

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
SEPTEMBER 25, 2024

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, September 25, 2024 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
Charles Perry, Assistant Secretary
Charles Anglin
William Cliff
Kevin Higgins
Shaun Lindsey
Anthony Sieracki, Jr.

Members of the Board absent:

David Sophiea, Chairman

Also present:

Jennifer Pierce, 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 was absent.

Motion:

Secretary Jerzy made a motion to excuse Mr. Sophiea; he has come down with the flu; Board Member Anglin supported the motion.

Voice Vote:

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

4. ADOPTION OF THE AGENDA

5. APPROVAL OF THE MINUTES of the Regular Meeting of August 28, 2024.

Motion:

Board Member Clift made a motion to approve the minutes of August 28, 2024; Supported by Board Member Perry.

Voice Vote:

A voice vote was taken. The motion carried (7 – 0). Board Member Higgins abstained.

APPROVAL OF THE MINUTES of the Regular Meeting of September 11, 2024.

Motion:

Board Member Clift made a motion to approve the minutes of September 11, 2024; Supported by Board Member Anglin.

Voice Vote:

A voice vote was taken. The motion carried (7 – 0). Board Member Sieracki abstained.

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| 6. PUBLIC HEARING: | APPLICANT: Kimberly Jones |
| REPRESENTATIVE: | Same as above. |
| COMMON DESCRIPTION: | 24165 Virginia |
| LEGAL DESCRIPTION: | 13-30-253-027 |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to

Cover an existing 18' 9" x 5' 3" front porch with a new 19' x 7' awning to within 19' 10" of the front property line.

ORDINANCES and REQUIREMENTS:

Section 7.05 – Front Yard: Each lot in R-1-C districts shall have a front yard of not less than twenty-five (25) feet.

Chairman Nestorowicz said all petitioner's that come up today, make sure they state their name and address and then explain to the board what they're requesting.

Kimberly Jones, 24265 Virginia, appeared before the board stating she is essentially trying to replace an awning that was already there. It was damaged. So, they wanted to put up an insulated awning for the same footprint and same size the original one was.

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

No response.

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

Board Member Clift stated the project and this petitioner is in his neighborhood. He would like to attest after reading through and being familiar with the property, the awning that their requesting a variance on to erect is going to be a direct replacement in size, stature and dimension of the one that was damaged and removed. There's no less than five (5) on the block that are of similar stature, nature in construction. He quit counting when he hit about twenty (20) through out the

neighborhood. He personally doesn't see an issue with moving forward with this is. It's just one of those situations, again, where somebody is replacing something that was on a house since the 1970's and because of the change of the ordinance they have to appear before the board to get the permission to encroach on those setback ordinances. With that, he'll yield the floor.

Chairman Nestorowicz agrees. Based on the dimensions and an awning on a porch is a good improvement to the house and for the people living in and using the house. Are there any other questions, discussions or a motion?

Board Member Anglin would like to make a motion.

Motion:

Board Member Anglin made a motion to cover an existing 18' 9" x 5' 3" front porch with a new 19' x 7' awning to within 19' 10" of the front property line.

Reasons being: Not a detriment to the area; Size and shape of the lot; Doesn't think it's asking for too much.

Secretary Jerzy supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Anglin, with support by Mr. Jerzy to approve the request for the reasons stated.

Roll Call:

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

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

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

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|---------------------|--------------------------------|
| 7. PUBLIC HEARING: | APPLICANT: Tomce Djuric |
| REPRESENTATIVE: | Francis Benitez |
| COMMON DESCRIPTION: | 12405 Common |
| LEGAL DESCRIPTION: | 13-11-179-033 |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to

Erect a 12' x 14' (168 square ft.) gazebo, 24' 10" away from a detached garage on a cement pad without the required rat wall.

ORDINANCES and REQUIREMENTS:

Section 4.20 – Detached Accessory Buildings. Paragraph (A): 2. That the building be fixed

to a permanent foundation of the type required for detached garages in the building code.

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 necessary structure shall be permitted in the yard.

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

Francis Benitez appeared before the board.

Chairman Nestorowicz asked him to start with name and address first for the record. And speak closer to the mic also.

Tomce Djuric, 12405 Common, appeared before the board.

Chairman Nestorowicz asked for the other persons name.

Francis Benitez repeated his name.

Chairman Nestorowicz asked same address or is there a different address.

Francis Benitez replied same address. He just came to help him express what he wants to do. He's requesting to extend the concrete in the backyard. He wants to put a gazebo up there. The concrete is not big enough to put the gazebo in, so he wants to add just a little concrete next to the existing concrete up there and then put a little more concrete on the side of the house. So, he can put his garbage cans up there on the side of the houses. Just two (2) little pieces of concrete. That's it. That's the only thing he wants to request.

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

No response.

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

Board Member Anglin is not in favor of this. A rat wall is a health concern. That's the reason they call it a rat wall, to keep the rats from burrowing underneath it. In Warren, they have a problem with rats, even though no one really wants to admit to it. So, he's not in favor of doing a variance that's against, what he feels, a health reason.

Secretary Jerzy has to echo the same sentiment as his colleague, Mr. Anglin, because he really thinks this opens up a slippery slope going forward with allowing somebody to do this. There are codes in place for reasons, for safety reasons, as he just stipulated and he thinks they embark down a dangerous path if the board starts allowing slabs without rat walls. That's his opinion.

Chairman Nestorowicz wants to ask a question. He asked Steve to approach the podium for a second. When he looks at this request. It's a twelve (12) by fourteen (14) gazebo on top of a pad that's thirteen (13) by fifteen (15), so there's an extra foot all the way around. Is a rat wall required in all cases like that?

Steve Watripont explained any structure requires a rat wall.

Chairman Nestorowicz asked even if it's sitting on a complete concrete pad like that.

Steve Watripont replied even if it has a complete concrete pad it does require. The only time there's been anything given is when it's been attached or at the house and it has five (5) feet all the way around, or six (6) feet all the way around of cement. He thinks it was short of that. With it attached to the house with the foundation.

Chairman Nestorowicz stated that was his question.

Board Member Clift would like the petitioner to describe the gazebo. The construction of the gazebo. Does the gazebo got walls? Is the gazebo open with just four (4) posts with a roof on it? He would like to hear a little bit about the construction of what this gazebo is.

Francis Benitez explained it's a gazebo that Costco sell. It has just the roof and open all around. It has just four (4) columns. They have four (4) panel roof on it. That's it.

Board Member Clift asked if there's sidewalls.

Francis Benitez replied no side walls. Nothing. It's an open gazebo. He wants it just put a patio furniture so he can sit afternoon or night time.

Board Member Clift asked this is one step up from a pop up shelter.

Francis Benitez replied yes. It comes in a box, they put the columns up, the roof.

Board Member Clift said in his opinion, that makes a big difference. If it's a wall structure, or a permanent structure. Yeah, they have a rat problem in town. Those things need to be addressed, but something that is wide open, four (4) columns, with a couple screws bolted into the concrete, not enclosed, doesn't have any walls. He personally, in his experience, the chances of rat harborage under something like that are very slim to none. He would even be willing, if the petitioner is willing and the board is on making a motion that it is granted based on an open gazebo, no walls, no structure. He kind of encourage his colleagues to maybe chew on that just a little bit. He'll yield the floor.

Chairman Nestorowicz stated that's why he was questioning. So, the gazebo he's installing is not a structure, like a complete structure of a gazebo. It's the kind they buy at Costco that has four (4) corners and a roof on top.

Francis Benitez replied yes. He has a picture of one.

Chairman Nestorowicz asked if he could maybe pass.

Francis Benitez asked if he could approach up there.

Chairman Nestorowicz asked him to hand it to Nicole. He asked if it could be shared on the

overhead. No? It can't.

Board Member Clift said in the meantime, would it be possible for Mr. Watripont to expound on the differences on types of accessory structures. When he read through the ordinance on this, suspecting that this may be the case, it really didn't make too many allowances for differentiation on that.

Steve Watripont explained within the ordinance, a structure is anything that is built permanent in nature. There is no difference between walls or not.

Board Member Clift stated in a sense four (4) bolts coming out of the ground is coming down in ten (10) minutes. How does the city view a permanent structure?

Steve Watripont explained he's here to give the opinions on the ordinance and not try to determine.

Board Member Clift understands. He tried. He appreciates that.

Board Member Anglin said he can answer that.

Board Member Clift said thank you.

Board Member Anglin said anything that is attached physically is considered a permanent structure.

Board Member Clift asked if this gentleman constructed his gazebo and just put weights on it and didn't fasten it permanently to the concrete.

Board Member Anglin said if the weights would pass code for that type of structure, probably would. But it's not...

Steve Watripont asked if he could interject one thing, because he did ask this to building, within the building code there is a difference between temporary and permanent structures. A temporary structure must meet the code for a permanent structure, so there isn't much difference, but there is a difference in definition.

Board Member Clift said that clears things up so much. Thank you. He yields the floor, sir.

Chairman Nestorowicz asked Nicole what she had.

Nicole Jones stated she texted some of the board members the image.

(Inaudible while the board members review the image.)

Chairman Nestorowicz asked if there is any other questions or discussion. He kind of sees where a rat wall could be passed. If they have a pad of concrete that's poured, it's not like that's a deck where somebody is going to dig underneath. That's four (4) posts. He looks at that differently. Any other questions or discussion from the board?

Board Member Clift would like to make a motion if he could find it.

Motion:

Board Member Clift made a motion to grant permission erect a 12' x 14' (168 square ft.) gazebo, 24' 10" away from a detached garage on a cement pad without the required rat wall. As long as the gazebo is open and not enclosed.

Reasons being: Not a detriment to the area.

Board Member Higgins supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Clift, with support by Mr. Higgins. Roll call.

Roll Call:

A roll call was taken on the motion. The motion carried (6 – 2).

Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Board Member Lindsey	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Anglin	No.
Secretary Jerzy	No.
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: Mark Koenigsknecht**
- REPRESENTATIVE: Same as above.
- COMMON DESCRIPTION: 6305 Nine Mile
- LEGAL DESCRIPTION: 13-28-300-022
- ZONE: MZ, M-4, M-2

VARIANCES REQUESTED: Permission to

Erect two (2) 72" x 96" (48 square ft. each) real estate signs with a 10' overall height.

ORDINANCES and REQUIREMENTS:

Section 4A.13 – Signs Not Requiring a Permit: The following types of signs are exempt from the permit requirements but shall conform to all other applicable ordinance provisions.

G: Real estate signs. On-premise signs erected to announce the sale or rent of property provided such signs are not over five (5) feet in height and if located in a residential district are not more than eight (8) square feet in area, or if located in non-residential districts shall not be more that sixteen (16) square feet in area. All real estate signs must be removed within one (1) week following the closing of the sale, rental or lease of the property.

Section 4A.16 – Measurement of Sign Area: B) When a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except when two (2) such faces are placed back to back within two (2) feet from one another, if the two (2) faces are of equal area then the area of the sign shall be taken as the area of one (1) face, or if the two (2) faces are of unequal area then the are of the longer face shall be taken as the area of the sign.

Mark Koenigsknecht appeared before the board stating he is with Northpoint Development. They're the developer on the property at Nine Mile and Mound Road, as mentioned 6305 Nine Mile and 23250 Mound Road are the two (2) parcels in that area. They are under development of what is phase (two) 2 of that property. Phase one (1), if the board recalls, is where Home Depot and a few other tenants are in that industrial warehouse space. As they're beginning design and in marketing of phase two (2) portion, they're looking to increase the size of their signs. Because of the boulevard in the area, it is a little bit hard to see some of the smaller signs marketing that industrial space from across the street, since it is such a large road. They're looking to increase the size to a forty-eight (48) square foot, so it's a little more visible from the street going up and down that main thoroughfare.

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

No response.

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

Board Member Anglin was originally not in favor of that size sign, but he has a question. When these buildings are leased, the sign will come down and it's not part of the property to where somebody else can attach another sign. So, they're not approving however many square feet it is of signage per se. Somebody goes in there with widgets, they can use that and advertise their widgets. Is he correct? Attorney?

Jennifer Pearce replied no. The ordinance for the real estate signs indicate that they must be removed within one (1) week following the closing of the sale, rental or lease.

Board Member Anglin stated he was really sitting on the fence with this, but seeing the size of the building, the size of the property. If it helps gets them leased for him, he's one hundred percent for that. That just means they have more business in Warren in industrial complexes. He's not against this at all anymore.

Chairman Nestorowicz wants to add a comment here. This comment is kind of odd, because it actually is involving the next item on the agenda. These are all basically part of the same property. So, they're asking for two (2) signs for this first item and they're going to ask for the same two (2) large signs for the next item. All advertising for lease for the same property, correct?

Mark Koenigsknecht replied correct. If he could clarify. It's actually a two (2) sided sign, one (1) on each parcel. One (1) on the Nine Mile parcel, one (1) at the Mound Road parcel. So, it's a single sign, but kind of a two (2) sides L-shape sign, so they can see it from multiple points of view. He is correct, he should've clarified, it is a temporary sign until these are leased. If and when any potential tenant wants to add any sort of signage they would certainly undergo any approvals they need for that.

Secretary Jerzy has a quick question for Steve real quick.

Steve Watriont wants to clarify that. This is two (2) separate parcels. It is two (2) separate

buildings. If one (1) building gets leased, they will have the one (1) week to get rid of that sign, so that's why there are two (2) separate items. It was written specifically as real estate signs to keep that temporary nature and go from there. He asked if he answered his question.

Secretary Jerzy said he did.

Steve Watripont jokingly said he read his mind.

Chairman Nestorowicz said that's good. Just out of curiosity, signs when they go up will be advertising both parcels for lease?

Mark Koenigsknecht stated they'll have their brokers name and number on there and it will show kind of a site plan. He doesn't know if the board has the application in front of them or not, but it will show the plan kind of that entire site.

Chairman Nestorowicz said ok.

Board Member Clift has a question. To the petitioner, sir, are those buildings broke up into separate suites or units so it will say at any given time may there be the need or it be necessary to advertise units within buildings in those parcels for lease?

Mark Koenigsknecht typically advertises them as a range of square footage between maybe 15,000 square feet upwards of several hundred thousands square feet. So, it will be a single advertisement. If someone wants to come in and delineate a small portion of the building, they do allow that. At the moment, they don't have any tenants, it's just general interest. Yes, they do have the opportunity to parcel off pieces as the need arises for potential tenants.

Board Member Clift asked if at any given time if there's a vacancy in any of those buildings, those signs might remain up basically for perpetuity.

Mark Koenigsknecht explained until they are leased.

Board Member Clift asked leased completely.

Mark Koenigsknecht answered yep.

Board Member Clift doesn't really have a problem with it. It doesn't affect clear view or whatever, he was just a little concerned that sometimes when those go up they never come down.

Mark Koenigsknecht understands.

Board Member Clift just wanted to have a clearer understanding.

Mark Koenigsknecht explained they have had a lot of success so far in their first phase. They leased up real quick. They're hoping to do the same with these two (2).

Board Member Clift said it's beautiful over there. He yields the floor.

Chairman Nestorowicz wants to add on one (1) comment. Actually, he does agree. The work that's been done on that property with the existing buildings is wonderful. That's why when he was asking about how the two (2) separate requests were together, because while the building is for lease, they have the right for that sign. If they lease eighty (80) percent of the building and twenty (20) percent is still vacant, that sign can remain. So, that sign could remain for a very long. As long as there is some space available for lease, the sign does not come down.

Board Member Clift said Mr. Chair, that was the point that he wanted to clarify.

Chairman Nestorowicz stated that was the one (1) concern he had. He could technically have those signs on those corners for a very long time.

Board Member Clift said the only concern he has with that, is after they're up three (3), four (4) five (5) years, they start looking pretty bad and then they have more of a distraction or blight issue going on with those, as opposed to nice and crisp. He just wanted to make his fellow board members aware that they could end up being there, in perpetuity given the fact that there may be an opening one place or another in either of those buildings that would warrant the sign to remain there. He would just implore the custodian make sure they look nice out there when they are out there.

Mark Koenigsknecht understands. It certainly behooves them too, to have nice looking signs when they're trying to lease top notch class A tenants as well. So, they have a signage company that handles these, along with his broker. He will be on site and drive by often. If there's something broken or something happened or something on the sign, it's certainly in all of their best interest to make sure that thing looks upkept to market the property to the best of their ability.

Board Member Clift appreciates that, sir. He thanks him. He yields the floor.

Board Member Anglin has comment for the attorney. Can they put a moratorium on this sign? For instance, if they say the signs ok, it's good for two (2) years. The sign has to come down two (2). But if they want to come back in front of the board in two (2), and the only reason he's saying this is like it was mentioned, what if they have maybe a small portion of that building still for lease? A sign can go up there for years.

Jennifer Pearce replied that is correct. Certainly, she believes they can put a time limit on it if that's what they wish to do. Certainly, they wouldn't need to come back if they wanted a regular sign that met the dimensions of the ordinance, but she understands the concern that it could be up for years and years if there's a small portion that's not rented.

Board Member Anglin said the only thing he's looking at is not overwhelmingly expensive for that size of a project to come and apply for another two (2) year extension. If it's not all leased at that point. He's just trying to make sure they don't have signs sitting up for long periods of time.

Chairman Nestorowicz said especially when it's because a sign that fits the ordinance is allowed and they wouldn't have to worry about it. Since this one is larger and taller than what they allow.

Board Member Anglin said correct. He understands the reason for larger and taller, but he knows that the size of the company and that for them to come in front of the board for whatever this little

bit costs is not an overwhelming burden to them. Where some civilians come in are small businesses to dish three or four hundred dollars or whatever it takes could be a small burden to them. So, he doesn't see it being a burden, but he thinks it would make him feel better if they could put a two (2) year limit on it. As fast as those other ones go, he doesn't see a two (2) year limit needed, but that's his opinion.

Secretary Jerzy thinks it's a great idea with the timeline. Just for a simple fact is if he ends up with a revolving door of tenants, you know, short term lease or whatever. Somebody moves in, moves out. They're constantly in this dog chasing his tail type of thing. Hypothetically, it could stay up longer than that because of that circumstance as well. So, he's in favor of the timeline.

Board Member Anglin stated they have had some larger buildings in Warren that they actually leased it for a year, strictly to store it for a company, and he doesn't recall if they had a sign up or not, but that's what could happen here.

Chairman Nestorowicz said that could actually alleviate the concerns he had. The concern about having the larger sign, he was always worried they can't have a turnover and there could always be some space for lease. Then they have a larger, taller sign up there for years. As opposed to, if there's a time limit and the petitioner agreed to a time limit, he could get behind that.

Board Member Anglin said that would be his proposal and if the applicant agrees to that proposal he wouldn't mind reading it.

Chairman Nestorowicz wants to ask the applicant a time limit for that sign.

Mark Koenigsknecht thinks that's fair. If he could propose that it could take twelve (12) to eighteen (18) months to kind of start designing a building and constructing, then maybe they have eighteen (18) months passed that time to keep them up is about three (3) years from around now is a reasonable timeline. Then if needed, and he's really hoping they don't with the way these things leased up last time, he could come back and discuss a potential extension if needed.

Board Member Anglin said correct. That's his philosophy on it. So, what he's saying is easy. It's two (2) years and for some reason he didn't get enough time on it for construction reasons and that, they can come by and ask for a two (2) year extension. One (1) year, two (2) year. He just doesn't want to see it go on forever.

Board Member Higgins said he's asking for three (3) years. He's saying he's not going to have anything to lease for (inaudible).

Mark Koenigsknecht explained the building isn't even there yet on the south parcel.

Board Member Anglin said he's such a nice guy that he doesn't have a problem with three (3) years.

Board Member Higgins said to Chuck to make a motion, he's so good at it.

Board Member Anglin would love to make the motion if the petitioner agrees to three (3) years.

Mark Koenigsknecht is okay with that. Thank you.

Motion:

Board Member Anglin made a motion to give permission to erect two (2) 72" x 96" (48 square ft. each) real estate signs with a 10' overall height. For a three year period, starting as of the date of this meeting.

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

Board Member Clift supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Anglin... The attorney has a comment to add on.

Jennifer Pearce apologized. He might want to rephrase that. They don't want it for three (3) years. They could assume they would take it down if the whole premise was what they asked, but to remain on the property until all the units are leased, but in any event no longer than three (3) years.

Board Member Anglin will rephrase.

Motion:

Board Member Anglin made a motion to give permission to erect two (2) 72" x 96" (48 square ft. each) real estate signs with a 10' overall height. For a maximum of three (3) years, but to be removed if all units are to be leased.

Board Member Clift supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Anglin, support by Mr. Clift to approve the request for the reasons stated in the motion.

Roll Call:

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

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

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

Chairman Nestorowicz has a question for Steve. How did this property end up with that little stretch of land along the east side as part of the parcel? He's just curious.

Steve Watripont said he could probably answer it better than he, but he believes that's for trucks going into the Home Depot.

Chairman Nestorowicz said there's that little stretch of where they can see the orange. It goes up towards where the Home Depot property is, but it's part of this parcel. He's wondering how it got divided up that way.

(Inaudible)

Chairman Nestorowicz said it really is part of that same parcel, but it's not wide enough to build anything on it.

Board Member Anglin said if he recalls, they had one come before the board that had heavy industrial and eight (8) feet strip of land running between the two (2) pieces of property and heavy industrial. No body decided they wanted it combined.

Board Member Clift believes it's a railroad easement.

Chairman Nestorowicz asked if it just became part of the south, southern property as opposed to part of the Home Depot property or so. He was just curious.

Steve Watripont explained that's part of the property and this was for the mailings, the three hundred (300) foot from Engineering he believes. He doesn't have this in his packet. So, that's why he was confused about what he was looking at.

Chairman Nestorowicz even noticed for the drawing for the site plan has the same thing, it's also boxed in here also.

Steve Watripont said that was when they separated the property because of the easement on the back, or the access on the backside for Home Depot. According to what he heard.

Mark Koenigsknecht informed that's fire access, they need a secondary route. So, to connect to Nine Mile, otherwise it would be a single access off of Mound Road. That's kind of a fire reason.

Chairman Nestorowicz was just curious. When you see a parcel that's odd. Thank you for his little sidetrack there. Next item.

(Inaudible)

9. PUBLIC HEARING: **APPLICANT: NP Mound Road Industrial LLC**
REPRESENTATIVE: Mark Koenigsknecht
COMMON DESCRIPTION: 23250 Mound
LEGAL DESCRIPTION: 13-28-300-021
ZONE: MZ, M-4, M-2

VARIANCES REQUESTED: Permission to

Erect two (2) 72" x 96" (48 square ft. each) real estate signs with a 10' overall height.

ORDINANCES and REQUIREMENTS:

Section 4A.13 – Signs Not Requiring a Permit: The following types of signs are exempt from the permit requirements but shall conform to all other applicable ordinance provisions.

G: Real estate signs. On-premise signs erected to announce the sale or rent of property provided such signs are not over five (5) feet in height and if located in a residential district are not more than eight (8) square feet in area, or if located in non-residential districts shall not be more than sixteen (16) square feet in area. All real estate signs must be removed within one (1) week following the closing of the sale, rental or lease of the property.

Section 4A.16 – Measurement of Sign Area: B) When a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except when two (2) such faces are placed back to back within two (2) feet from one another, if the two (2) faces are of equal area then the area of the sign shall be taken as the area of one (1) face, or if the two (2) faces are of unequal area then the area of the longer face shall be taken as the area of the sign.

Chairman Nestorowicz asked him to repeat his name and address, and then the same reasons for this item.

Mark Koenigsknecht repeated his name. Similar to before. Same square footage of sign, just on a separate property for the reasons stated previously.

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

No response.

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

Board Member Clift said Chuck did it once, do it again.

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

Chairman Nestorowicz said go ahead.

Motion:

Board Member Anglin made a motion to erect two (2) 72" x 96" (48 square ft. each) real estate signs with a 10' overall height. Run to the term of the real estate sign code or three (3) years, whichever comes first.

Reasons being: Size and shape of the lot; Not a detriment to the area. And it's hard to say anything different when you just approved the one for next door.

Board Member Clift supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Anglin, support by Mr. Clift for the reasons stated in the motion.

Roll Call:

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

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

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

10. NEW BUSINESS

Board Member Anglin said he would be out for the next two (2) or three (3) months depending.

Chairman Nestorowicz asked if it's starting at the next meeting.

Board Member Anglin said starting at the next meeting. If he survives as well as resident information man out there in there in the audience. The way he came back, bounced back so quick, he'll be back sooner.

Chairman Nestorowicz said he could always join via Zoom.

Board Member Clift wished him good luck and hoped it goes well.

Jennifer Pearce said he couldn't vote, but could join via Zoom.

Board Member Anglin asked if he could make comments.

Jennifer Pearce said sure.

Board Member Anglin said that's all he needs.

11. ADJOURNMENT

Motion:

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

Voice Vote:

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

The meeting adjourned at 8:07 p.m.

Paul Jerzy
Secretary of the Board