one. They might find one tomorrow, might never find another one. So, he thinks they have a good fit with the used appliances. He doesn't think this is a detriment of any kind. He thinks it could be a bonus to the community. There are a lot of people that maybe can't afford new appliances, or don't want to spend the money for them. These are used appliances in good working condition that otherwise might be in a landfill. So, there's an ecological factor involved. He's hoping this is a good fit for the community and that they will all side with him. He'll be happy to answer any questions they might have.

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

No response.

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

Board Member Watts has a couple questions. He's going to address the first one to Mr. Watriont. The question is. He's looking at this. Is this a use variance or a variance.

Steve Watripont explained this is a dimensional variance. He knows he referenced use variance a couple times, but it's a dimensional variance because the sale of the secondhand goods as defined has to be a certain distance away from different things. It's not a use variance, it's a dimensional variance because of that distance.

Board Member Watts asked if that still follows the property forever.
Steve Watripont explained that would follow the property forever.

Board Member Watts thanked him. His second question, and he doesn't know if he can answer this or not. They're going to be selling used appliances. He's very familiar with the area. He's very familiar with a lot of things going on at Eight Mile. Is this going to have appliances sitting outside the building for sale or is it strictly going to be placed inside the building.

Marvin Steiner believes it's entirely inside the building. They have no place really outside to put them.

Board Member Watts said that's something they would deal with.

Steve Watripont explained that's something they would enforce. If they wanted to make it even stronger for enforcement, they can make it a condition of the request also at that point in time.

Board Member Watts thanked him. He has nothing further.

Board Member Green stated he didn't say it before, he has about eighty (80) stitches so he's wearing a hat. It's pretty inappropriate for a meeting, so he apologizes. His first question is, are they doing repair in the building? Are they doing repairs to appliances and then sell them? Or getting appliances that are already repaired.

Marvin Steiner explained Angelo is getting appliances from other sources, from a wholesaler.. He may make some minor repairs, lights, clean them up, polish, things like that. It's not really a repair center.

Board Member Green did drive by the property. Maybe he got a little confused on it because he has so many stitches in his head, but is it the building that's right next to the open part, the grass?

Marvin Steiner said they don't have a map. He can show him that.

Board Member Green said he has that. He said there was four (4) buildings.

Marvin Steiner stated four (4) tenants. There's two (2) buildings actually.

Board Member Green said so the building is 4415, it's one (1) building.

Steve Watripont said correct.

Marvin Steiner said it's two (2) buildings...

Steve Watripont explained it's one (1) address. Four (4) suites.

Board Member Green asked whose in the other buildings. Are they shops, retail shops?

Marvin Steiner explains there's a building that fronts directly on Eight Mile Road. That building, one of these is where they would like to have the used appliances and then the other half of that is currently an auto repair building. Auto repair use. Then there's a building to the further north, that's divided into two (2). Half of that is the granite fabrication and the other half is store for the granite fabrication.

Board Member Green leads to his question, it's going to be a place where they sell stuff. Is there parking?

Marvin Steiner replied parking meets the ordinance, yes.

Board Member Green thanked him.

Board Member Cliff asked if they're already operating at that facility. There looks to be some merchandise in that building the last time he was by there. He hasn't been by there lately.

Marvin Steiner explained the other three (3) uses are operating. There are two (2) buildings, one (1) site, four (4) spaces and three (3) of them are occupied.

Board Member Cliff said the last time he was by there, he saw some washers and dryers and stuff. They're actually showing up on the Google maps picture, just after Gleaners went in next door.

Steve Watripont wanted to answer that. From zoning inspection wise, they went out there. The intent was he was going to sell newer stuff here. Then it came to the conclusion that it wasn't going to sell well, then he wanted to change the use. So, they continue with their inspections and went from there and had him come and get the variance.

Board Member Cliff said fair enough. He just wanted to echo his colleague Mr. Watts that they don't want to see a bunch of stuff out in front there on the sidewalk for display or whatever. Other than that concern, and these type of operations tend to breed unsightly outside storage somewhere on the property or adjacent to it or on the lot next door. He just wants to reiterate that's not really allowed with that operation. He has no beef with it. He has no problem with it. He's welcoming the gentleman to do business in their town on Eight Mile expanding in. He just wants to make sure to reiterate that they want to keep it neat, appearances. There's a brand new building right next door that went in. He thinks he's going to do well there, actually. With that, he'll yield the floor.

Secretary Jerzy has a quick question for Steve. Since this property is divided up into four (4) set condominiums. If they grant the variances on building B, does it still carry through the whole property, all four (4) of them. Or is it segregated based off building B, kind of how the auto repair place was.

Steve Watripont said they can segregate it, otherwise it goes with the land as a whole. So, they could segregate it to that suite. Most places that are subdivided have separate addresses where these have suite numbers. Separate address would tie it to that one.

Secretary Jerzy said building A and C look like they're occupied. Is building D occupied?

Steve Watripont explained building D has storage in it. He believes it is occupied and gone through the C of C process.

Secretary Jerzy asked if that's a separate entity altogether.

Steve Watripont explained it might be combined with the granite.

Secretary Jerzy said his concern looking at this. If he gets a ton of appliances, now he has building D available. Are they going to find appliances starting to stack up in building D unnecessarily if that's still occupied.

Steve Watripont explained it would have to go through the certificate of compliance portion of it and it not being connected it would then probably... indoor storage would be allowed in M-2. So, it would be allowed there, but it would have to go through the inspection process again.

Marvin Steiner wanted to suggest something. He thinks if it did expand into some of the other spaces, that would be a good thing. They would have fewer uses...

Secretary Jerzy said he's making money, yeah. He agrees.

Marvin Steiner said money means he's successful and it is something...

Secretary Jerzy said the concern he has, and he knows it meets the zoning requirements, but parking there. The shop gets busy...

Marvin Steiner said the parking meets the ordinance.

Secretary Jerzy said he's looking at only seven (7) or eight (8) parking spots in there.

Marvin Steiner explained there's a total of thirty (30) he thinks. Thirty-two (32) for the four (4) uses.

Secretary Jerzy said well if they're combining all four (4), well then yeah.

Steve Watripont said there's that lot in back there's a parking lot.

Secretary Jerzy has nothing further.

Board Member Watts said if there's nothing else, he's prepared to make a motion.

Chairman Nestorowicz said go ahead.

Motion:

Board Member Watts made a motion to grant the petitioner permission to allow sales of secondhand appliances to within 105’ from residential zoned property. **With no outside display of appliances or merchandise.**

Reasons being: Good for the area; Not a detriment; It would be a detriment if they wind up with outside display; He’s good with this, good for the area.

Chairman Nestorowicz added size and shape of the lot.

Board Member Watts said sure. Size and shape of the lot.

Secretary Jerzy supported the motion.

Chairman Sophiea said they have a motion by Mr. Watts, support by Mr. Jerzy to approve the request for the reasons stated in the motion.

Roll Call:

A roll call was taken on the motion. The motion carried (7 – 0).

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

The petitioner’s request was **APPROVED** with the previously mentioned condition.

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| 9. PUBLIC HEARING: | APPLICANT: 13 & Hoover BP LLC / Nameer Kastaw |
| REPRESENTATIVE: | Brandon Kastaw |
| COMMON DESCRIPTION: | 11610 Thirteen Mile |
| LEGAL DESCRIPTION: | 13-11-101-001 |
| ZONE: | MZ, C-1, P |

VARIANCES REQUESTED: Permission to

- 1) Waive five (5) required parking spaces.
- 2) Allow parking spaces 20’ in length along a property line.
- 3) Allow parking in the front setback to the property lines along Thirteen Mile Road and to Hoover.
- 4) Retain existing non-conforming maneuvering lanes adjacent to gas pumps.

ORDINANCES and REQUIREMENTS:

Section 4.32 (H)(22) Off-Street Parking Requirements: All retail stores – One (1) parking space for each three hundred (300) square feet of gross floor area.

Section 4.32 (i): All spaces that abut a continuous curb required in accordance with Section 16.07 of this ordinance or a common property line shall be laid out in the following dimensions, including off-street maneuvering lanes: Type: 90 degrees, Width: 9’; Length: 22’; Length of

maneuvering lane: 22'.

Brandon Kastaw, 42384 Beachwood Drive appeared before the board stating with him is Hammad Beatrice. They're here today requesting four (4) non-use variances in connection with the proposed project. The project has already gone in front of the Planning Commission with conditional approval. The applicant is expanding the existing 2,239 square foot building by approximately 2,153 square feet, for a total of 4,392 square feet. The site will continue to operate as a gas station convenient store and they're adding a carryout restaurant component in addition to additional space for stock and storage. There are six (6) criteria that the board is to consider when deciding whether or not to grant the motion. He believes the applicant does meet the six (6) criteria. First, the unreasonable burden or impact. If they are required to fully comply with the ordinance, they would have to significantly reduce the building size or eliminate key elements, like pedestrian access, landscaping or circulations area. This will make the site less functional and ultimately impact the whole process of the project. The need for the variance is not self-imposed. The property has two (2) canopies that house the gas pumping dispensers that have been there since a very long time. He pulled up a picture from 1970 and the underground lines for the gas dispensers were there at that time. Something that was not caused by the current property owner or even the previous owners to his knowledge. The property is unique. The parcel is a standard 150 by 150 square, but given the layout he doesn't think it is standard. The gas dispenser's can't be structures and drive aisles take up significant space and leave them with little flexibility for reconfiguration. They don't believe the granting of these variances will have a negative detriment to nearby properties. They're improving the properties appearance by a lot, he thinks. And the usefulness. It doesn't block any air, light or visibility issues. The need for the variances is not personal or economic. They're asking for this because the way the site is laid out currently, there's really not much they can do in terms of getting it up to code with what they're asking. Lastly, the variances he believes them to be necessary to allow reasonable use of the property for it's permitted purpose, consistent with neighboring businesses, given the fixed site constraints. So, all that said, he thinks they're bringing a benefit to the city, the community. The applicant is always seeking to improve, keep up with the times and that's the exact purpose for their request of these variances.

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

No response.

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

Secretary Jerzy loves how he ended that with keeping up with the times. Which brings him to his lead in. They're starting to see more and more of these gas stations with multi-use situations. Extra carry out place, liquor, gas. He just doesn't see... he means, with the way the ordinances are structured, there's nothing really to prevent them from a multi-use situations like this and gas stations, and other areas going forward. They've spoken numerous meetings. This is just another kind of situation where they got antiquated... steal Mr. Clift's adjective over there, his favorite adjective. Antiquated ordinances to go with the times. Not saying he's right, wrong or indifferent, but to him he lives in that area. He lives at Thirteen and Hoover. That site to him already is kind of packed in with what he has going on. Now to add another carryout element and waiving five (5) parking spots to boot. He doesn't know if that's going to be... to him that's detrimental. To him it's also speaks to the economic part of it. They're not just putting in a carryout place, not to not make

money. So, it does become an economic thing. It is an economic component to the expansion at that point. He wants to obviously maximize their profits on the property. Which is understandable and the right as an American. There's just ways in certain areas where he just doesn't see it. He thinks it would be successful but he just thinks that parcel of land, he doesn't see how it doesn't become more congested than it already is. The take out place takes off. Say they have the perfect storm and everybody is in there at once. They have great gas prices. Obviously they'll have this heavy flow of traffic coming in and out, not everything is going to be locked up at one time, but people do hang out of gas stations a little bit longer, checking texts or doing God knows what else, finish an email. To him it just he thinks it just leads to congestion on that site. He thinks that also they need to try to address as the city with either Council or something about multi-use facets to places like this. They're not immune to it. It's other gas stations all over Warren. He can't fault the business owner for doing it there, why can't he do it here. He understands that as well. He just kind of goes with each individual parcel based off parcel location and all that. He just thinks that site itself would be too congested. So, he's kind of on the fence right now and he'll just leave it at that.

Board Member Green wants to piggyback on that, because they discussed this earlier. The answer is these ordinances need to get more specific. These are mixed use facilities, they're not gas stations anymore. There are some gas stations still, but they become mixed use facilities. The ordinances they're not catching up with what's going on and he thinks there should be a specific ordinance written for gas station mixed use facilities. They should be specific to those and then start from there, because what he's saying is true. It's doing apples and oranges and before you know it, it gets a little out of control. He has another question that deals with the site plan. So, in the original backup it says no outside sales, no outside storage. That's been an issue with a lot of these mixed use gas stations. It says they're not going to have any outside sales or outside storage, but when you go to the site plan it says all outdoor retail sales shall be prohibited on this site. Many gas stations have these type of sales. If the petitioner plans to do this in the future then the outdoor sales site plan minor amendment would need to be submitted to the Planning Commission. So, he has a procedural question. If they... it sounds like they want to have outside storage if you read it for face value. So, if they say no outside storage and then they go back for a minor amendment to Planning and Planning approves minor amendment. Does it come back to ZBA. See that seems... it sounds like... He looks at the backup and it says no outside sales and no outside storage, but if you look at the comments from the site plan backup it says if the petitioner plans to do this in the future then it has to go back for a minor amendment. It would have to be submitted to Planning. He questions whether... he wonders, Mr. Watripont, if that has to come back to ZBA if they do that.

Steve Watripont explained it depends on what it is that they're asking for. If it was firewood on their sidewalk area, probably not. If it's propane tank on that sidewalk area, probably not.

Board Member Green said that's where this gets mixed up and that's why there needs to be a specific mixed use ordinance for this kind of stuff. It almost looks like they're circumventing the procedure. If you look at what they're asking for, they're asking to waive five (5) parking spaces. Then in the site plan backup it says the additional square footage would increase the parking requirement for the site. So, they're reducing the existing. The math is hard to do if they're not familiar with them, but so they're reducing the amount of parking spaces right now and saying there's going to be no outdoor sales or storage. Then in the next backup it says they might ask for that and if they do it's going to create a parking issue. So, is it going to be designed where there can be extra parking or. Does he get where he's coming with this?

Steve Watripont thinks he follows him a little bit. He knows with the addition they're not going into any current parking spots. It's basically used like an alley right now to drive around the building.

Board Member Green said they're waiving five (5).

Steve Watripont said they're waiving five (5) because of the addition. The City of Warren doesn't count parking at the pump sites also. Which has been a big contention in the past. How many of them gone to a pump, went inside and bought stuff. He knows it's not counted, so it's there. Spots that are used unofficially, but they don't officially count that. The other thing, if they wanted to put the condition of if they have outdoor sales that it has to come back before the Zoning Board. He believes they can do that. It would be a condition of the use and they would be changing that at that point in time.

Board Member Green sees the frustration with people. The argument that everybody else does it is not one of the criteria they sue. It's frustrating even for business people. You can't drive by a gas station that has wood, all that stuff out in front of it. He would more likely to vote for this if the motion maker would put a condition that there is no outside storage or outside sales. He does have a concern about that.

Board Member Cliff said it sounds like tonight parking spaces are kind of a contention so he's going to float this idea, maybe they already addressed it. He's familiar with the area and he's familiar with the store. He knows how busy things get over there. He asked if they explored a shared parking agreement.

Brandon Kastaw said they have not, but they are friendly with the neighboring shopping center that's located just south and east of the center. They've already been in discussion with them to get a reciprocal access agreement for the little drive aisle that the parking lots are shared.

Board Member Cliff said he's halfway there. Some of that iron works around the perimeter coming down and maybe formulating something where it's a little more convenient for people to park on the neighbors lot while accessing his business under an SPA. He thinks that would maybe address some of the parking issues that they're kind of talking about tonight that might take some pressure off some of the other things that are being discussed as well. He didn't know if they maybe explored that and turned them down. That's why he asked the question. As it sits before him, he's with some of his colleagues. He's a little bit on the fence here. That's worked in other areas of the city for folks and streamline some processes and making things a little bit easier for them to judge. Maybe a discussion on that front with a revisit for some different photographs or pictures or renderings of an idea. He's just throwing things out there. He hates people that park at the pump and go shopping. At this location especially. That's bad news. He likes everybody else, he likes to see expansion and likes to see business grow. It's just when you're confined to such a small area, he didn't do the math. What was the total square footage being added to the building.

Brandon Kastaw said total square footage being added is 2,153. Total sales floor being added is about 100 square feet. They're adding about 500 square feet of backroom storage, office, kitchen, beer cave. Really the sale space is not going to increase drastically at all. He would just like to point out one thing Steve pointed out earlier. There's parking currently located to the south of the building that the only people that park there are loitering, God knows what they're doing. They're eliminating that. Turning that into an enclosed trash refuse container. Again, they're abusing their

trash container right now as it is. That's going to be enclosed and a loading zone. He's done some research on this. There was an NACS study from 2019 that actually said forty-four (44) percent of customers that go into the store do park at the pumps. Though the city doesn't consider it technically, the reality is most people are parking at the pumps and then going inside. Even now, they're closing a couple of the entrances at the intersection. He thinks the one on Hoover, if he's not mistaken, adding parking there for employee parking.

Board Member Clift said he just wanted to throw that out there to see if they explored.

Brandon Kastaw would definitely be open to that.

Board Member Clift said basically the spots behind the building, if the employees aren't parking there nobody is parking there. That's patronizing the business, he understands that. At the end of the day, to him it doesn't sit well when they're making such a drastic increase to the footprint. Every square foot they build on, there's a purpose for that. The purpose is to bring more business, bring more customers into the store. People are going to be doing it anyway, parking over there on the adjacent. Before the neighbor gets upset about things like that happening, approaching it on the front end might be a good answer. He guesses he yields the floor with that.

Secretary Jerzy said real quick, he forgot to read the impact statement from Planning Department, which found no impact to the abutting, local or general public on this item. One other thing he wanted to mention to people who might not be familiar with that site. He's thinking the five (5) spots he wants to waive are probably the back far right corner. Nothing has ever been used in that corner. It's been absolutely... he thinks the last thing that was there was a pile of tires. As far back to the eighties he can remember, he thinks he might have parked cars he was repairing because it used to be a repair garage, but he even put those in the front. So, it was basically used for nothing. It's kind of dead space. It's nice to see them putting it to use. Again, Mr. Clift raised a good point about the shared parking with the neighbor. Nobody ever parks over there. It would be probably nice to get that agreement, especially since they're going to close up that one driveway. People are just going to be coming that way anyway. They're probably going to be coming through that strip mall trying to get to his facility because it's an easier in and out that way. He feels a little better with this. He thinks a good point would be to talk to the neighbor about the additional parking. It's going to happen. He'll yield the floor at that.

Board Member Watts is going to go off on... he has a few things here. So, they feel it's not self-imposed. He feels it's self-imposed. He bought a property that's undersized for what they want to do. Now, probably being one of the older guys up here. He remembers when there was a gas station on all four (4) corners. Those corners were always built to be big gas stations with service. Those corners were not designed to be these humongous beer stores, party stores, you name it. Every place is turning into this. He happens to know that he thinks they have another one on the agenda tonight right across the street. He's pretty sure they have another one coming kitty corner across the street. He doesn't have a problem with business at all, but he just thinks that having been a business owner, they have to be a little wiser about picking their property for what they want to do. He thinks this is overbuilding the piece of property there for what he wants to do. They got that shopping center there and he gets it, if they can get parking there, he's ok with that, but he just thinks this is way too much for the property. He has a problem waiving stuff. Period. He does it all the time, but he has a problem with that. Then he's wondering, he might have a question for Mr. Watriont. Retain existing non-conforming maneuvering lanes. Should they be waiving a non-

conforming use stay. Is that wise?

Steve Watripont explained basically when it's non-conforming it stays with the property unless there is a change. Since they're making a change, that's why they need to either waive it or bring it into conformity. The maneuvering lanes are around the pumps and the person at the pumps. It's supposed to have a twenty-two (22) foot maneuvering lane with a car there. So, basically they're looking for thirty-five (35) feet or something. Unless they do it as one way traffic, which brings it down to fifteen (15) feet. So, that's part of the reason for it. He thinks many gas stations in the City of Warren are probably non-conforming in this area.

Board Member Watts said he's probably right thinking about it. Thank you. He's all set.

Board Member Green said since it's very frustrating. He's sure it's frustrating for them and frustrating for him. He doesn't speak for the rest of the board, but they're just spinning their wheels on these gas stations stuff. Gas stations are the mixed use facilities now. They're at a point in order to compete and stay alive they have to become mixed use facilities. It's just the nature of the game. The oversizing or whatever, gas stations go on corners. It's pretty specific. They don't go in residential areas. It's frustrating. Again, the frustrating part is they need to take some action. For example, outside sales and storage. Everybody is doing it and they're doing it because they can. That's why they're doing it. Like Mr. Watripont just said, they could in theory, he can't speak for what his intentions is, come back and ask for outdoor sales and outside storage and site plan would approve what they refer to as a minor adjustment of site plan and it would just happen. They would drive by it a year from now and say they thought there was no outside storage. So, he thinks as a part of this motion or separate motion, they should direct the city attorney's office to begin a procedure where they look at other communities see if there is separate mixed use types of ordinances for gas stations. They're all at a disadvantage and they're at a disadvantage. They have to compete. If they put a gas station with four (4) pumps up there, they're out of business in a month because they don't make their money on gas. So, he thinks they need to take some action and ask at least for the city attorney's office, or whatever the procedure might be. Take a look at other communities and see if they have what he refers to as mixed use ordinances that are specific for gas stations. Then when they do these procedures, they can take that right out and plug into the new ordinance that applies to them. Then they're not up here questioning all this stuff. They're at a disadvantage. He would hope that the motion maker... He would ask that the motion maker, do a separate motion or what, to direct the city attorney's office to begin the process of, he doesn't know how they'll do it, investigating other communities. He could defer the floor to her.

Candice Mayer explained the thing is, one ordinance applying to mixed use gas stations isn't going to apply universally. They're still going to be specifics as far as space and sizing and stuff like that. Ultimately, she thinks they would end up coming back here anyways.

Board Member Green said they would be here, but for them they would have. Maybe he's not communicating himself well. For example...

Secretary Jerzy said they're looking for parameters to go off.

Board Member Green said their next item is going the signage item. Their signage ordinance says forty (40) square feet. What they are doing guys? Gas stations aren't doing forty (40) square feet and it's not going to happen. They take that ordinance and plug it into the gas station one, as an

example. He's not looking for immediate action, but maybe if someone. There has to be other communities that do this. He's thinking. He would just ask that if they made their motion that they would direct the city attorney's office to at least look at it and come back and say they're off base, can't do it because of this or they found some ordinances and here they are and let them take a look at it.

Candice Mayer is going to note that and will have the office look into it.

Board Member Green said they're going to be doing this all the time. Eventually they're going to end up in court. That's all there is.

Chairman Nestorowicz wanted to reply to Mr. Green on one thing. The key point is a number of years ago, maybe it was two (2) years ago, when they talked to city council. They're supposed to address and look at all the ordinances about updating them. Nothing has happened with that yet, but that's really what they need to do. City council needs to...

Board Member Green said well the administration needs to walk the walk and talk the talk. If they want this city to get cleaned up, then they need to clean it up. They need to be consistent with people. They can't as a city be putting businesses at disadvantages when they come up here because that's exactly... this is a perfect example. They're putting this guy at a disadvantage because they really can't say for sure what their direction is because their direction is antiquated. The next item that comes up the criteria is forty (40) square feet of signage. That's not even close to the reality of the world is.

Board Member Clift said he tries to be objective when he reads this stuff. The vast majority of the ordinances are archaic and way out of date. It doesn't take a rocket scientist to see that, or else their work load wouldn't be as heavy on this board. Forty (40) square feet for signage, they want 5,000. It's a no brainer, but as a body trying to effect change on that. They have two (2) choices, go along to get along or start denying stuff until the business community out cries about it and then people are forced to make some adaptations and changes. He's been sitting on this board since '21 or '22 and he's been talking about this for four (4) or five (5) years. He hasn't seen anything change. Anything.

Board Member Green said he's not a rocket scientist.

Board Member Clift said but going back to what he was saying. He looked at it objectively. The gentleman comes back, he could support his project he comes back before this board with a shared parking agreement. He's seeing twenty-five (25) spots. He doesn't have to worry about canceling off three, he comes back with a shared parking agreement he's in excess by ten (10) or twelve (12).

Board Member Green said they have one on the agenda.

Board Member Clift said on paper it looks fine. In his conscious he's good with it.

Board Member Green said his point is, they're going to deny this guy when they've approved ten (10) other ones in the last year until... it's not making any sense. So, they can start with one (1) ordinance.

Board Member Clift is not wanting to deny him. He just couldn't get behind it.

Board Member Green said he understands what he's saying.

Board Member Clift gets it.

Board Member Green explained they need to start somewhere. They need to start taking the administration to task on this. Talk the talk, walk the walk. If they want the city to look like a dump, tell them. They'll sit up here and take the ordinances and go like this and look at everything, deny.

Board Member Clift would present compromises to the petitioner.

Board Member Green said these ordinances for gas stations are so far off that it's ridiculous. That's why he wants to make a motion and he gets where he's coming from. He wants to make a motion they direct the city attorney's office to start with this particular one and see where they can go for it. Maybe they'll come back to them, he doubts it, maybe they'll come back to them and say no one is interested in this. When they do, they can come back and say sorry buddy, they're not getting the approval because no body in the city is interested in it. Then what happens is people take their businesses to Sterling Heights. That's the name of the game. They're shooting themselves in the foot.

Board Member Clift thinks their first step on the line he's talking about, Mr. Green, is to request the Secretary through the Chair to send a letter stating such to the legal department and to council. Sitting here talking about it isn't going to do anything.

Board Member Green said if they make a motion as a board.

Board Member Clift wanted to reiterate the point that they understand they're working with out of date and archaic ordinances, but they have a business owner who is trying to expand his business, increase his revenue, he's improving the building. He's sinking a lot of money into his project. He could get behind it if he comes to the board and says he has a shared parking agreement, now he doesn't need to waive these spaces because he has fifteen (15) extra. He doesn't know about the rest of the board, but he's happy and the applicant is happy. If he's willing to make the adjustments and willing to accept the board tabling this to a future date. He believes they are, he's shaking his head about ready to come off his neck.

Board Member Green said he's voting yes. He's in support of this.

Board Member Clift fully understands what he's saying, but he's just saying as a board on items he doesn't think it's their place to really... They can put their little shots in, it's an archaic thing. He votes no.

Board Member Green said he's not going to get in a pissing match with him on it. It's not their place as zoning board to sit up here and see a disservice being done and ask the city attorney to look into it.

Board Member Clift said no, no they can do that just fine. He says requesting the Secretary through

the Chair to send the appropriate letter to the appropriate departments.

Board Member Green asked who writes the ordinances.

Chairman Nestorowicz said the council.

Board Member Green said the city attorney's office writes the ordinances.

Chairman Nestorowicz said council does.

Board Member Green said council doesn't write an ordinance.

Candice Mayer stated this board doesn't have the authority to motion the city attorney's office to do something.

Board Member Clift yields.

Chairman Nestorowicz asked her to repeat that for the record.

Candice Mayer repeated this board in particular doesn't have the authority to make a motion to ask her office to do something specifically with regard to the ordinance.

Board Member Green asked really.

Candice Mayer said by motion at this hearing.

Board Member Green said interesting to know. This board does not have the authority to direct the city attorney's office to take a look at ordinances. Interesting.

Candice Mayer said correct.

Board Member Green said that answers a lot of questions. Thank you.

Candice Mayor said you're welcome.

Board Member Watts said having been on council, they talked about this. Unfortunately, last four (4) years on council they were pretty busy dealing with a lot of things. They wanted to deal with this. Here they are, two (2) years into the new council and nothing is done yet. That's where it has to come from. It has to come from the council table to the city administration to push this through. Now, he may disagree a little bit with the city attorney, which is okay. He doesn't see, and they can cover it later on the agenda, but he doesn't see a problem with sending a letter to council and the administration telling them they have a problem. This stuff needs to be addressed. He doesn't have a problem with that. On the other half of the coin, he's going to go back to what he said earlier. They're dealing with properties that sized to be a two bay gas station, They weren't sized to be fifteen (15) different things in one building. That's becoming a problem. They try to get in and out of some of these places, he personally doesn't go to any of them. He's not going to get run over, he's not going to get his car all scraped up and he'll rather go to other places. He doesn't know how they can keep going. He agrees with his colleague, Mr. Green. In fact, he agrees with almost everything that was said here, but there's a lot of problems with this. They're not going to solve it

tonight, but this needs to be resolved. Period. He's all set. Thank you.

Secretary Jerzy said if nobody else has anything to say, he would like to make a motion to postpone this item to August 13, 2025 to give the petitioner time to come back before this board with a shared parking agreement with the neighbor. He thinks that seems to be the sticking point with most members here. Also, if they're open to outside sales and storage needs to come back before the ZBA for approval, if they wanted to do that. That would be his two (2) things in the motion. The main thing is getting the shared parking agreement for the August 13th meeting.

Motion:

Secretary Jerzy made a motion to postpone this item 9 to August 13, 2025 to give the petitioner time to provide the board with a shared parking agreement with the neighbor.

Board Member Clift said point of order before the vote. Steve come up to the podium, please. Looking at what they're discussing here this evening on that SPA in reviewing the request. Is he correct in assuming that it's going to eliminate item number 1, item number 2 and item number 3.

Steve Watripont said it would not eliminate item 2 because the property line still would be the property line even if they have permission out of there. Number 3, that's where the employee parking area is now, so believes that would still stay unless they move that away from there as well.

Board Member Clift said he guesses it would be the revised site plan that would dictate that, right.

Steve Watripont said if they wanted to they would need more parking on the neighbors to get rid of that.

Board Member Clift just wanted to run that through to show they're going from four (4) to two (2) maybe even one (1). Thank you. He yields the floor.

Chairman Nestorowicz said they have a motion. They still need a support.

Chairman Sophia said they have a motion by Mr. Jerzy, support by Mr. Clift to table the item to the August meeting.

Roll Call:

A roll call was taken on the motion. The motion carried (5 – 2).

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Green	Yes.
Board Member Watts	No, thinks it's a detriment.
Board Member Lindsey	No, that's not going to change his mind. His big issue is going to be parking along Thirteen Mile and Hoover. He thinks it's a detriment to the area and not

Chairman Nestorowicz necessary.
Yes, for the reasons stated in the motion.

The petitioner's request was **TABLED** to August 13, 2025.

Chairman Nestorowicz asked if someone had a question for Mr. Watripont.

Secretary Jerzy doesn't. He thinks it's postponed to August 13th.

Steve Watripont came up to ask the petitioner if the 13th worked for him, because he doesn't think the board asked him if the 13th worked and he said yes.

Secretary Jerzy apologized about that. Tried to make it sooner rather than later.

Chairman Nestorowicz said this item has been postponed to August 13th. Hopefully that will give him enough to get a shared parking agreement.

Brandon Kastaw thanked the board.

Secretary Jerzy thanked him.

10. PUBLIC HEARING: **APPLICANT: Bazo Construction**
REPRESENTATIVE: Sarah Mheisen
COMMON DESCRIPTION: 4090 Nine Mile
LEGAL DESCRIPTION: 13-31-226-016
ZONE: MZ, C-2, P

VARIANCES REQUESTED: Permission to

Retain new signage as follows:

- 1) 85.95 square ft. of wall signage on canopy and 7.94 square ft. of wall signage on building for a total of 93.89 square ft. of wall signage.
 - 2) 278.75 square ft. of design element on the canopy.
 - 3) 92.92' of 6.5" high light bar on the canopy.
 - 4) 11.50 square ft. of painted design element per column, on 4 canopy columns for a total of 46 square ft.
 - 5) 46.22 square ft. of signage per gas pump on 3 pumps, for a total of 138.66 square ft.
- Total of 557.30 square ft. of wall signage and 92.92 feet on 6.5" light bar.

ORDINANCES and REQUIREMENTS:

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

Section 4A.14 (b) – Prohibited Signs: Exterior rope lighting, except temporary lighting.

Chairman Nestorowicz asked if the petitioner is present.

No response.

Chairman Nestorowicz said not seeing any petitioner he asked if they want to reschedule this to

the end of the meeting. Or they can...

Steve Watripont knows she's usually at every meeting. She has three (3) items and only two (2) before today. He doesn't know if she thought they would all be on the same meeting or what, but he knows she's usually pretty consistently here. Even if it's three (3) consecutive meetings, she's been here before.

Motion:

Secretary Jerzy made a motion to postpone till August 13, 2025; Supported by Board Member Lindsey.

Board Member Green asked if they can have discussion before they vote.

Board Member Lindsey said there's a motion and support on the floor.

Chairman Nestorowicz said there's a motion and support on the floor they need to take a vote on it.

(Inaudible)

Chairman Nestorowicz asked if they want to do roll call or do they want to do...
Secretary Jerzy said all in favor.

Voice Vote:

A voice vote was taken. The motion carried (5 – 2). (Board Members Clift and Green opposed.)

The petitioner's request was **TABLED** to August 13, 2025.

Board Member Green asked if he could ask his question now. With this as an example, and not to be specific. This is an example of, get back to this gas station thing. So, the sign ordinance says forty (40) square feet. So, he went back and looked. They have multiple examples of people that come to the board making a rebranding or they're changing something. Looking at the backup, they've already received variances for 500, 600 square feet of signage. Then they come back and rebrand and they're asking for another 500. So, is it in addition to the previous variance they approved? That doesn't go away.

Steve Watripont explained they usually try to do it as a new sign package. He doesn't write them all up. He knows they try to ask to rescind any wall signage, because they will come in separate ground signs and wall signs. He knows the board has been receptive to all that. They've done that. He will usually ask that if he sees it. He doesn't always see it. As a board member, if you see it point it out and go from there as well.

Board Member Green said so in theory, for example, what this other particular item he looked at they've approved 20,000 square feet of signage because it never goes away.

Steve Watripont said if it's not rescinded, correct.

Board Member Green said interesting and thanked him.

Steve Watripont suggested the Secretary not read everything into the thing for the next one, because she's still not here.

11. PUBLIC HEARING: **APPLICANT: Bazo Construction**
REPRESENTATIVE: Sarah Mheisen
COMMON DESCRIPTION: 11550 Thirteen Mile
LEGAL DESCRIPTION: 13-10-226-011
ZONE: MZ, C-1, P

VARIANCES REQUESTED: Permission to

Install new signage as follows:

- 1) 85.95 square ft. of wall signage on canopy #1 (southern most canopy) and 61.66 square ft. of wall signage on canopy #2 (northern most canopy) for a total of 147.61 square ft. of wall signage on the canopies.
 - 2) 730.75 square ft. of design element on the canopies.
 - 3) 243.59' of 6.5" high light bar on the canopies.
 - 4) 46.22 square ft. of signage per gas pump on 5 pumps, for a total of 231.10 square ft.
- Total of 1,109.46 square ft. of wall signage and design elements and 243.59' of 6.5" light bar.
Existing "CHILLBOX" wall sign to be removed from building per representative.

ORDINANCES and REQUIREMENTS:

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

Section 4A.14 (b) – Prohibited Signs: Exterior rope lighting, except temporary lighting.

Motion:

Secretary Jerzy made a motion to postpone till August 13, 2025; Supported by Board Member Lindsey.

Voice Vote:

A voice vote was taken. The motion carried (4 – 3). (Board Members Clift, Green and Watts opposed.)

12. PUBLIC HEARING: **APPLICANT: Josh Bratton / Agree Development**
REPRESENTATIVE: Mandy Gauss
COMMON DESCRIPTION: 32983 Ryan
LEGAL DESCRIPTION: 13-06-228-026
ZONE: MZ, C-1, C-2, P

VARIANCES REQUESTED: Permission to

Install the following signage:

- 1) A 74.69" x 86.38" (49.03 square ft.) wall sign on the north elevation of the building. (Items A1 and A2)
- 2) A 8" x 59" (3.27 square ft.) wall sign on the north elevation of the building. (Item E)
- 3) A 8" x 59" (3.27 square ft.) wall sign on the south elevation of the building. (Item E)

- 4) A 104.56" x 84" (61 square ft.) wall sign on the east elevation of the building. (Item A3)
- 5) A 104.56" x 84" (61 square ft.) wall sign on the west elevation of the building. (Item A3)
- 6) A 34" x 26" (6.14 square ft.) wall sign on the east elevation of the canopy. (Item F1)
- 7) A 136" x 26" (24.56 square ft.) wall sign on the north elevation of the canopy. (Item F2)
- 8) A 376' x 36" (1,128 square ft.) of design element on the canopy. (Item F3)
- 9) A ground sign, 20' high with 61.38" x 118.5" (50.51 square ft.) of signage on each to within 5' of the north property line. (Item P)
- 10) A 2nd ground sign, 20' high with 61.38" x 118.5" (50.51 square ft.) of signage on each to within 5' of the east property line. (Item P)
- 11) 4 gas pumps with 37.81 square ft. of signage each and 2 gas pumps with 36.08 square ft. of signage each for a total of 223.40 square ft. of pump signage.
- 12) 2 directional signs that are 15" x 20" (2.08 square ft.) for a total of 4.16 square ft. of directional signs. (Item D1)

Wall signage variances requested include 208.27 square ft. of wall signage, 1,128 square ft. of design element, 223.40 square ft. of pump signage for an overall total of 1,559.67 square ft. of wall signage.

Ground signage variance requested include 2 pylon signs with 50.51 square ft. each of signage and 2 directional signs with 2.08 square ft. each of signage for a total of 105.18 square ft. of ground signage.

ORDINANCES and REQUIREMENTS:

Section 4A.35 – Signs Permitted in Commercial Business and Industrial Districts (C-1, C-2, C-3, M-1 and M-2):

(b) One freestanding on-premise sign or advertising display of a size not to exceed seventy-five (75) square feet shall be allowed in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.

(c) Total wall signage of a size not to exceed forty (40) square feet shall be allowed for each business in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.

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

Chairman Nestorowicz asked them to start with name and address for the record and then take the board through the proposal.

Mandy Gauss, CESO, 13060 South US Highway 27, appeared before the board. Thank you again for having them here tonight for another Speedway gas station. This one is located at the north west corner of East Fourteen Mile Road and Ryan Road. What they're requesting here this evening, again the ordinance only allows forty (40) square feet for the canopy and wall signage combined. Then it also requires a variance for the decorative striping that is on the canopy. He knows some of these numbers do seem large, but it is again for the design elements. So, what they're requesting tonight is for a Speedway logo sign over the front door with the Speedway channel letters. They do not show a sign over the rear door since it's not very visible to the public. It will just have the little welcome sign. It is still allow entrance on that rear door, just a small welcome sign above that door. They are showing two (2) Speedway channel letter signs on each side of the building. Then one (1) S logo sign on the end of the canopy and a Speedway channel letter sign on the front of the canopy. Those would be visible to the motorists as well from the roadway. The request for the signage for the pylon sign, they are proposing one (1) pylon sign adjacent to each driveway instead of at the corner. Sometimes at the corner they're hard to see because they're on an angle and not as visible to both directions. It kind of makes it hard to see unless they're right up on it. So, the request is to have one (1) separate pylon at each driveway

entrance. The driveways are as far from the intersection as possible, except for the minor exception the County did require the one on Fourteen Mile to be aligned with the driveway across the street. It's not quite as far, they shifted it slightly towards the intersection so it aligns with that business across the street for maneuver ability. She wanted to point that out since it's shifting slightly. With the request for the two (2) pylons. She knows the existing site does have multiple variances on it. They obviously would waive all the old variances currently there in place, in place for their new sign package for this development specifically. For example, the Rite Aid does have a variance to have two (2) monument signs. There are two (2) existing monument signs on that site. They have a variance for two (2) monument signs, nine (9) feet tall, both 50.75 square feet. Theirs is similar in size, fifty (50) square feet as well, with it no less than ten (10) feet from the roadway property lines. Just to point out there are existing sign variances in place for the Rite Aid to have two (2) signs. There's also additional sign variances for (inaudible) that goes way back and then also for sign art. Again, they would obviously say clean up the books. Eliminate all those old variances and request one (1) variance tonight for the sign package in front of them. If the board has any questions she would be happy to answer them.

Chairman Nestorowicz thanked her for that presentation. This is a public hearing. Are there any members of the audience wishing to speak on this item?

No response.

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

Board Member Watts said this is basically the same thing as she presented for the Groesbeck property, correct?

Mandy Gauss replied very similar. This one they don't have the rear building sign. But this one they do have two (2) pylon signs, they're both Speedway specifically. On the other one they had the corner sign was for the apartment. That one, because Frazho Road does not have as much traffic, they didn't feel the necessity for a separate Speedway sign at that location. So, this one due to the fact that there's a lot of traffic on both roadways, they feel it's important to have those signs near the driveways just for visibility. People know where to go to get into the site. It helps drive traffic. It is five (5) lanes, six (6) lanes within that area, depending on what road they're on. It's very important for the vehicles to see the sign, be able to maneuver into the lane, and enter the site safely.

Board Member Watts doesn't really have a problem with this at all, because it's standard for what they've been doing with the other Speedway. Basically the Sheetz locations. This is really a piece of property that can handle the kind of volume that's going to be in there. It just makes sense. They're not over building. Currently it's a Rite Aid. If you've been around here long enough it used to be Ryan Roadhouse. It was really good food back in the day. It's a big piece of property. He thinks it's going to be an asset to the corner. He appreciates her showing up tonight.

Mandy Gauss thanked the board for having her.

Board Member Lindsey has one quick question. He agrees, this looks very similar to the one they just approved so he has no issues. If she could refresh his memory. The canopy striping is

not illuminated, right? Just the logo.

Mandy Gauss replied no, they do have the striping on the fascia of the canopy.

Board Member Lindsey thanked her and said he's in favor of this.

Chairman Nestorowicz asked for any other questions, discussion or motions.

Board Member Cliff asked for her to clarify what a lightbar is.

Mandy Gauss stated she doesn't have any lightbars on her request.

Board Member Cliff asked she doesn't.

Many Gauss replied nope. That was on the previous request.

Board Member Cliff said it's stuck on his glasses. He yields the floors. Apologies.

Chairman Nestorowicz asked for any other discussion or motions.

Secretary Jerzy would like to make a motion.

Motion:

Secretary Jerzy made a motion to grant permission to:

Install the following signage:

- 1) A 74.69" x 86.38" (49.03 square ft.) wall sign on the north elevation of the building. (Items A1 and A2)
- 2) A 8" x 59" (3.27 square ft.) wall sign on the north elevation of the building. (Item E)
- 3) A 8" x 59" (3.27 square ft.) wall sign on the south elevation of the building. (Item E)
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- 5) A 104.56" x 84" (61 square ft.) wall sign on the west elevation of the building. (Item A3)
- 6) A 34" x 26" (6.14 square ft.) wall sign on the east elevation of the canopy. (Item F1)
- 7) A 136" x 26" (24.56 square ft.) wall sign on the north elevation of the canopy. (Item F2)
- 8) A 376' x 36" (1,128 square ft.) of design element on the canopy. (Item F3)
- 9) A ground sign, 20' high with 61.38" x 118.5" (50.51 square ft.) of signage on each to within 5' of the north property line. (Item P)
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Wall signage variances requested include 208.27 square ft. of wall signage, 1,128 square ft. of design element, 223.40 square ft. of pump signage for an overall total of 1,559.67 square ft. of wall signage.

Ground signage variance requested include 2 pylon signs with 50.51 square ft. each of

signage and 2 directional signs with 2.08 square ft. each of signage for a total of 105.18 square ft. of ground signage.

Rescind all current existing variances on that property.

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

Board Member Assessor supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Jerzy, support by Mr. Assessor to approve the petitioner’s request for the reasons stated in the motion.

Roll Call:

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

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Clift	No, too excessive.
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 Nestorowicz	Yes, for the reasons stated in the motion.

The petitioner’s request was **APPROVED** with the previously mentioned stipulation.

13. PUBLIC HEARING: **APPLICANT: Abdulla Alysofi -USE-**
 REPRESENTATIVE: Lance Seba
 COMMON DESCRIPTION: 3900 Fourteen Mile
 LEGAL DESCRIPTION: 13-06-228-025
 ZONE: C-1

VARIANCES REQUESTED: Permission to -USE-

- 1) Allow a drive-in restaurant in a C-1 zoning district. **USE**
- 2) Waive the requirement of a chain-link fence to completely enclose the use.

ORDINANCES and REQUIREMENTS:

Section 13.01 – Uses Permitted: Drive-in restaurant is not a permitted use in C-1 zoning districts.

Section 14.01 – Uses Permitted: In all C-2 districts no building or land, except as otherwise provided in this ordinance, shall be erected or used except for one (1) or more of the following specified uses:

(k) Drive-in restaurant, an establishment whose principal business is to serve food that may be consumed in the building on the premises, on the premises outside the building, or off the premises. Drive-in restaurants shall be permitted upon approval of the Planning Commission, after a public hearing has been held and it is found that the proposed drive-in restaurant meets all the requirements of the Zoning Ordinances and the following standards:

4. Drive-in restaurant properties shall be completely enclosed with a chain-link fence with a height of four (4) feet; however, when abutting a residential property, a decorative masonry screening wall constructed to a height of six (6) feet shall be provided.

Chairman Nestorowicz asked him to start with name and address, then explain the request.

Peter Francy, 3900 Fourteen Mile, appeared before the board. He introduced Abdulla Alysofi.

Chairman Nestorowicz asked for the request today.

Peter Francy explained the request is to allow a drive-thru restaurant in a C-1 zone district use and waive the requirement of a chain link fence.

Chairman Nestorowicz thanked them for that. This is a public hearing. Are there members of the audience wishing to speak on this item?

No response.

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

Board Member Watts was over there yesterday, so he has a few questions. They're going to use the existing building, correct?

Peter Francy replied yes.

Board Member Watts said it would nice to get that corner in full operation. Here's his question, the property to the south behind the building, is a vacant piece of land. Do they own that?

Abdulla Alysofi replied yes.

Board Member Watts asked if he owns that grass area way in the back. Abdulla Alysofi replied they own the back area, yes, behind the building.

Peter Francy said only the grass area, not the other building.

Board Member Watts said right, but he owns the grass area all the way back to where ever it ends there.

Peter Francy said there is a little pond in the middle of the grass, yes.

Board Member Watts said if his memory serves him correctly, on the west side there was a concrete or brick mortar wall on part of that. He couldn't see totally through. He thinks there might have been a chain link fence inside all the hedges that were there. Where do they want to eliminate the fence at?

Abdulla Alysofi asked which fence.

Board Member Watts explained the request says they want to waive the requirement of a chain link fence. Where is the chain link fence?

Abdulla Alysofi said they're not changing the fence. They're just going to put the fence on the garbage area when they build the garbage area. It's going to be in the corner.

Secretary Jerzy can add some clarity to this, Mr. Watts. It's another antiquated ordinance that they deal with. Every drive-thru that comes before them, whether it's a drive-thru restaurant, drive-thru coffee shop, has the chain link requirement attached to it. It's actually in the ordinance for a chain link to be around a drive-thru restaurant. So, every time something like this has come before them in the past, he knows there's a couple members up here that have seen that, it's just kind of a... It's never there to put it that way.

Steve Watripont said to expand on that, the ordinance says completely surround the property. Which would mean completely fencing all the way around the front as well, chain link. He believes this was written back in the sixties when drive-thru restaurants weren't as prevalent as they are now, because they're afraid of all the trash and debris that would grow there. At least it would be caught on the fence.

Board Member Watts said that helps significantly. Which brings him to another thing. He knows it's not on here, but he's going to ask it because he doesn't want to have to look at it or hear from people later on. The grassy area in the back, and they say there is a pond. He noticed yesterday when he was there that there was a bunch of, he doesn't know what it was in the back corner, it looks like junk to him. Is that property going to be maintained? The grass going to be cut? Paper picked up? Be well manicured.

Abdulla Alysofi explained they open up high end coffee shop in the area. They're going to make sure they maintain it the right way for their customers. They want their customers to come and enjoy the place. They don't want the garbage anywhere and stuff like that.

Board Member Watts said that's the correct answer and a year from now he hopes to see that. Thank you.

Secretary Jerzy would like to read an impact statement from the Planning Department from Ron Wuertth. He says, "there's no issues found to impact the local, abutting, or general public. Planning Commission approved a minor amendment with conditions for a building addition to existing gas station with the convenient store and carry out restaurant on June 16, 2025."

Board Member Green is almost afraid to ask the question, but he's going to risk it. Where is the dumpster going to go?

Abdulla Alysofi said it's in the plan. It will be built in the west side corner. It'll be fenced in.

Board Member Green asked opposite of the residential.

Abdulla Alysofi replied yes.

Board Member Green said on the other side.

Abdulla Alysofi replied yes.

Board Member Green said it says there's going to be an outdoor café.

Abdulla Alysofi replied yes.

Board Member Green was curious about the music portion of it. A lot of these outdoor café's have mood music, or music playing. He was concerned about how close the residents might be, so that would be real quiet music?

Abdulla Alysofi said they can play any music in their places. It will be soft music. They're not loud. They want a calm area and want people to enjoy. They have existing stores right now. They don't allow any music.

Board Member Green said they understand his concerns. Just a point of information.

Secretary Jerzy asked what are the hours of operation for the new business.

Abdulla Alysofi said right now in some areas they open between eight (8) and ten (10). In the area here, because they have a drive-thru, they want maybe a little earlier. Between six (6) and seven (7) o'clock in the morning.

Secretary Jerzy asked what time they close.

Abdulla Alysofi said they close at ten (10).

Secretary Jerzy asked nine (9), ten (10) every day. Working Sunday's, too?

Abdulla Alysofi replied yes, they're open Sunday's.

Board Member Lindsey is a little torn on this. He thinks a new coffee shop in the City of Warren is a good thing. He's concerned about the drive-thru traffic being right next to the residential house. He can imagine himself living there, 6:00 a.m., busy traffic and everybody is getting their coffee, horns honking. That's his concern. He's on the fence with this one. He loves the idea of a coffee shop. He's concerned about the location. He yields.

Board Member Clift asked what would preclude him from removing that dumpster from the same side that the residences is on to the other side where there's going to be another business next door. The plan shows it being on the southwest corner of the lot, adjacent to the residential property.

Abdulla Alysofi said they're not serving any high end food. The garbage will be empty boxes basically. It's not going to create any environmental issues or smell or anything like that. They don't serve any kind of food. At the same time, it's going to help them get parking moved.

Board Member Clift said with that he'll yield the floor.

Chairman Nestorowicz wanted to add one comment. Looking at the plan, he agrees with Mr. Clift. It's on the east side of the property as opposed to the west side of the property. The west side of the property is next to residential, the east side is actually next to the Speedway. He thinks having the garbage enclosure next to another business, such as the Speedway, would be better than having it next to the residential. That's his personal opinion.

Board Member Clift said when they roll in there at five (5) in the morning to dump that thing, he doesn't think those people are going to be very enjoyable. He can hear phone calls ringing already.

Board Member Watts said that's his thoughts exactly. They're going to put a dumpster over there and honestly, he's going to say this, he doesn't know what Planning was thinking. At four (4), five (5), whatever time they come. He doesn't care if it's even during the day, he wouldn't want that dumpster being shaken, rattled, and rolled behind his house. That is unacceptable. It's going to be a problem. That needs to be moved. He doesn't know how they do that. Do they postpone this and send it back to Planning? What do they do?

Chairman Nestorowicz asked Steve to approach the podium for a second.

Steve Watripont said very good question.

(Laughter)

Steve Watripont believes that would probably be the only thing is say they want to postpone it because they don't like that location. It would be up to the petitioner to go back to Planning and try to amend that plan to bring back another plan to this board. If that was the boards concern. If they denied it, they wouldn't be able to come back at all. So, to still give them that opportunity, postponement is probably the only thing.

Board Member Green asked if that would be a minor adjustment to a site plan that wouldn't come back.

Steve Watripont explained the site plan is still in process.

Board Member Green asked if it would be considered a minor adjustment.

Steve Watripont thinks it could be done administratively within them, but he doesn't deal with that department.

Board Member Green asked if it wouldn't come back to this board.

Chairman Nestorowicz said it would come back to this board to approve in the future. They would table it, but not approve it.

Secretary Jerzy said if it's postponed it's not approved. They could come back, it's not a full denial.

Candice Mayer asked if the dumpster is what's subject of this variance. If not, they can't order Planning to do something. They have to decide on the variance that's in front of them.

Steve Watripont said the subject that the variance is actually the use of the drive-thru restaurant.

Candice Mayer said that is what can be decided by the board.

Board Member Green said he guesses they'll have to deny it.

Chairman Nestorowicz said he can tell them, he agrees, it's the use they're deciding. The use of this as a drive-thru restaurant, but if the fact that the board members don't like the dumpster location, that would be a reason why he would vote no to deny. Then they would not be able to come back if it's voted down.

Candice Mayer explained the site plan has already been approved by Planning, except for the variance being presented to the board this evening. That's what is decided. They can't send it back even though the site plan has already been approved, and say they don't like this, move it around. That's just not... They can attempt to, but that's just not proper.

Chairman Nestorowicz said even if it sounded like lets say they might not approve this otherwise, wouldn't the petitioner have that right to go back to site plan to say if they move this then he would get approved.

Board Member Green said based on that recommendation, they should deny the petitioner, make him go back through the site plan process and come back with the dumpster in the right place.

Chairman Nestorowicz explained if the board denies him, he can't come back.

Candice Mayer said according to Planning it is in the right place. That's why it's not subject of the variance.

Steve Watripont said the board might want to hear the petitioners opinion on it first.

Board Member Watts wants to ask a couple questions. To the petitioner, does he have a problem moving that dumpster to the other side of the property.

Abdulla Alysofi doesn't have any problems relocating because it's not built yet. Basically, the plan submitted to the city is not (inaudible). If they ask to relocate the garbage to the other side, to the left side, they don't mind.

Board Member Watts said that was the answer to that. Then the second thing, he doesn't know if this is fair or not, but he's going to ask it since the good people from the Speedway are here. Do they know where their dumpster is at. Here's the way, this is when he deals with the great city attorney. They're going to hit a problem off at the pass that somebody didn't catch. By not doing anything about this, is going to save the city money in the future because this is going to be a problem. Thank you.

Steve Watripont said there's would be located almost back to back if they move theirs.

Abdulla Alysofi said yes.

Board Member Watts said geeze, that makes so much sense.

Board Member Green asked where does this agreed combined drive-thru go. Is this the one

where they have an agreement with Speedway.

Chairman Nestorowicz and Secretary Jerzy said no.

Secretary Jerzy is going to throw this out there and make a motion.

Motion:

Secretary Jerzy made a motion to grant permission to:

- 1) Allow a drive-in restaurant in a C-1 zoning district. **USE**
- 2) Waive the requirement of a chain-link fence to completely enclose the use.

With the petitioner agreeing to move the dumpster location to the south east corner of the parking lot.

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

Board Member Clift said point of order before the vote.

Candice Mayer said the answer is no.

Board Member Clift would rather postpone and have them come back with a modified site plan that's more promising to get approval from this board. He doesn't think that motion would be binding on the petitioner.

Secretary Jerzy said good point. He withdrew his motion.

Board Member Clift would like to make a motion. He asked if August 13th would be enough time for the site plan.

Abdulla Alysofi said his question to the board. They're going to do the work. They're going to have to go through the process for approval with them. He thinks if they give him the approval today, they're going to go change the plan. They're going to go do the work. They have professional people. They have a lot of businesses in the area. They're going to do what they promise. This is what they're doing.

Board Member Clift understands, sir, but the motion with the conditions is not binding on them.

Adbulla Alysofi asked if they cannot approve them with the condition. They will do the work. If they didn't do it they can...

Board Member Clift asked if they're willing to appear before the board with a revised site plan. He withdraws his motion.

Board Member Watts would second the motion. He agrees this needs to go back to Planning. He would like to say they have the right to say that, but he'll agree to disagree with the city attorney. Because he does things like that. This has to go back to them. He appreciates them willing to do that, but they can't do something that's not going to be non-binding and then end up with a problem. To be honest with them, he's kind of disappointed that this didn't get caught. He doesn't know where they live, but he lives in this city and he was on council for four (4) years

and he hears people complaining about dumpsters slamming at four (4) o'clock in the morning. They don't want this happening. They have to do it right. He appreciates them wanting to do it right, but they have to do their end right and try to hurry up and get them back through it and get it done.

Peter Francy has no problem coming back August 13th. They will come back with a revised plan.

Candice Mayer said just to be clear, this site plan has already been approved by Planning. The only issue that should be decided by this board is whether or not a variance should be granted to forego the ordinance requirement that there's a fence around the perimeter. That's it. It's already been approved by Planning. So, it's possible that he goes back and wants to change it and they say no. Like, they've already ok'd everything. Just to be clear.

Chairman Nestorowicz said true, but if, the thing is... that's true, but then based on that he knows he would vote no. He'd rather be able to vote yes with the change. That's why.

Candice Mayer asked if the dumpster is proper consideration when that's not the issue being presented before the board, and it's already been approved by Planning. What the board is trying to do is order the Planning Department to amend a site plan that's already been approved. That's just not the purpose of the Zoning Board of Appeals. It's only to review requests for variances. Regardless if they like it aesthetically or not.

Board Member Watts said here is how he sees this...

Chairman Nestorowicz said Mr. Green.

Board Member Green said past practice as he's been on the board. Maybe they should just start denying.

Board Member Clift said his opinion they're presenting the petitioner with an option because collectively as a board they feel there might have been an error that's going to result in issues later on down the road.

Board Member Green said or a denial.

Board Member Clift said or they end up with a denial tonight. He doesn't want to do that, but looking at the site plan, he's not in favor of allowing the use variance based on how the site plan is set up. He thinks it's going to be a detriment to the neighboring residence. It may not seem like it now, but he's been in this business long enough to know that that phone will start ringing about a week after them dumpsters start getting emptied at four (4) o'clock in the morning. All he wants to do is present the petitioner with an opportunity to make a minor change that he's agreeable. They got a little argumentative there. That's why he withdrew his motion. Somebody else can make the motion now. He stated his case, tried to help him several times. He understands where the attorney is absolutely coming from, but unfortunately the way it looks like the sentiment of the comments on the board, he's looking at a denial. They're trying to find some way to get an approval even if he has to delay for a couple of weeks. They can't dictate the change. He doesn't feel comfortable dictating the change in the motion, because it's non-binding. The only thing they can do is postpone, let them come back and bring something that everybody

is agreeable to at the end of the day.

Candice Mayer said everyone here right now is saying that, well the ones who have spoken up, are saying that their variance approval is contingent upon moving the dumpster that's already been approved by Planning. That's just inappropriate. It's right for litigation.

Chairman Netorowicz disagrees. He tends to look at it that, because he would say then having a restaurant there is a detriment there of having a drive-thru restaurant and would vote no against it.

Candice Mayer said they're talking about a fence and a garbage can, though.

Chairman Nestorowicz said no, they're allowing a drive-thru restaurant in a C-1 zoning district, that's the use. If that's the case, he knows he would vote against it.

Candice Mayer said that's just his decision, but not making it contingent upon something they don't have the authority to change that's already been approved.

Chairman Nestorowicz said it sounds like that's something that would actually switch peoples opinions.

Board Member Clift said that's why he called a point of order to the Secretary when he made that inappropriate motion.

Board Member Watts said here's where the problem is. They caught a problem. So, they have a choice. They either postpone it and give him a chance to go to Planning, and Planning fix the problem. If they don't fix the problem, it's going to come back here and he guarantees one thing right now, he is voting no. Period.

Board Member Green said the city attorney said they can't send it back to Planning.

Chairman Nestorowicz said they can postpone it.

Board Member Watts said then they deny it. They mess with the business man that wants to turn a blighted piece of property into something that's going to be good for the city and unlike some people, he doesn't who does or doesn't, but he knows them as a board lives here. They have to fix these problems and if people aren't catching them, then shame on them. He's been around this city long enough, he's been going to meetings since the '70s. He can't tell you how many times this stuff slides through. To her point, this could be right for a lawsuit. Well guess what, that dumpster banging in his back window every morning at four (4) o'clock is going to be right for a lawsuit as well, because the city didn't do their job. He'd be honest with them, he's really fed up with this kind of stuff happening. The man is willing to do it. They can postpone it and send it back to Planning and they can solve the problem. He doesn't really see the big deal here. He'll make a motion to postpone it.

Motion:

Board Member Watts made a motion to postpone to August 13, 2025; Supported by Board Member Clift.

Roll Call:

A roll call was taken on the motion. The motion carried (5 – 2).

Board Member Watts	Yes.
Board Member Clift	Yes to postpone.
Board Member Assessor	Yes to postpone.
Board Member Lindsey	No to postpone.
Board Member Green	No.
Secretary Jerzy	Yes to postpone.
Chairman Nestorowicz	Yes to postpone.

The petitioner's request was **TABLED** to August 13, 2025.

Chairman Nestorowicz said based on the comments he heard up here... He hears what the majority of the board members up here are asking for is for that site plan to be addressed in terms of the location of the dumpster. Then he'll be on the schedule for August 13th.

14. NEW BUSINESS

Board Member Green has a couple questions. Mr. Watripont, did he have an update on that storage container at Sardelli Pools. He doesn't know if he can even ask that, but he's going to.

Steve Watripont talked to someone, an inspector that was out there yesterday or today. He believes a ticket will be written. He believes it's up this week or beginning of next week, the compliance part of it. He doesn't think they've heard anything.

Board Member Green said his next question got answered today. So, he asked for a site plan, not a copy, a site plan of the Thirteen and Mound area by a motion of the board, but he's guessing they don't have that authority.

Steve Watripont does not have that authority. That would have to go through as...

Board Member Green said once again, they made a motion requesting something. Is he to assume that the reason they haven't got it is because...

Steve Watripont would have no idea the reason why they don't have it, because it is beyond his authority. It's something he does not have to give.

Board Member Green said he has it, because it was in their package originally somewhere along the line, the site plan for Thirteen and Mound. He made a motion asking for it for governmental purposes and that's legal as can be. He hasn't heard anything. He's just asking. Maybe the answer is...

Steve Watirpont explained he cannot give out a site plan, because there is copy write rules and everything.

Board Member Green said that's not true.

Steve Watripont said it has to go through...

Board Member Green asked if they can get an opinion on the city attorney's office on that when he asked for it or no. They made a motion.

Steve Watripont explained he can FOIA it, but they would not give out those without the property owners consent. That's their policy.

Board Member Green said the city attorney's office and him need to update themselves on what the law is. Number 1, they're not asking for copy written material, they're asking to look at the material. Anybody can come into his office...

Steve Watripont said he's not the administrator of this board.

Board Member Green said anybody else, Steve, can come in here and if they want this site plan, they'll be in that red basket with the 500 other ones they've dumped in there. The reason he's asking is because he's trying to figure out the scope of their authority is. Apparently, they don't have that either.

Steve Watripont does not have that authority.

Board Member Green said when he was here when he asked it.

Steve Watripont still didn't have that authority then.

Board Member Green said on the record, they're being told that this body...

Steve Watripont said on the record he believes he asked the city attorney to proceed, or the Secretary to proceed through the attorney's office on that and he's not privy to any of that stuff.

Board Member Green said that just answered his question. Thank you.

Candice Mayer wants to clarify something for everybody, too. The Planning Department is currently working with a firm who is updating and reviewing and drafting the entire zoning ordinance. Just so everyone knows. It is being updated. It is a huge job. It is being handled by an outside firm and they're working on putting that together. So, all the outdated and old things are in process of being addressed.

Steve Watripont explained he is part of that review team and he was going to give that update. She stole her thunder.

Candice Mayer said sorry, Steve.

Board Member Green said that's where the frustration is that so they don't have any input on that, apparently.

Candice Mayer asked on...

Board Member Green said they do this every week.

Candice Mayer said it would go in front of Planning. Like, Planning has that authority. You do not. This board has the authority to review variances requests. Exclusively for that subject matter, and that's it.

Board Member Watts said here is where he goes off the edge. He has a true belief that if variances are requested for a development it doesn't fit the ordinance. Now, that would probably say they don't need a zoning board of appeals, and he guesses he doesn't mind one (1) or two (2) variances, but when he gets one that comes, and these signs are a little bit different, again, that needs to be fixed. When you get one that has seven (7) or eight (8) variances referred to them, then it doesn't fit the ordinance. It doesn't belong there. He can tell them, he watches the Planning Commission every two (2) weeks, and he sees the stuff that's going to be coming to them and he's ready to lose his mind. This is not doing the city, the residences any favors at all. At the end of the day, the business man comes here, he runs his business and ninety-nine (99) percent of the time probably they exit stage left and go home to wherever they live. They're stuck with the mess. He has a problem with that. So, you know, at some point... They were appointed to the ZBA to handle these things. Do the right thing for the city. Their decisions might not be popular sometimes, but if they make the wrong decision it effects the whole city. That will lead him into his next point. At the last meeting they approved cement for half a front yard because the guy lived on Thirteen Mile. Well guess what, it doesn't matter where you live. Now, everybody in the city can cement their whole front yard. If they don't get their variance, guess where it's going to go. They're going to end up in court and it's going to cost them money and then the city is going to look like trash. They really need to be careful here. He doesn't know about them, but he's committed. He's a lifer here, been here all his life. What he sees today. Him and Steve have these discussions quite a bit, and other administrators. He's tired of what he sees. This is not the city he grew up in. They have a mess, they have an absolute mess. He feels bad for the city attorney, she got thrown under the bus tonight. They had some disagreements, but it's up to them to look out for the city. They have to do the right thing. Sometimes it's not going to be popular, sometimes their office is not going to agree with them. He can tell them, he disagreed with the city attorney's office a lot of times. There's a couple people that probably hate his guts, but you know what, he lives here, he has to look at it and he wants it right. So, end of rant. Thank you.

Chairman Nestorowicz thanked him. Actually, see, he agrees with him. He's a lifer and plans on staying in the city for a long time. Sometimes it saddens when he thinks there's folks that are looking at addressing all the various, what their zoning ordinances are, and the board has no input to that. When you hire some outside firm, not the biggest fan of consultants and stuff that always come in because they'll always make the best choices for the situation, but they can take a look. As a board they address signage and all this. He's looked at other cities around them and their signage, but he guesses, he looks at the Royal Oak's, Birmingham's, Troy's and some of those. Signage in Royal Oak is based on the square footage of the frontage of the building up to 100 square feet, unless they're on Woodward Avenue where they're allowed more. They actually have those kind of... where it's not the same sign ordinance all throughout their city. Royal Oak has different housing for single family homes, standard lot and their large size lots. They have various zoning based on...

Board Member Watts said they're progressive.

Chairman Nestorowicz said we have one standard and don't look into modernizing some of that. Input from the board... do you know how many years ago he brought up the fencing around the fast food restaurant? That should have always been a simple quick hit. No fast food restaurant is completely fenced in. The ordinance would say that McDonald's needs to have a fence all the way around it. That's the thing, it shouldn't take, to make some changes, by having an overall look at everything is a very large project. You know, it's sad they can't tackle what are the issues they see and the quick hits they could do.

Board Member Watts agrees with him. Who better knows what the city should have is this board that's lived here all their life, most of them, and stuff. They know it all. Instead, they bring in a company from outside and come up with this great plan. Well, again, they don't live here. They should get the boards input.

Board Member Clift said sometimes he comes off a little pompous and raw, but he does this for a living on the outside. He's had the pleasure and dismay of working in six (6) different municipalities since he's been involved in code and zoning work. That's why he says it's not rocket science and when he says antiquated, man, he means antiquated. He's been through municode in no less than six (6) different municipalities neighboring us reading through having to go through his job on the day to day gets a little confusing. Sometimes he wishes for those simple things like they have here on the books, but it doesn't fit. Then lets talk about the education and the courses he's been through. No less than seven (7) hanging on the wall and he's still working on it. The first thing every one of them ever tells him, and that he learns, is that this ought to be a twenty (20) minute meeting no matter how many items are on that agenda, because most places don't grant variances. They adapt their ordinances to the way they want their community to be and react. They don't have to go through numerous stages and have half hour discussions about 3,000 feet of signage. Or whatever the case may be. He doesn't want to pick on anybody in particular, but that's kind of gotten in his crawl lately. Ordinances and codes and zoning ordinances, it's all fluid. It should constantly be evolving and changing. Some places he's been it's a little bit more of a rut than others. Now he's in a municipality that's trying to make a comeback in their neighborhoods. You talk about a challenge and a battle. You go down and talk to people who haven't had to live by any rules for 30 or 40 years and try to explain to them what's on the books now. He's going to tell you, that's why it's all white pal. But he enjoys his job and loves what he does. He enjoys sitting on this board, enjoys making a difference in his community. He voices his opinion in charge and members of council. They've discussed these kind of things. No feedback, no questions, no lets talk about it. He thinks it was two (2) or three (3) years ago they were supposed to have a combine panel or something. Something was supposed to start happening where they cherry pick a few and they get together in a commission or committee or something to talk. That's where they're at. His premise is to help people get through what they need to get through, let them do what they kind of want to do with their property within reason based on the ordinances. Here they have to bend over quite a bit. His first day on the job with the board somebody got upset with him because he actually voted no on something. They turned to him and stated don't you know you're supposed to vote yes on everything that comes up here. It's that simple? Is that why they are what they are today? Because nobody said no, nobody thought through. As a body, some of the guys are kind of new, but as a body they were growing. There's only three (3) of them here tonight that are old timers, he guess, but they were making adaptations and looking and reading. They weren't coming here just off the fly of the cuff. He knows several of them go out and actually maybe walk the properties or take a look

and put an eyeball on it and see what's going on. Context matters. There's things he thought for sure no way he was going to do that, then he gets there and see what's happening. He has to go, well, maybe this does kind of make sense what's going on. He knows he hates concrete in front yards. He was good with that only because the guy did it twenty (20) years ago and nobody said (inaudible) to him about it. So, there's context in everything they do. A fresh new one coming up, he's probably not going to like that idea too much. But that guy stood there and said he put that in twenty (20) years ago when he first bought the house. You can tell that he did, except for that one little patch they took out. So, it's a heavy responsibility the weight they carry. He doesn't, for one, get enough training collectively as a group. If you want to be good at stuff like this, they have to do a lot of reading on their own. They have to invest their own time to make yourself better at it. They learned a few things tonight. He was on ball with him, Mr. Green. Lets make some motions to get some information. It's out of their prevue, he guesses. That's the hardest thing to deal with, when you want to do something that you know you can't. But they could always request a letter through the Chair from the Secretary to whoever they want to send a letter to expressing their opinions, feelings collectively their questions and put the ownness on the body that put them in place to give them what they need in order to do their jobs effectively. It's as simple as that. So, he thinks maybe they should have some discussion about those points. Make a little list and put things together and talk about what they might want to talk to. Jennifer put together that great packet, that great book and handed it to them all. You have to use a magnifying glass to read it, but it's good. It's good information, good material. He thought maybe really turning a corner here about some background work and training, but at the end of the day it's on them. They have to go seek it out. They have to go figure out what the best practices are. Not only nationally, but internationally. The big push now is for international codes. That's where the big things at. A lot of them made good sense, some of them are a little weird because they're not from there or whatever. At the end of the day, they all stand for one thing. Safety in the communities, sanctity in the communities, welfare of the people living in the communities and the health and effectiveness of the businesses within the community. That's what makes them a successful community a successful city. He's off his soap box.

Chairman Nestorowicz thanked him for his comments.

Steve Watirpont wants to add one thing. A question was asked about a light bar. He would like to describe that to the board so they know what it is when it comes before them. If you look at, he's going to say most of the BP's, the new BP's, they got the green striping, the decorative design. Then right in the middle there's a six (6) inch bar that lights up the whole thing. That is a light bar. Most of the sign contractors call it that. That's what they've deemed it in the variance request as well.

Chairman Nestorowicz asked if that light bar is counted as a decorative element, right.

Steve Watirpont explained that light bar is actually, they don't allow... prohibited sign is rope lighting and this and that. That's exterior lighting there, so they classify that in that regard as a prohibited at this time.

Chairman Nestorowicz said its prohibited, so if its on a request, keep that in mind it's prohibited before they approve something like that.

Board Member Clift said that rope lighting stuff also includes them goofy things they see around some of these smoke shops and car washes and everything else outlining the windows, LED.

Steve Watripont stated the windows can be twenty-five (25) percent within the ordinance. The rope lighting around ground sign is prohibited.

Board Member Clift said they popped up on some gas stations.

Steve Watripont said they do pop up here and there. They work 8:30 to five (5) so they don't see them all the time at night. Except for the last week of December when it's dark all the time.

Board Member Clift said now they kind of know what they are, but they have to figure out exactly what they are when people are asking for it.

(Inaudible)

Board Member Clift said whether it's the fabricated design element thing that goes...

Steve Watripont said the request that they write up will specifically say the light bar of this size. This six (6) inch light bar, however many feet. Not a square footage on that.

Board Member Watts asked if he's interested in working midnights.

(Laughter)

Steve Watripont said no midnights, maybe afternoons once a week. At double time.

(Inaudible)

15. ADJOURNMENT

Motion:

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

Voice Vote:

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

The meeting adjourned at 9:36 p.m.

Paul Jerzy
Secretary of the Board