



David Sophiea, Chairman
Roman Nestorowicz, Vice-Chairman
Paul Jerzy, Secretary
Charles Perry, Asst. Secretary
Charles Anglin
Kevin Higgins
Shaun Lindsey
Anthony Sieracki, Jr.

Zoning Board of Appeals
Office of the City Council
5460 Arden, Ste. 505
Warren, MI 48092
Ph. (586)258-2060
Fax: (586)268-0606

**A Regular Meeting of the Zoning Board of Appeals
Wednesday, July 24, 2024 at 7:30 p.m. in the Warren Community Center
Auditorium, 5460 Arden, Warren, Michigan 48092.**

Site plans are available for viewing in the Building Department of
City Hall at 1 City Square, 3rd Floor, Warren, 48093.
Please call: (586) 574 - 4504

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPTION OF THE AGENDA
5. APPROVAL OF THE MINUTES of the **Regular Meeting of June 26, 2024.**

- | | |
|---------------------|------------------------------|
| 6. PUBLIC HEARING: | APPLICANT: Mark Sykes |
| REPRESENTATIVE: | Same as above. |
| COMMON DESCRIPTION: | 11542 Short |
| LEGAL DESCRIPTION: | 13-03-231-003 |
| ZONE: | R-1-A |

VARIANCES REQUESTED: Permission to

- 1) Petitioner seeks to construct an additional 624 square ft. (24' x 26') onto an existing 374 square ft. (17' x 22') attached garage in addition to an existing 75 square ft. (7 ½' x 10') shed for a total of 1,073 square ft. of accessory structure floor area.
- 2) Petitioner seeks new garage addition to be within 6' of the (west) side lot line.

ORDINANCES and REQUIREMENTS:

Section 5.01 – Paragraph (i): ... All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

Section 5.07: In R-1-A Districts, the width of the side yard abutting upon a street shall be not less than thirty (30) feet when rear yards abut side yards.

7. PUBLIC HEARING: **APPLICANT: William McDaniel**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 26523 Wexford
LEGAL DESCRIPTION: 13-19-226-034
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

- 1) Retain an existing 100 square ft. (10' x 10') shed to within 6" of rear easement and 27' from existing detached garage.
- 2) Erect a shed greater than 120 square ft. (12' x 24' = 288 square ft.) in addition to and 31' foot from an existing (20.1' x 24.1' = 484 square ft.) detached garage for a total of 872 square ft. of accessory structures.

ORDINANCES and REQUIREMENTS:

Section 4.20 Paragraph (a): ... the existing side building lines of the principal building in the lot and shall be one (1) foot from the edge of any easement.

Section 4.20 Paragraph (a.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.

Section 4.20 Paragraph (a.5): That all accessory structures, excluding garages, will not exceed a total of 120 square feet.

Section 5.01 Paragraph (i): ... All garages and/or accessory building shall not contain more than seven hundred (700) square feet of floor area.

8. PUBLIC HEARING: **APPLICANT: John Giannini**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 23816 Marlin Ave
LEGAL DESCRIPTION: 13-30-305-021
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

- 1) Retain an existing 144 square ft. (12' x 12') shed to within 1' of the south lot line that projects beyond the side building lines of principal building in addition to a 672 square ft. (24' x 28') detached garage for a total of 816 square ft. of accessory structure area.
- 2) Retain a "modified" clear vision zone for an existing privacy fence with a rolling gate to provide the clear vision zone on the south property line of their vacant adjoining lot.

ORDINANCES and REQUIREMENTS:

Section 4.20 Paragraph (a): Such buildings shall conform to, and shall not project beyond, the existing side building lines of the principal building on the lot and shall be one (1) foot from the edge of any easement.

Section 4.20 Paragraph (a.5): That all accessory structures, excluding garages, will not exceed a total of 120 square feet.

Section 5.01 Paragraph (i): ... All garages and/or accessory building shall not contain more than seven hundred (700) square feet of floor area.

Section 4D.33 (b): Corner lots. A privacy fence is permitted on corner lots provided that if the fence abuts any driveway, including driveways on adjacent property, the fence shall be set back a minimum of ten (10) feet from the intersection of the property line and the driveway providing a clear vision zone area as depicted on the diagram below. The portion of the fence

set back a minimum of ten (10) feet, may be angled away from the driveway or installed perpendicular to the driveway. The clear vision zone area is required to provide for the unobstructed vision of a driver exiting the driveway.

- | | | |
|-----------|----------------------------|---|
| 9. | PUBLIC HEARING: | APPLICANT: Kemp Building and Development |
| | REPRESENTATIVE: | Adam Stier |
| | COMMON DESCRIPTION: | 7177 Miller and 7243 Miller |
| | LEGAL DESCRIPTION: | 13-04-427-009 / 13-04-427-008 |
| | ZONE: | M-2 / M-2 |

VARIANCES REQUESTED: Permission to

Permission to waive thirty-eight (38) required parking spaces.

ORDINANCES and REQUIREMENTS:

Section 4.32 Item (23): Industrial establishments ... One (1) parking space for each twelve hundred (1,200) square feet of floor space.

10. NEW BUSINESS

11. ADJOURNMENT

Paul Jerzy
Secretary of the Board

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

CITY OF WARREN

ZONING BOARD OF APPEALSSUMMARY OF VARIANCE REQUEST

APPLICANT: MARK SYKES
REPRESENTATIVE: MARK SYKES
COMMON DESCRIPTION: **11542 SHORT DR.**
PARCEL NUMBER: 12-13-03-231-003
ZONE of PROPERTY: **R -1 - A**

REASON: Petitioner seeks to construct an additional 624 sq/ft (24' x 26') onto an existing 374 sq/ft (17' x 22') attached garage and to within 6' of the west side lot line, in addition to an existing 75 sq/ft (7 ½' x 10') shed for a total of 1073 sq/ft of accessory structure floor area.

ORDINANCE and REQUIREMENT:

Section 5.01- Paragraph (i):All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

Section 5.07: In R-1-A Districts, the width of the side yard abutting upon a street shall be not less than thirty (30) feet when rear yards abut side yards...

VARIANCE REQUESTED:

-Petitioner seeks to construct an additional 624 sq/ft (24' x 26') onto an existing 374 sq/ft (17' x 22') attached garage in addition to an existing 75 sq/ft (7 ½' x 10') shed for a total of 1073 sq/ft of accessory structure floor area.

-Petitioner seeks new garage addition to be within 6' of the (west) side lot line.

Previous variances: None.

Brian Schuman, Zoning Inspector

07/03/2024 (C)

CITY OF WARREN
Division of Buildings & Safety Engineering

NOTICE OF REJECTION

NAME OF APPLICANT: SYKES MARK & LINDA

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

Section 5.01- Paragraph (i):

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

Section 5.07:

In R-1-A Districts, the width of the side yard abutting upon a street shall be not less than thirty (30) feet when rear yards abut side yards...

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

Brian Schuman, Zoning Inspector

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

CITY OF WARREN ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

PLEASE PRINT OR TYPE

Name of Applicant: Mark Sykes
Address: 11542 Shoet Dr Telephone: [REDACTED]
Applicant's Email Address: [REDACTED] ☒ prefer email communication
Name and Address of Property Owner (if different) _____

Name of Representative: _____ Telephone: _____
Representative's Address: _____
Representative's Email Address: _____ ☐ prefer email communication

Address of Property: 11542 Shoet Dr
Parcel I.D. No. (as shown on tax bill): 13-03-231-003

Purpose of Request: To allow the addition of floor space to
the existing garage. Additional floor space
24' ^{wide} x 26' ^{Deep} Original Garage floor 17' ^{Deep} x 22' ^{Wide} Shed 7.5 x 10

The original garage would still be used as much needed
additional storage

Please explain the nature of your hardship: Unable to get both vehicles in the garage and the
tees from the Chicago Road easement damage the front
vehicles need to be washed a couple times a week to keep
them clean from sap & debris, Angle of original garage
makes it difficult and tight to maneuver

Signature: [Signature] Date: 6/29/24

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

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE Mark Sykes
Name(s) of Person(s)
OF 11542 Short Drive 48093 
Address, City, State Zip Telephone
THE _____ OF _____
Title of Officer Name of Company
BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT Mark Sykes
I/We/It
_____/RECORDED LAND CONTRACT PURCHASER(S) I/RECORDED DEEDHOLDER(S)

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

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT Mark Sykes *
Name(s) of Person(s)
THE _____ OF _____ *
Title of Officer Name of Company
OF 11542 Short Drive 48093 
Address, City, State Zip Telephone

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

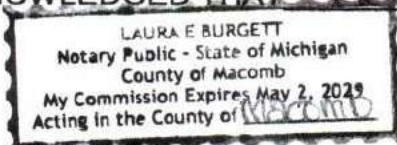
FURTHER, DEPONENT SAYS NOT.

SIGNED [Signature] L.S.
SIGNED _____ L.S.*

*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF macomb

ON THIS 28th DAY OF June, 2024, BEFORE ME PERSONALLY CAME
Mark Sykes, TO ME KNOWN TO BE THE INDIVIDUAL (S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT He DID SO OF His OWN FREE WILL AND DEED.



[Signature]
NOTARY PUBLIC, macomb COUNTY, MICHIGAN
MY COMMISSION EXPIRES: May 2 2025

NOTICE TO OWNER

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

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

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

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

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

We are unable to use the space as originally intended additional space is needed for our vehicles and yard and pool equipment storage.

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

Because of where the home is located it allows for an easy solution to the problem and would not look out of place or strange and would enhance the property visually and functionally.

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

The property being the corner house on a cul de sac that the property line in question is an easement on Chicago Rd and does not crowd a neighbor.

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

This Addition would look as though the house was built that way and not an odd addition as you can see in the rendering.

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

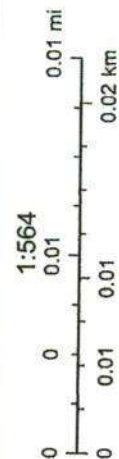
This not related to any hardship, we would like to stay in we're in but need more parking and storage and are willing to invest more money into the house then we would probably get back out of it.

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

There is not enough space to house our vehicles our bicycles, yard equipment, pool equipment, etc.

Asa
Comp 30590 Lorraine 8937 13 mile

REVISION TO SHOW EXISTING SHED

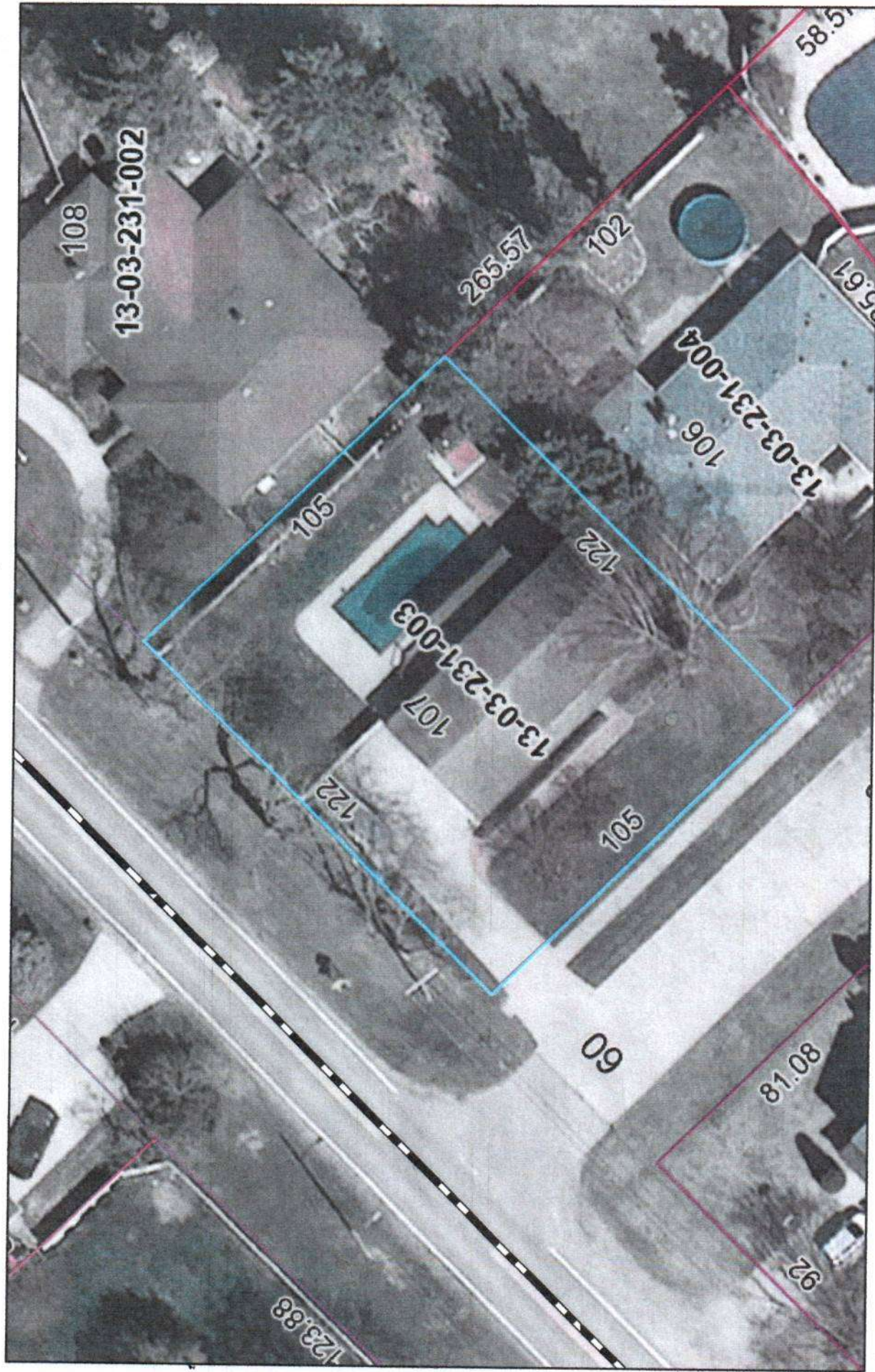


Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

This layer is visible at all scales | This layer is visible between the scales 1:1 – 1:20,000 | For Community Maps, Participative Drawings of Ontario, SEMING @ NonStreetMap, Minnesota, For Canada, For Toronto, Gamish, SafeGraph, GeoTechniques, Inc. METI | ArcGIS Web AppBuilder

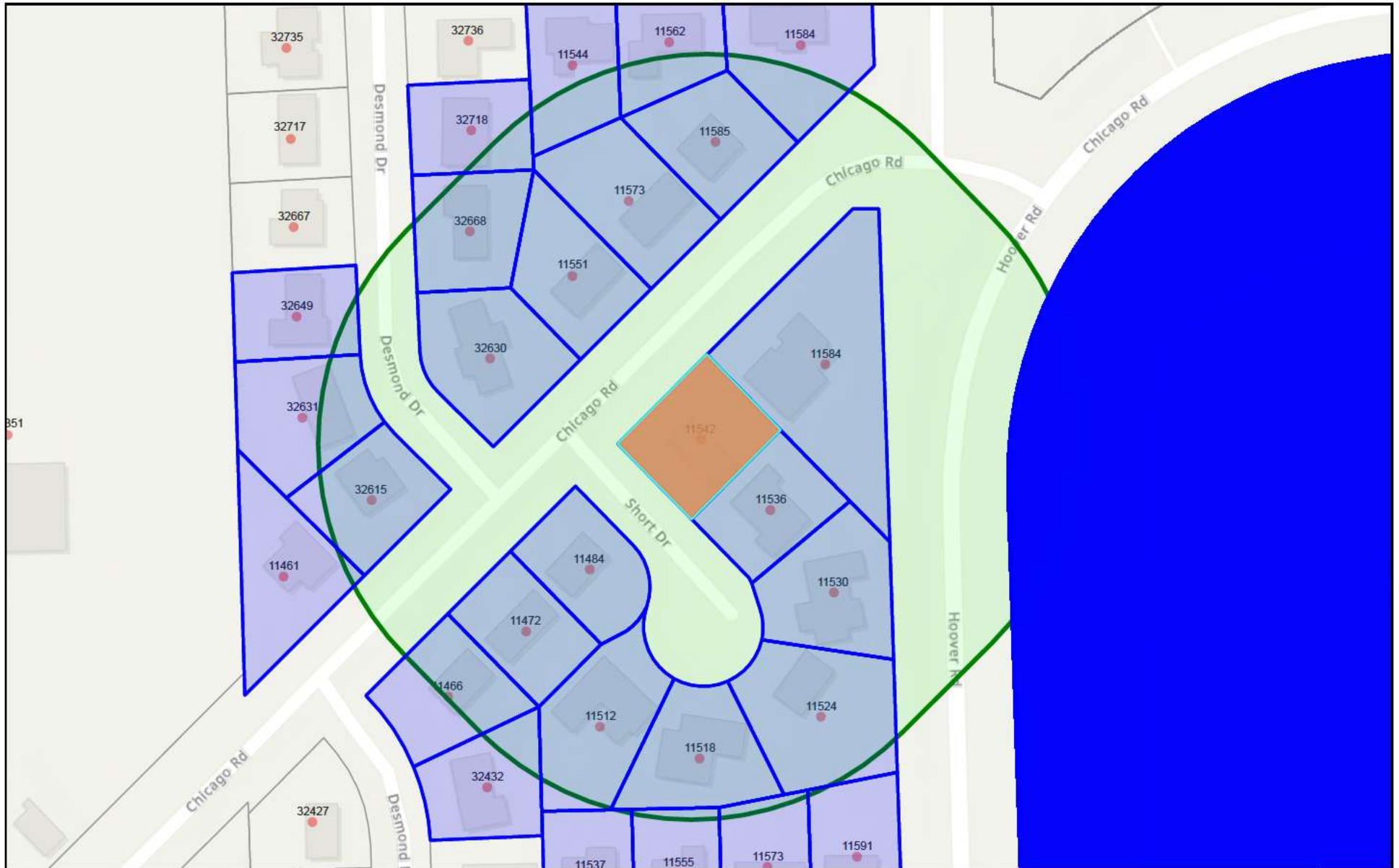
5/28/2024, 10:52:58 AM

ArcGIS Web Map



5/28/2024, 10:50:30 AM

11542 Short - 13-03-231-003



7/8/2024, 3:00:06 PM

Site Address Point



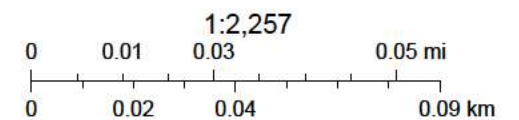
Condominium



Parcels



Building



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA,

ArcGIS Web AppBuilder

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David Sophiea, Chairman
Roman Nestorowicz, Vice-Chairman
Paul Jerzy, Secretary
Charles Perry, Asst. Secretary
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Anthony Sieracki, Jr.

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

NOTICE OF PUBLIC HEARING

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

WEDNESDAY: JULY 24, 2024 at 7:30 P.M.

Applicant: MARK SYKES
Common Description: 11542 SHORT DR

VARIANCE(S) REQUESTED: Permission to:

- 1) Petitioner seeks to construct an additional 624 square ft. (24' x 26') onto an existing 374 square ft. (17' x 22') attached garage in addition to an existing 75 square ft. (7 ½' x 10') shed for a total of 1,073 square ft. of accessory structure floor area.
- 2) Petitioner seeks new garage addition to be within 6' of the (west) side lot line.

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

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

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

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

Sincerely,
Board of Appeals

OFFICE OF THE CITY COUNCIL

Angela Rogensues, President, At Large
Melody Magee, Vice-President, Dist. 1

Mindy Moore, Secretary, Dist. 3
David Dwyer, Mayor Pro Tem, Asst. Sec'y, At Large

Jonathan Lafferty, Dist. 2
Gary Boike, Dist. 4
Henry Newnan, Dist. 5

CITY OF WARREN

ZONING BOARD OF APPEALS

SUMMARY OF VARIANCE REQUEST

APPLICANT: WILLIAM MCDANIEL

REPRESENTATIVE: WILLIAM MCDANIEL

COMMON DESCRIPTION: 26523 WEXFORD

PARCEL NUMBER: 12-13-19-226-034

ZONED DISTRICT: R-1-C

REASON: Petitioner seeks to retain a 100 sq. ft. shed to within 6" of rear easement & 27' from detached garage and to erect an additional shed greater than 120 sq. ft. (12' x 24' = 288 sq. ft.) in addition to and 31' from an existing (20.1' x 24.1' = 484 sq. ft.) detached garage.

ORDINANCES and REQUIREMENTS:

Section 4.20 Paragraph(a): ...the existing side building lines of the principal building on the lot and shall be one (1) foot from the edge of any easement.

Section 4.20 Paragraph(a.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.

Section 4.20 Paragraph(a.5): That all accessory structures, excluding garages, will not exceed a total of 120 square feet.

Section 5.01 Paragraph(i):All garages and/or accessory building shall not contain more than seven hundred (700) square feet of floor area.

VARIANCES REQUESTED: Permission to:

-Retain an existing 100 sq. ft. (10' x 10') shed to within 6" of rear easement & 27' from existing detached garage.

-Erect a shed greater than 120 sq. ft. (12' x 24' = 288 sq. ft.) in addition to and 31' foot from an existing (20.1' x 24.1' = 484 sq. ft.) detached garage for a total of 872 sq. ft. of accessory structures.

Previous Variance Requested: None

CITY OF WARREN
Division of Buildings & Safety Engineering

NOTICE OF REJECTION

NAME OF APPLICANT: WILLIAM MCDANIEL

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

Section 4.20 Paragraph (a):

Detached accessory buildings – Shall be one (1) foot from the edge of any easement.

Section 4.20 Paragraph (a.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.

Section 4.20 Paragraph(a.5):

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

Section 5.01 Paragraph(i):

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

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

Brian Schuman, Zoning Inspector 06/28/2024

\$95.00
PD 5/28/24

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

CITY OF WARREN ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

PLEASE PRINT OR TYPE

Name of Applicant: William McDaniel

Address: 28523 Wexford Telephone: [REDACTED]

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

Name and Address of Property Owner (if different)

Name of Representative: SAME Telephone:

Representative's Address:

Representative's Email Address: ☐ prefer email communication

Address of Property: SAME

Parcel I.D. No. (as shown on tax bill): 12-13-19-226-034

Purpose of Request: (1) Allow an ^{ADDITIONAL} accessory structure ^{87250 sq. ft.} greater than 120 sq. ft. ^{31' FROM DETACHED GARAGE}

(2) Allow a total of 72250 sq. ft. of accessory structures.

(3) RETAIN AN EXISTING 10'x10' SHED WITHIN 6" OF REAR EASEMENT 27' FROM DETACHED GARAGE

Please explain the nature of your hardship:

I'm asking for my wife to have storage for her products she make for her church.

Signature: William McDaniel Date: 5/28/24

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

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE William McDaniel
OF 26523 Wexton Name(s) of Person(s) 48091 [REDACTED]
Address, City, State Zip Telephone
THE owner OF _____
Title of Officer Name of Company
BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT _____
_____/RECORDED LAND CONTRACT PURCHASER(S) ☒ I/We/It /RECORDED DEEDHOLDER(S)

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

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT SAME *
Name(s) of Person(s)
THE _____ OF _____ *
Title of Officer Name of Company
OF _____
Address, City, State Zip Telephone

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

FURTHER, DEPONENT SAYS NOT.

SIGNED William McDaniel L.S.

SIGNED _____ L.S.*

*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF Macomb

ON THIS 28th DAY OF May, 2024, BEFORE ME PERSONALLY CAME
_____, TO ME KNOWN TO BE THE INDIVIDUAL (S) NAMED IN
AND WHO EXECUTED THE FOREGOING AFFIDAVIT, FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT William McDaniel DID SO OF hfs OWN FREE WILL AND DEED.

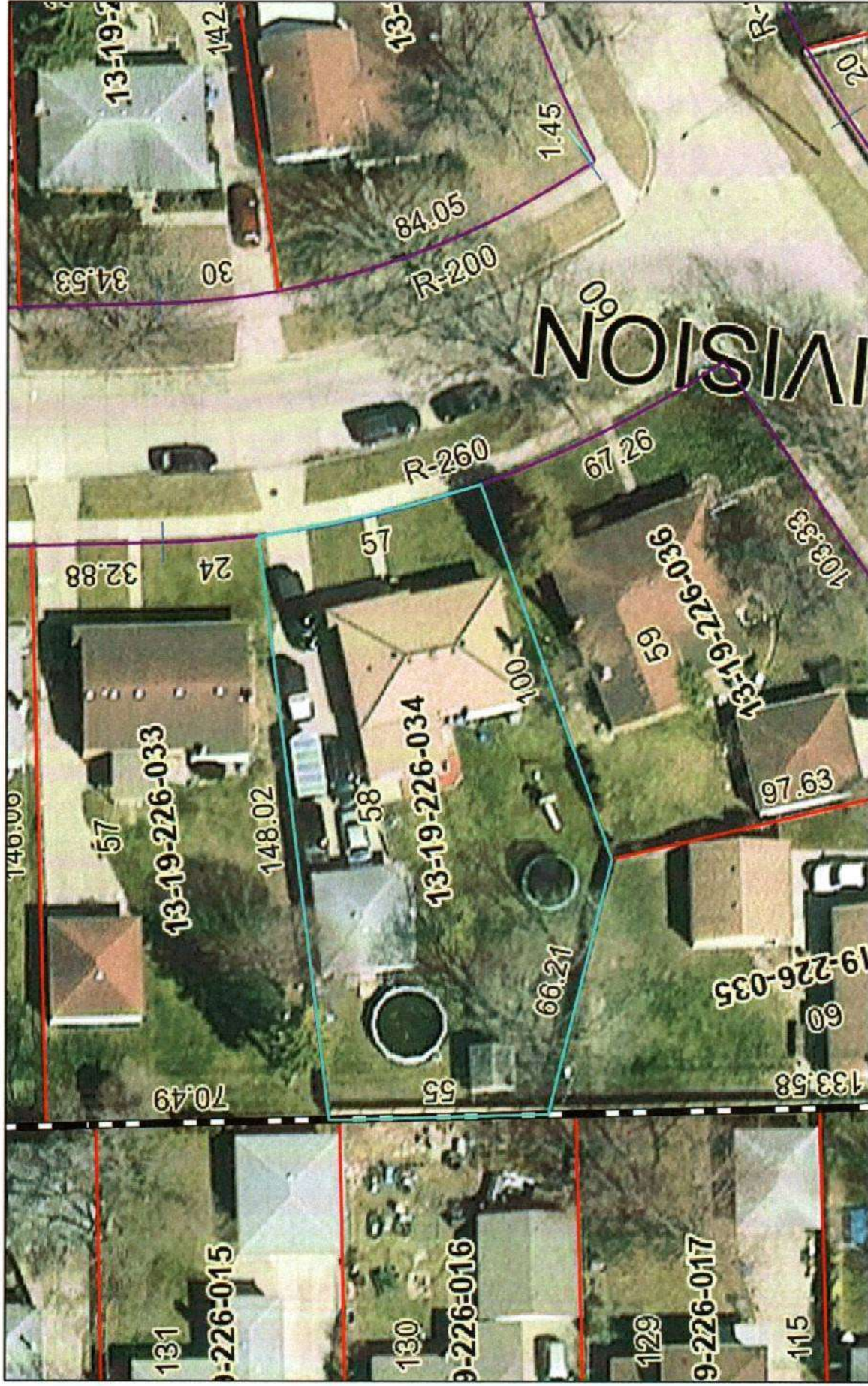
MICHELLE SUPER
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MACOMB
My Commission Expires August 26, 2030

[Signature]
NOTARY PUBLIC, Macomb COUNTY, MICHIGAN
MY COMMISSION EXPIRES: 8-26-2030

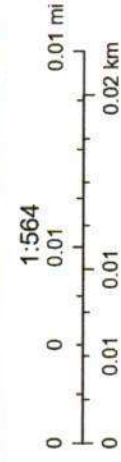
NOTICE TO OWNER

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

26523 WEXFORD



6/5/2024, 8:37:24 AM



26523 Wexford - 13-19-226-034



7/8/2024, 2:46:06 PM

Site Address Point



Building



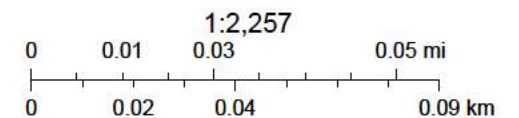
Parcels



Apartment



Condominium



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA,

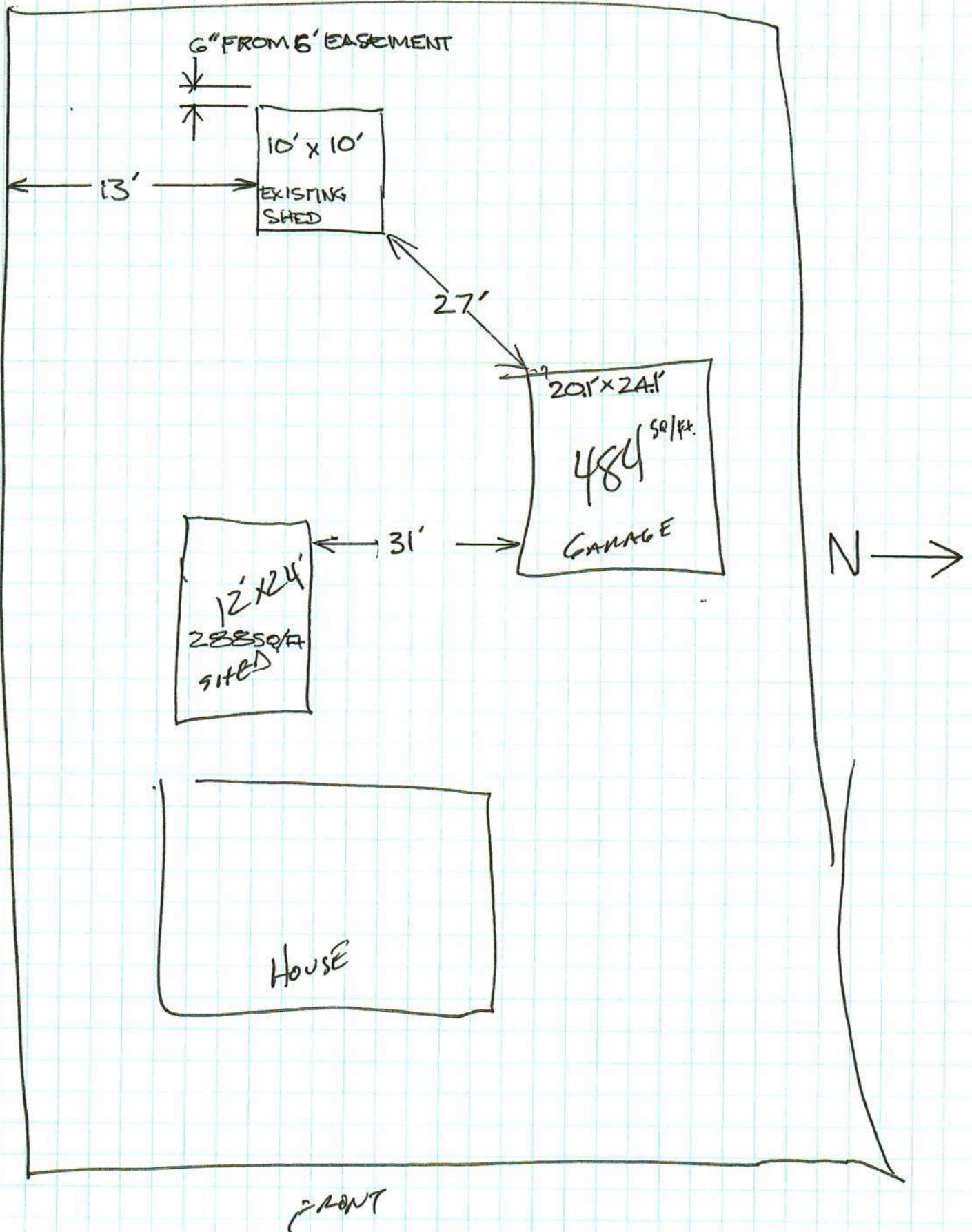
ArcGIS Web AppBuilder

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26523 WEXFORD

484 SQ FT (DET. GARAGE)

PROPOSED - 12' x 24' SHED
EXISTING SHED - 10' x 10'





David Sophiea, Chairman
Roman Nestorowicz, Vice-Chairman
Paul Jerzy, Secretary
Charles Perry, Asst. Secretary
Charles Anglin
Kevin Higgins
Shaun Lindsey
Anthony Sieracki, Jr.

Zoning Board of Appeals
Office of the City Council
5460 ARDEN, SUITE 505
WARREN, MI 48092
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NOTICE OF PUBLIC HEARING

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

WEDNESDAY: JULY 24, 2024 at 7:30 P.M.

Applicant: WILLIAM MCDANIEL
Common Description: 26523 WEXFORD

VARIANCE(S) REQUESTED: Permission to:

- 1) Retain an existing 100 square ft. (10' x 10') shed to within 6" of rear easement and 27' from existing detached garage.
- 2) Erect a shed greater than 120 square ft. (12' x 24' = 288 square ft.) in addition to and 31' from an existing (20.1' x 24.1' = 484 square ft.) detached garage for a total of 872 square ft. of accessory structures.

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

Sincerely,
Board of Appeals

OFFICE OF THE CITY COUNCIL

Angela Rogensues, President, At Large
Melody Magee, Vice-President, Dist. 1

Mindy Moore, Secretary, Dist. 3
David Dwyer, Mayor Pro Tem, Asst. Sec'y, At Large

Jonathan Lafferty, Dist. 2
Gary Boike, Dist. 4
Henry Newnan, Dist. 5

CITY OF WARREN

ZONING BOARD OF APPEALS

SUMMARY OF VARIANCE REQUEST

APPLICANT: JOHN GIANNINI
REPRESENTATIVE: JOHN GIANNINI
COMMON DESCRIPTION: **23816 MARLIN AVE**
PARCEL NUMBER: 12-13-30-305-021
ZONED DISTRICT: R-1-C

REASON: Petitioner seeks to retain a 144 sq. ft. (12' x 12') accessory structure to within 1' of south lot line, beyond the side building lines of principal building in addition to an existing 672 sq. ft. detached garage. The petitioner also seeks permission to retain a modified clear vision zone for existing fence on the south property line of their vacant lot.

ORDINANCES and REQUIREMENTS:

Section 4.20 Paragraph(a): Such buildings shall conform to, and shall not project beyond, the existing side building lines of the principal building on the lot and shall be one (1) foot from the edge of any easement.

Section 4.20 Paragraph(a.5): That all accessory structures, excluding garages, will not exceed a total of 120 square feet.

Section 5.01 Paragraph(i):All garages and/or accessory building shall not contain more than seven hundred (700) square feet of floor area.

Section 4D.33 (b) Corner lots. A privacy fence is permitted on corner lots provided that if the fence abuts any driveway, including driveways on adjacent property, the fence shall be set back a minimum of ten (10) feet from the intersection of the property line and the driveway providing a *clear vision zone* area as depicted on the diagram below. The portion of the fence set back a minimum of ten (10) feet, may be angled away from the driveway or installed perpendicular to the driveway. The *clear vision zone* area is required to provide for the unobstructed *vision* of a driver exiting the driveway.

VARIANCES REQUESTED: Permission to:

-Retain an existing 144 sq. ft. (12' x 12') shed to within 1' of the south lot line that projects beyond the side building lines of principal building in addition to a 672 sq. ft. (24' x 28') detached garage for a total of 816 sq. ft. of accessory structure area.

-Retain a "modified" clear vision zone for an existing privacy fence with a rolling gate to provide the clear vision zone on the south property line of their vacant adjoining lot.

Previous Variance Requested: None

CITY OF WARREN
Division of Buildings & Safety Engineering

NOTICE OF REJECTION

NAME OF APPLICANT: JOHN GIANNINI

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

Section 4.20 Paragraph(a):

Such buildings shall conform to, and shall not project beyond, the existing side building lines of the principal building on the lot and shall be one (1) foot from the edge of any easement.

Section 4.20 Paragraph(a.5):

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

Section 5.01 Paragraph(i):

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

Section 4D.33 (b):

Corner lots. A privacy fence is permitted on corner lots provided that if the fence abuts any driveway, including driveways on adjacent property, the fence shall be set back a minimum of ten (10) feet from the intersection of the property line and the driveway providing a *clear vision zone* area as depicted on the diagram below. The portion of the fence set back a minimum of ten (10) feet, may be angled away from the driveway or installed perpendicular to the driveway. The *clear vision zone* area is required to provide for the unobstructed *vision* of a driver exiting the driveway.

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

Brian Schuman, Zoning Inspector

\$95.
p 529124-45

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

CITY OF WARREN ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

PLEASE PRINT OR TYPE

Name of Applicant: John P Giannini

Address: 23816 Marlin Avenue

Telephone: [REDACTED]

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

Name and Address of Property Owner (if different) _____

Name of Representative: _____ Telephone: _____

Representative's Address: _____

Representative's Email Address: _____ ☐ prefer email communication

Address of Property: 23816 Marlin Avenue

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

Purpose of Request: To receive a variance for a 12 x 12 accessory building to store and protect lawn equipment.

AND

WOOD SLIDING FENCE "MODIFIED CLEAR VIEW ZONE"

Please explain the nature of your hardship:

The accessory building does not comply with the City Ordinance requirements.

- ① Total Sq. Ft. 144 - 10 x 10 x 12. Building is in addition to detached garage.
- ② Building is not set directly behind house (to within 1' of side lot line) NEA
- ③ GARAGE BUILD IS 672 SFT

Signature: [Signature]

Date: 7-1-24

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

AFFIDAVIT OF OWNERSHIP OF LAND IN THE CITY OF WARREN

I, WE JOHN P. GIANNINI
Name(s) of Person(s)
OF 23816 MARLIN WARREN MI 48091 [REDACTED]
Address, City, State Zip Telephone
THE _____ OF _____
Title of Officer Name of Company
BEING DULY SWORN, DEPOSE(S) AND SAY(S) THAT _____
I/We/It
_____/RECORDED LAND CONTRACT PURCHASER(S) ____/RECORDED DEEDHOLDER(S)

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

PETITION FOR HEARING BY THE CITY OF WARREN BOARD OF APPEALS

FURTHER, THAT SAME
Name(s) of Person(s)

THE _____ OF _____
Title of Officer Name of Company

OF _____
Address, City, State Zip Telephone

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

FURTHER, DEPONENT SAYS NOT.

SIGNED [Signature] L.S.

SIGNED _____ L.S.*

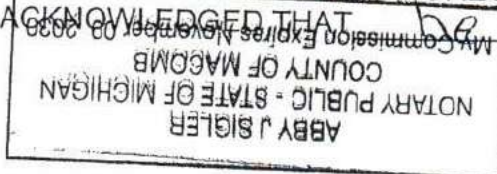
*Leave blank if not applicable.

STATE OF MICHIGAN
COUNTY OF Macomb

ABBY J SIGLER
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MACOMB

My Commission Expires November 09, 2030

ON THIS 29th DAY OF May, 2024, John P. Giannini BEFORE ME PERSONALLY CAME
AND WHO EXECUTED THE FOREGOING AFFIDAVIT, FOR THE PURPOSE AS STATED, AND
ACKNOWLEDGED THAT he DID SO OF his OWN FREE WILL AND DEED.



[Signature]
NOTARY PUBLIC, Macomb COUNTY, MICHIGAN
MY COMMISSION EXPIRES: 11-09-2030

NOTICE TO OWNER

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

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

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

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

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

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

Not self imposed. Additional storage was needed to store and protect my lawn equipment.

Previously the equipment was stored within a closed trailer which is now beign stored at a rental yard.

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

I own both lots

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

Adequate light and air is not disructed to adjacent properties

Building does not diminish surrounding peoperty values

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

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

There are several other properties that posses two detached buildings within the City of Warren and the same zoning area.

ZONING Enforcement | E23-01196**Property Information**

12-13-30-305-021 23816 MARLIN Subdivision:
WARREN MI, 48091 Lot: Block:

Name Information

Owner: GIANNINI JOHN & SUSAN Phone:
Occupant: Phone:
Filer: Phone:

Enforcement Information

Date Filed: 03/02/2023 Date Closed: 05/29/2024 Status: CLOSED

Complaint:

STORING MULTIPLE TRAILERS, NO FENCE PERMIT. POSSIBLE RUNNING A BUSINESS FROM RESIDENTIAL.

Last Action Date: Last Inspection: 05/29/2024

Last Action:

All Comments:

COURT Inspection | SUZANNE RUTKOWSKI

Status: Canceled Result: Canceled
Scheduled: 05/29/2024 Completed: 05/29/2024

Comments:

Scheduling Comment TICKET DISMISSED PER EM. EM WORKING WITH PO.
PO APPLIED FOR ZBA ON MAY 29 2024

FIELD INSPECTION Inspection | SUZANNE RUTKOWSKI

Status: Completed Result: Violation(s)
Scheduled: 04/30/2024 Completed: 05/02/2024

Comments:

Scheduling Comment PICS FOR COURT

TICKET Inspection | SUZANNE RUTKOWSKI

Status: Completed Result: Violation(s)
Scheduled: 01/26/2024 Completed: 01/29/2024

Comments:

Scheduling Comment POST TICKET

TICKET Inspection | SUZANNE RUTKOWSKI

Status: Completed Result: No Change
Scheduled: 01/22/2024 Completed: 01/26/2024

TICKET Inspection | SUZANNE RUTKOWSKI

Status: Completed Result: No Change
Scheduled: 01/19/2024 Completed: 01/19/2024

Comments:

Scheduling Comment POST TICKET TODAY

FOLLOW-UP Inspection | SUZANNE RUTKOWSKI

Status: Completed Result: No Change
Scheduled: 12/28/2023 Completed: 01/11/2024

Comments:

STORING MULTIPLE TRAILERS, NO FENCE PERMIT. POSSIBLE RUNNING A BUSINESS FROM RESIDENTIAL.

FOLLOW-UP Inspection | SUZANNE RUTKOWSKI

Status:	Completed	Result:	Violation(s)
Scheduled:	12/18/2023	Completed:	12/18/2023

Comments:

VIOLATIONS LETTER DELAYED; SENT TODAY; FOLLOW UP SCHEDULED FOR 10 DAYS OUT

FOLLOW-UP Inspection | SUZANNE RUTKOWSKI

Status:	Completed	Result:	Violation(s)
Scheduled:	12/05/2023	Completed:	12/08/2023

Violations:

Uncorrected	SECTION 4.41 - PARKING IS NOT ALLOWED IN PUBLIC RIGHT OF WAY. REMOVE ALL VEHICLES FROM AREA BETWEEN LOT LINE AND CURB.
Uncorrected	SECTION 5A.06 - A RECREATIONAL UNIT MAY BE PARKED OR STORED IN THE REAR YARD PROVIDED THAT THE RECREATIONAL UNIT IS PARKED OR STORED NO LESS THAN FIVE (5) FEET FROM ANY PROPERTY LINE, AND TEN (10) FEET FROM THE DWELLING.

Comments:

DISCUSS W/EM TAKE FOLLOW UP PICS
HAS NOT COMPLIED IN OVER A YEAR.

FOLLOW-UP Inspection | SUZANNE RUTKOWSKI

Status:	Completed	Result:	No Change
Scheduled:	11/21/2023	Completed:	11/21/2023

Comments:

PO CALLED. NEEDS CLARIFICATION. SR TO DISCUSS WITH CUMMINS ASAP.

FOLLOW-UP Inspection | SUZANNE RUTKOWSKI

Status:	Completed	Result:	No Change
Scheduled:	10/30/2023	Completed:	11/03/2023

Comments:

STORING MULTIPLE TRAILERS, NO FENCE PERMIT. POSSIBLE RUNNING A BUSINESS FROM RESIDENTIAL.
PO CALLED; WORKING ON VIOLATIONS; GOING OUT OF STATE (CALLED 10/27)

FIELD CHECK Inspection | SUZANNE RUTKOWSKI

Status:	Completed	Result:	Violation(s)
Scheduled:	10/19/2023	Completed:	10/19/2023

Violations:

Uncorrected	SECTION 4.20 - PERMIT REQUIRED FOR ALL ACCESSORY BUILDINGS. REMOVE ILLEGAL SHED OR OBTAIN A PERMIT AND COMPLY WITH ALL CODES.
Uncorrected	SECTION 5.01 - OPERATING A BUSINESS FROM A RESIDENCE IS PROHIBITED. REMOVE OR PROPERLY STORE ANY BUSINESS RELATED VEHICLES, TRAILERS, TOOLS, OR EQUIPMENT.
Uncorrected	SECTION 4.20(A) - TEMPORARY CARPORTS MAY BE USED IN THE REAR YARD ONLY; BETWEEN APRIL AND OCTOBER; FOR RECREATIONAL ACTIVITIES. USE OF A TEMPORARY CARPORT FOR STORAGE OF VEHICLES OR PERSONAL ITEMS OTHER THAN DESCRIBED ABOVE IS PROHIBITED.
Uncorrected	4D.16 - ALL FENCES, WALLS AND LANDSCAPE SCREENS SHALL BE MAINTAINED IN A GOOD CONDITION AT ALL TIMES. ALL FENCES AND WALLS SHALL BE KEPT IN GOOD STRUCTURAL CONDITION AND NEATLY PAINTED, STAINED, SEALED OR PRESERVED AND SUCH TREATMENT SHALL BE OF THE SAME CONTIGUOUS COLOR, STAIN OR OTHER TREATMENT.
Uncorrected	SECTION 22.02 - FAILURE TO OBTAIN A REQUIRED PERMIT FOR _____. REMOVE _____ OR OBTAIN A PERMIT AND COMPLY WITH ALL CODES.

Comments:

STORING MULTIPLE TRAILERS, NO FENCE PERMIT. POSSIBLE RUNNING A BUSINESS FROM RESIDENTIAL.

ZONING Inspection | SUZANNE RUTKOWSKI

Status:	Completed	Result:	No Change
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Scheduled: 03/21/2023

Completed: 10/16/2023

Comments:

STORING MULTIPLE TRAILERS, NO FENCE PERMIT. POSSIBLE RUNNING A BUSINESS FROM RESIDENTIAL.

BUILDING Enforcement | E22-05561**Property Information**

12-13-30-305-021 23816 MARLIN Subdivision:
WARREN MI, 48091 Lot: Block:

Name Information

Owner: GIANNINI JOHN & SUSAN Phone:
Occupant: Phone:
Filer: Phone:

Enforcement Information

Date Filed: 12/19/2022 Date Closed: Status:

Complaint:
OWNER IS BUILDING A VERY LARGE SHED NEXT TO HIS GARAGE - CHECKED FOR BUILDING PERMITS - NO PERMIT HAS BEEN PULLED - RENTAL
RL

SPOKE TO OWNER AND HE WILL PULL PERMITS FOR SHED AND CAR PORT. JI BLDG 12 28 22

DRAWINGS WILL BE SUBMITTED BY 2/11/23 JI BLDG

PERMIT NOT APPROVED AND HOMEOWNER WILL APPLY FOR A VARIANCE 60 DAY EXTENTION JI BLDG 3 2 23

Last Action Date: Last Inspection: 03/02/2023

Last Action:

All Comments:

OWNER

5/15/23 - SPOKE WITH OWNER, WILL BE COMING IN TO DISCUSS WITH ZONING. WILL NEED ZBA APPROVAL MOST
LIKELY FOR CARPORT AND/OR SHED. APPLICATION FORWARDED TO STEVE. -KR

BUILDING Inspection | JOHN IMPELLIZZERI

Status: Scheduled Result:
Scheduled: 05/05/2023 Completed:

BUILDING Inspection | JOHN IMPELLIZZERI

Status: Completed Result: Violation(s)
Scheduled: 03/15/2023 Completed: 03/02/2023

BUILDING Inspection | JOHN IMPELLIZZERI

Status: Completed Result: Violation(s)
Scheduled: 02/27/2023 Completed: 02/27/2023

BUILDING Inspection | JOHN IMPELLIZZERI

Status: Completed Result: Violation(s)
Scheduled: 02/14/2023 Completed: 02/14/2023

BUILDING Inspection | JOHN IMPELLIZZERI

Status: Completed Result: Partially Complied
Scheduled: 01/12/2023 Completed: 01/11/2023

BUILDING Inspection | JOHN IMPELLIZZERI

Status: Completed Result: Violation(s)
Scheduled: 12/28/2022 Completed: 12/28/2022

FIELD CHECK Enforcement | E11-7740**Property Information**

12-13-30-305-021	23816 MARLIN	Subdivision:	
	WARREN MI, 48091	Lot:	Block:

Name Information

Owner:	GIANNINI JOHN & SUSAN	Phone:	
Occupant:		Phone:	
Filer:		Phone:	

Enforcement Information

Date Filed:	12/06/2011	Date Closed:	12/06/2011	Status:	No Violation
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Complaint:
CK SITE FOR VARIANCE APPLICATION

Last Action Date:	Last Inspection:	12/06/2011
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Last Action:

All Comments:

ZONING Inspection | EVERETT MURPHY

Status:	Completed	Result:	No Violation
Scheduled:	12/06/2011	Completed:	12/06/2011

Comments:

Scheduling Comment CK SITE FOR VARIANCE APPLICATION

COMPLAINT Enforcement | E11-7588**Property Information**

12-13-30-305-021	23816 MARLIN	Subdivision:	
	WARREN MI, 48091	Lot:	Block:

Name Information

Owner:	GIANNINI JOHN & SUSAN	Phone:	
Occupant:		Phone:	
Filer:		Phone:	

Enforcement Information

Date Filed:	11/17/2011	Date Closed:	12/01/2011	Status:	Resolved
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Complaint:

11/17/11 INVESTIGATE THIS ADDRESS PUTTING UP A PRIVACY FENCE WITHOUT A PERMIT. JM

Last Action Date:	Last Inspection:	12/01/2011
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Last Action:

All Comments:

SERVICE Inspection | DEBORAH WENSON

Status:	Completed	Result:	Complied
Scheduled:	12/01/2011	Completed:	12/01/2011

SERVICE Inspection | DEBORAH WENSON

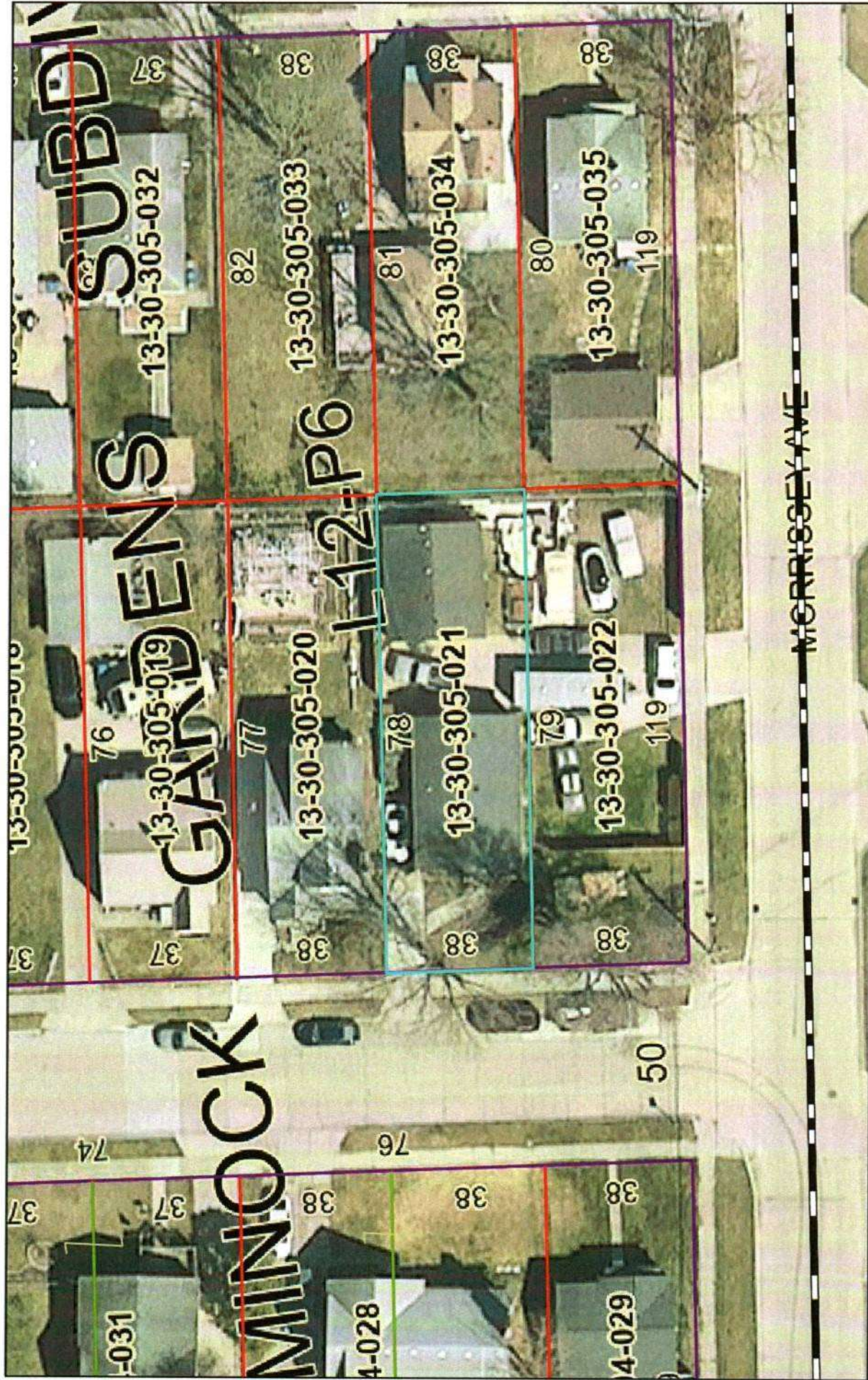
Status:	Completed	Result:	Violation(s)
Scheduled:	11/21/2011	Completed:	11/21/2011

Violations:

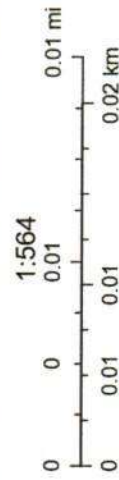
Uncorrected	SECTION 4.83 - PERMITS REQUIRED.
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IT SHALL BE UNLAWFUL FOR ANY PERSON TO CONSTRUCT OR CAUSE TO BE CONSTRUCTED ANY FENCE UPON ANY PROPERTY WITHIN THE CITY WITHOUT FIRST HAVING OBTAINED A PERMIT THEREFOR FROM THE DIVISION OF BUILDINGS AND SAFETY ENGINEERING.

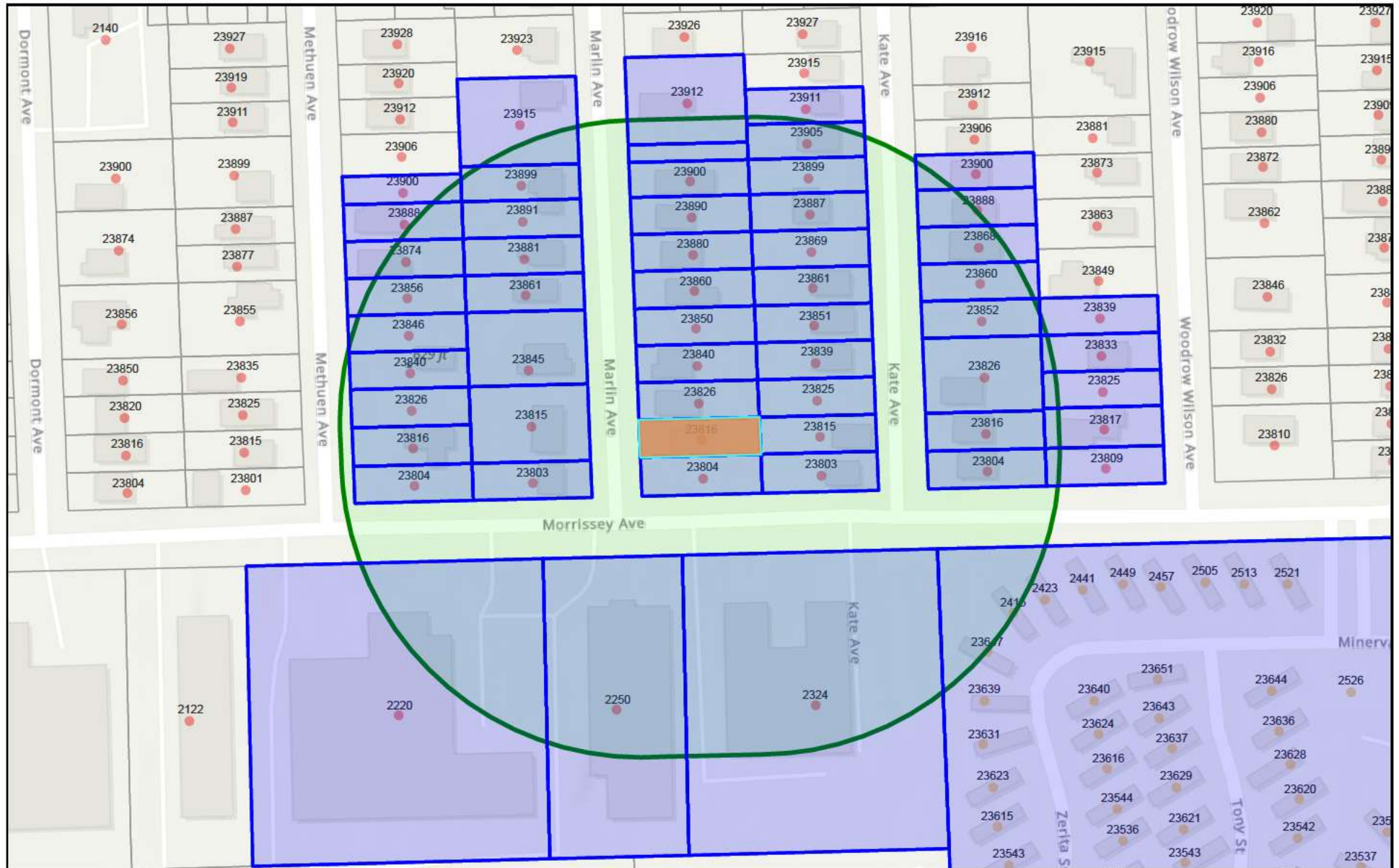
23816 MARLIN



7/1/2024, 9:33:58 AM



23816 Marlin - 13-30-305-021



7/8/2024, 2:53:41 PM

Site Address Point



Trailer

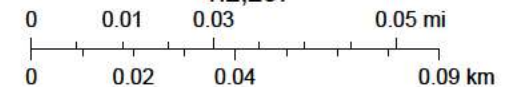


Parcels



Building

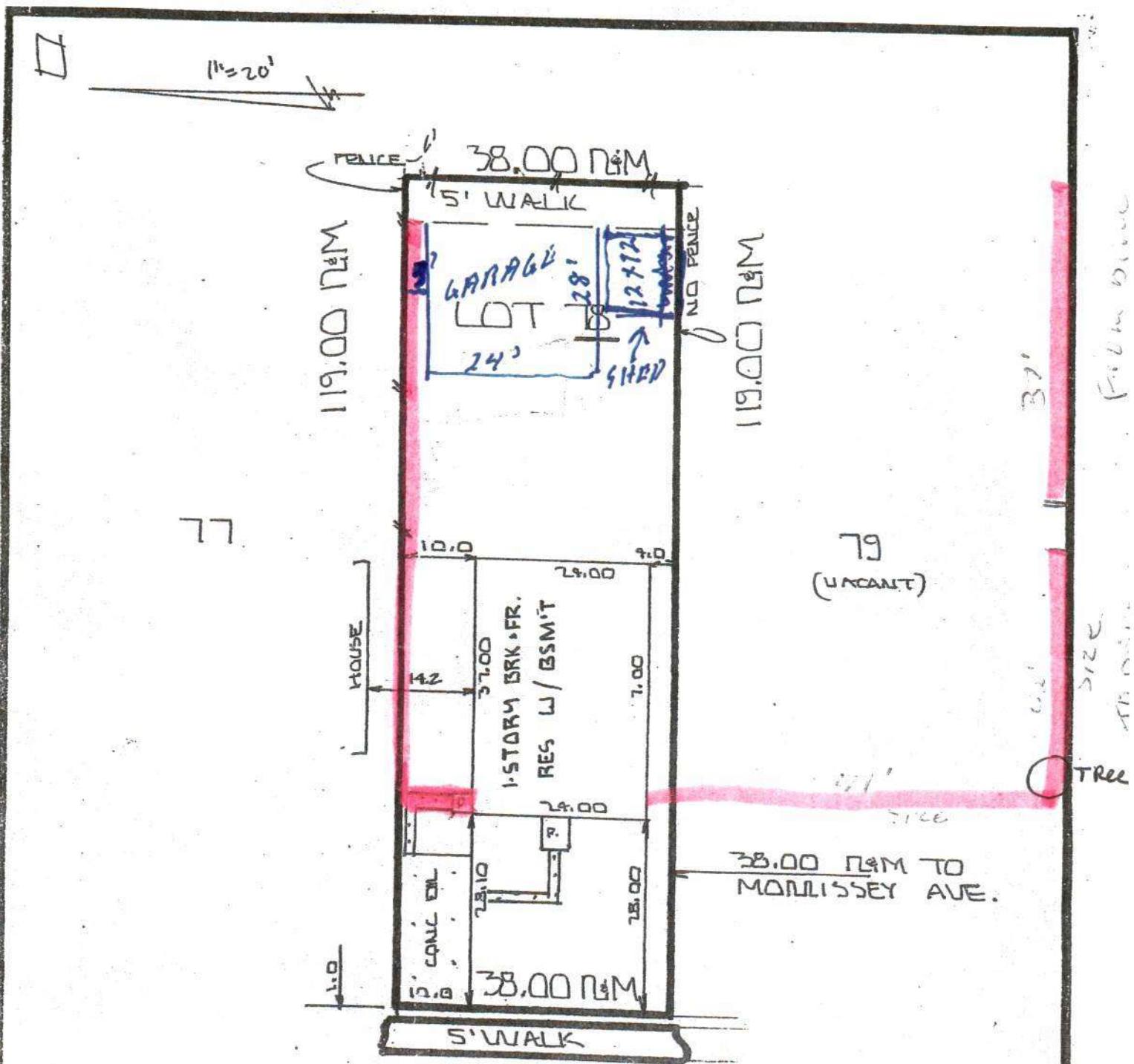
1:2,257



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA,

ArcGIS Web AppBuilder

Esri Community Maps Contributors, Province of Ontario, SEMCOG, © OpenStreetMap, Microsoft, Esri Canada, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, NRCan, Parks Canada |



23816 MARLIN AVE. 50' WD.

Lot 78, Minock Gardens Subdivision, City of Warren, Macomb County, Michigan. As recorded in Liber 12, Page 6, of Plats, M.C.R.

John P. & Susan
Giannini

Survey # PH-256579

12/16/86

From: [Tammy Pittman](#)
To: [Tammy Pittman](#)
Date: Wednesday, May 29, 2024 8:47:14 AM

*Will provide new
pictures - 16 copies*



Tammy Pittman

From: Tammy Pittman [REDACTED]
Sent: Wednesday, May 29, 2024 8:47 AM
To: Tammy Pittman









David Sophiea, Chairman
Roman Nestorowicz, Vice-Chairman
Paul Jerzy, Secretary
Charles Perry, Asst. Secretary
Charles Anglin
Kevin Higgins
Shaun Lindsey
Anthony Sieracki, Jr.

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

NOTICE OF PUBLIC HEARING

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

WEDNESDAY: JULY 24, 2024 at 7:30 P.M.

Applicant: JOHN GIANNINI
Common Description: 23816 MARLIN AVE

VARIANCE(S) REQUESTED: Permission to:

- 1) Retain an existing 144 square ft. (12' x 12') shed to within 1' of the south lot line that projects beyond the side building lines of principal building in addition to a 672 square ft. (24' x 28') detached garage for a total of 816 square ft. of accessory structure area.
- 2) Retain a "modified" clear vision zone for an existing privacy fence with a rolling gate to provide the clear vision zone on the south property line of their vacant adjoining lot.

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

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

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

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

Sincerely,
Board of Appeals

OFFICE OF THE CITY COUNCIL

Angela Rogensues, President, At Large
Melody Magee, Vice-President, Dist. 1

Mindy Moore, Secretary, Dist. 3
David Dwyer, Mayor Pro Tem, Asst. Sec'y, At Large

Jonathan Lafferty, Dist. 2
Gary Boike, Dist. 4
Henry Newnan, Dist. 5

CITY OF WARREN

ZONING BOARD OF APPEALS**SUMMARY OF VARIANCE REQUEST**

APPLICANT: Kemp Building and Development

REPRESENTATIVE: Adam Stier

COMMON DESCRIPTION: **7177 Miller / 7243 Miller**

PARCEL NUMBER: 12-13-04-427-009 / 12-13-04-427-008

ZONED DISTRICT: **M-2 / M-2**

REASON: Petitioner seeks to waive required parking for Jomar Valve.

ORDINANCES and REQUIREMENTS:

Section 4.32 Item (23): Industrial establishments..... One (1) parking space for each twelve hundred (1200) square feet of floor space.

VARIANCES REQUESTED:

Permission to waive thirty-eight (38) required parking spaces.

Previous variances requested, see attached sheet.

Note:

Parcel #: 12-13-04-427-009 & 12-13-04-427-008 are currently in process of a lot combination of the 2 lots.

Brian Schuman, Zoning Inspector 7/8/24 (P) (C)

CITY OF WARREN
Division of Buildings & Safety Engineering

NOTICE OF REJECTION

NAME OF APPLICANT: KEMP BUILDING & DEVELOPMENT

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

SECTION 4.32 ITEM (23):

Industrial establishments... one (1) parking space for each twelve hundred (1200) square feet of floor space.

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

Brian Schuman, Zoning Inspector

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

CITY OF WARREN ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

PLEASE PRINT OR TYPE

6-18-24

\$250.00

S. H.

Name of Applicant: Kemp Building and Development

Address: [REDACTED]

Telephone: [REDACTED]

Applicant's Email Address: [REDACTED]

☐ prefer email communication

Name and Address of Property Owner (if different) JV Capital LLC.

Name of Representative: Adam Stier

Telephone: [REDACTED]

Representative's Address: [REDACTED]

Representative's Email Address: [REDACTED]

☐ prefer email communication

Address of Property: 7177 Miller Dr

Parcel I.D. No. (as shown on tax bill): # 13-04-427-009 (7177 Miller Dr.)

Purpose of Request: Variance on the number of parking spaces.

(waive 38 parking spaces)

Please explain the nature of your hardship:

We are requesting a variance on the parking requirements because not only is the need for building SF
more imperative to our business operations than outside parking spaces, but also it has been

recommended to us by Planning to provide more impervious surface to better meet the stormwater

requirements. Additional landscaping areas have been incorporated. The parking requirements exceed
our needs, yet the greenspace is beneficial from stormwater management and more appealing to the site.

Signature: [Signature]

Date: 6/17/2024

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

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

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

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

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

Reflecting on growth of Jomar Valve from the last 8-10 year and accounting for the future, only 55 spaces are needed. The count does includes room for visitors, etc. With the way distribution is today, remote work, etc., no more than 55 spaces are needed. Although 107 spaces are required, this revised site plan reflects 69 spaces, ample enough for our business.

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

While under contract of purchasing the property, we learned of the parking ordinance and realized it exceeds our needs. While meeting with Planning about another topic, parking shortage was mentioned and Planning indicated they would be in support of a variance.

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

This property is concurrently in for a lot combination with the eastern adjacent property, Jomar Valve. Jomar Valve already has sufficient parking for their employees and even future employees so the full requirement of spaces is not necessary to conduct business.

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

7177 Miller currently has a vacant building and empty lot. By granting this varaince, this lot can be redeveloped and more efficiently utilized by its neighbor, Jomar Valve.

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

This lot was solely purchased due to the location.

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

If granted, parking would be similar to the parking lots of the surrounding industrial buildings.

AFFIDAVIT OF OWNERSHIP OF LAND



Letter of Transmittal

Date: 6/18/24

To:
Planning Dept.
City of Warren
One City Square ste 315
Warren, MI

From:
Patricia Ellingson
Kemp Building and Development

Project: JOMAR Valve - Building addition

Ref: Submittal Package for ZBA

Please find attached the following:

- (1) Signed Application w/completed Worksheet
- (1) Completed original and notarized Affidavit of Ownership
- (16) Folded and sealed copies of the Preliminary Site Plan, dated 5/31/2024
- (1) USB drive with copies of all documents electronically in pdf format for commercial submissions
- (1) Check for \$250 for one commercial variance

Let me know of any questions,
Patricia Ellingson

RECEIVED: _____

DATE: _____

7243 Miller Drive

Enamelcote Incorporated

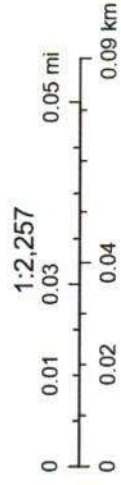
Granted permission to waive 5,200 square feet
of required, hardsurfaced, off-street parking

July 8, 1992

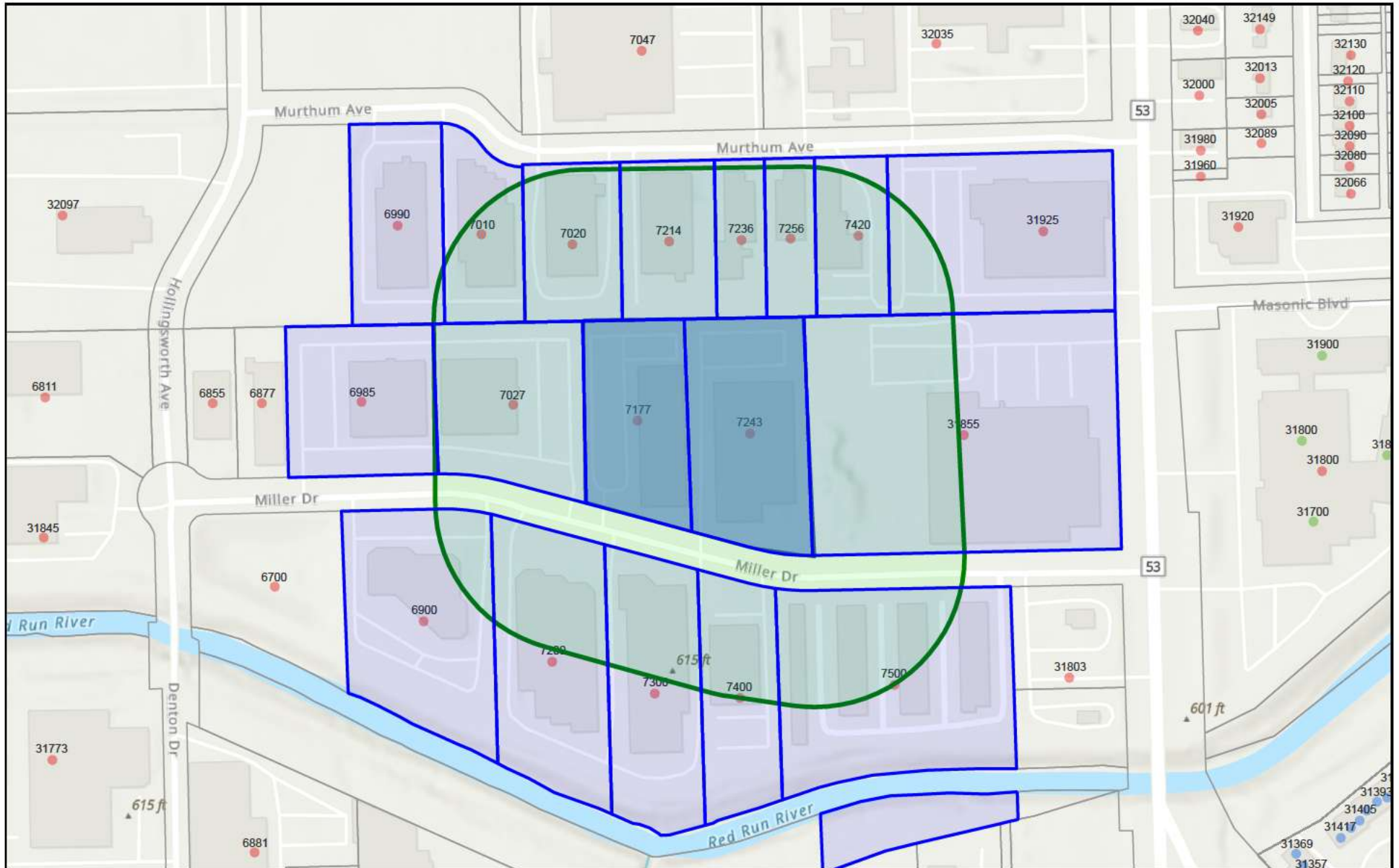
7177 MILLER



7/8/2024, 8:25:24 AM



7177 & 7243 Miller - 13-04-427-008 & 009



7/8/2024, 2:36:31 PM

Site Address Point



Building



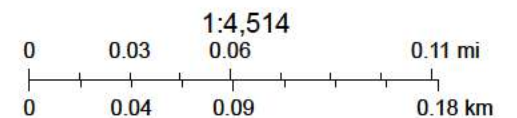
Parcels



Apartment



Condominium



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA,

ArcGIS Web AppBuilder

Esri Community Maps Contributors, Province of Ontario, SEMCOG, © OpenStreetMap, Microsoft, Esri Canada, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, NRCan, Parks Canada |



David Sophiea, Chairman
Roman Nestorowicz, Vice-Chairman
Paul Jerzy, Secretary
Charles Perry, Asst. Secretary
Charles Anglin
Kevin Higgins
Shaun Lindsey
Anthony Sieracki, Jr.

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

NOTICE OF PUBLIC HEARING

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

WEDNESDAY: JULY 24, 2024 at 7:30 P.M.

Applicant: KEMP BUILDING AND DEVELOPMENT
Common Description: 7177 MILLER / 7243 MILLER

VARIANCE(S) REQUESTED: Permission to:
Waive thirty-eight (38) required parking spaces.

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

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

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

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

Sincerely,
Board of Appeals

OFFICE OF THE CITY COUNCIL

Angela Rogensues, President, At Large
Melody Magee, Vice-President, Dist. 1

Mindy Moore, Secretary, Dist. 3
David Dwyer, Mayor Pro Tem, Asst. Sec'y, At Large

Jonathan Lafferty, Dist. 2
Gary Boike, Dist. 4
Henry Newnan, Dist. 5