

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
MARCH 12, 2025

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, March 12, 2025 at 7:30 p.m. at the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

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

Members of the Board absent:

Kevin Higgins (Resigned)

Also present:

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

A roll call was taken and Board Member Higgins was absent.

4. ADOPTION OF THE AGENDA

Motion:

Secretary Jerzy made a motion to adopt the agenda with moving 19 to 7a; Supported by Board Member Nestorowicz.

Voice Vote:

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

5. APPROVAL OF THE MINUTES of the Regular Meetings of January 8, 2025 and February 12, 2025.

Motion:

Board Member Clift made a approve the minutes of January 8, 2025; Supported by Board Member Perry.

Voice Vote:

A voice vote was taken. The motion carried (6 – 0). (Board Member Watts, Board Member Assessor and Board Member Green abstained.)

Motion:

Secretary Jerzy made a motion to table the minutes of February 12, 2025; Supported by Board Member Clift.

Voice Vote:

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

6. PUBLIC HEARING:

APPLICANT: MMC Real Estate Investments LLC

(Rescheduled from 1/8/2025)

REPRESENTATIVE:

Caren Burdi

COMMON DESCRIPTION:

28661 Van Dyke

LEGAL DESCRIPTION:

13-16-229-043

ZONE:

MZ, M-1, R-1-P

VARIANCES REQUESTED: Permission to

- 1) Construct an 8' precast concrete wall along the west property line.
- 2) Operate 2 shifts.

ORDINANCES and REQUIREMENTS:

Section 4D.36 – Obscuring Walls: Where a non-residential land use abuts a residential district and a wall is used to obscure the non-residential property from the abutting property, the wall shall be constructed of masonry material. Standard concrete blocks are prohibited. Poured or precise concrete walls are permitted provided that they are installed on a continuous concrete footing and are eight (8) inches thick. Required walls shall be similarly finished on all sides and structurally sound.

Section 4D.38 – Height: Obscuring walls and fences in non-residential zones shall not exceed six (6) feet in height.

Section 17.02 (r) – Industrial Standards: Number of production work hours including Sunday and holidays 7:00 a.m. to 7:00 p.m. if nearest residence is less than two hundred (200) feet from industrial plant.

Chairman Sophiea said good evening, Ms. Burdi. Before they begin tonight he just wanted to state on the record. They have a couple items tonight where Ms. Burdi is the representative for the petitioner. He wanted to disclose upfront that Ms. Burdi rents office space in the same building that he does. However, Ms. Burdi operates her own solo independent law practice, completely separate from his firm. Further, he would like the record to state that Ms. Burdi and him, obviously, have had no previous conversations about these items tonight and obviously he's going to be completely objective and impartial tonight. With that being said, Ms. Burdi please state address and tell the board about her request.

Caren Burdi, 28225 Mound, appeared before the board stating that's her office. Her home address is also in Warren. She's here on behalf of MMC. Here with her tonight is Ryan (inaudible). He's the owner of MMC. MMC is a manufacturing company that employs about sixty (60) workers. Their main product that they make is a shield for the lithium battery that is in all of GM's electric vehicles. They are the sole provider of that shield for GM. The building that they own is located on Twelve Mile on the west side of the street. She means located on Van Dyke, just south of Twelve Mile on the west side of the street. She thinks they all have seen that building there. Pretty much on the street, if you will. It was built in the 1950's, prior to zoning ordinances and as such. You can see that it was built in an area that maybe normally they wouldn't put an industrial building. On the same token, houses are built right next to the manufacturing facility and wouldn't expect those homes to be there. Again, this was all built before they had zoning ordinances. It's through no fault of his client having that business located there, or the residents' that these two pieces of property abut. But it is theirs to solve the issue that they have before them and find a way to move forward where both the business and homeowners can enjoy their property. So, her client has the manufacturing facility. Recently, there's been two (2) homeowners that have indicated there's a noise issue. The City of Warren has gone out several times with their decibel reading machine and they are not in violation of the City of Warren noise ordinance. However, this obviously is an issue that needs to be addressed. This is Van Dyke, this is the building, this is a chain link fence separating this building from the residences. These are obviously the residences back here. When the city came out they indicated to them that they could not run two (2) shifts. They indicated and pointed to the zoning ordinance that says when they have a manufacturing or factoring facility next to residential you can only run one (1) shift. However, she believes, and she's gathering the information that will be able to show two (2) shifts have been run before the zoning ordinances were even in effect. That they are grandfathered in. That doesn't solve the problem between the neighbors. They have to be more proactive and try to find a solution. In trying to come up with a solution her client did quite a bit of measures inside his business to quite his business. He took some measures regarding the work machines. He did some insulation. He's done some things to try to quite down the business. In talking with people in the Building Department, they were also talking about the idea of a wall. Part of the problem with a lot of the walls that are built in the city right now is the concrete block that are basically hollowed out in the middle. They didn't feel that would be enough to dampen the sound between their facility and the neighbors. They did some research and got some advice from people in the city and found a company called Dura-Crete. They also happen to be a Warren company themselves. This company makes solid concrete walls; no hollow in it. If they look on page 2, it talks about if they put in a solid concrete wall with them that it would give them a sound transmission coefficient of forty-one (41). Now, she looked that up, the sound transmission coefficient. It basically talks about the decibels of sound that are transferred and in her research and discussion with Dura-Crete, they can expect the decibels from their business to go down forty-one (41) decibels. That will make them so far below what the City of Warren ordinance has. They also had discussions with Dura-Crete. They indicated that eight (8) foot would help them even more than six (6) foot. So, they would like to put up along that property line an eight (8) foot Dura-Crete complete cement wall. They do think that this will resolve any issues with regard to sound that the neighbors are experiencing. In the meanwhile, with regard to the second shift. If her client is unable to run a second shift, he will have difficulty meeting his contract with GM. He will then have to turn to running shifts on the weekends. Sunday's included to try to meet his obligation with GM. Being the sole provider of that part for GM is critical to him. So, she said to herself if she was sitting on the board and was being asked about this wall and being asked about running two (2) shifts. How would she make sure that if she granted these

variances that the wall would get put up? So, she would like to put forward to the board that they are agreeing to a condition that would say that if the wall isn't up by the end of October of 2025. So, a lot of times when the board gives permission, the Building Department gives them two (2) years. She doesn't want to wait two (2) years, she doesn't want the people to wait two (2) years. She is trying to solve the problem. She would like to say that if they see their way to granting both of these requests, that if they don't have that wall up by the end of October, October 31, 2025, that they not be allowed to run two (2) shifts. In talking to the neighbors, the neighbors want them to put this wall up and then see how it goes. That's very difficult for them, because the cost of putting up that wall is quite expensive and if it's not tied to them being able to do their business in this facility, it's not something that he's fiscally responsible, quite frankly, to put up the wall and just see if the neighbors are okay with it. So, she's asking that they put up the eight (8) foot full concrete wall, they get it done for sure by October 31st. The reason she gave that date, she would like to have it up sooner, she just doesn't know what Dura-Crete's timeline is. She doesn't know what their schedule is, so she wanted to get them through the building season. She thinks the frost thing comes off in April. So, she thinks they'll be able to schedule them now and see if they can't be done a lot sooner than the end of October. That to her was her fallback date, if you will. If they're unable to run the two (2) shifts. They currently have sixty (60) employees. They're probably looking at layoffs of half of them and extended shifts on the weekends. She would really rather not try to do that to people, if you will. She'd really like to keep both shifts going, everybody employed, put up this wall, and solve the issue. Thank you.

Chairman Sophiea thanked her for those comments. This is a public hearing. Is there anyone in the audience who wishes to speak on this item? Good evening. Please start with name and address.

Rose Cannon, 7463 Gerral, appeared before the board stating she is actually four (4) houses from the factory. She has lived in her home since 1990, when Center Line Tool and Dye was there. She works days, doesn't pay a whole lot of attention to what goes on at that factory. She was never bothered by any noise whatsoever until this new property owner moved his factory in. She has added a lot of things to her home since she has been there. She really enjoys her backyard, or have enjoyed her backyard for the last year. She currently cannot sit on her back porch whenever the factory is open. So, she would like to say if the wall goes up, and she can't hear them, it's intolerable to be in her backyard when they're working and the garage door is open. The garage door is closed it's a little better, their door it's a little better, but she can still hear them. When their door is open, she can't sit in her backyard. So, she's not quite sure, she knows she explained why they need to have both things answered at the same time. She doesn't care if they stay open twenty-four, seven if she can't hear them. She doesn't want to, agree isn't the proper word, but she wouldn't condone two (2) shifts and Saturday's and Sunday's if she can't enjoy her backyard. They put the wall up, she can't hear them, and can sit in her backyard in some peace, even if it's just evenings and weekends, then she would say go ahead and do what they need to do as long as she doesn't have to hear it. If she tries to move, she can't imagine trying to sell her house. She's told by real estate agents that they can't not disclose that there is noise. So, if she tried to sell her house, she imagines that would be an issue and hopes the board will consider that as well. Again, she has been a resident of Warren almost all her life. Lived in this house since 1990. Done a lot of work so she can retire here. She's close to retiring and she feels she can't enjoy her house. So, that's all she has to say.

Chairman Sophiea thanked her for those comments. This is a public hearing. Good evening.

Hassan Musselmani, 7481 Gerald, appeared before the board stating he is two (2) houses down from the factory. He has been complaining maybe fourteen (14) months now since he started complaining about the noise. First, he reached out to the factory. He saw if they could work. Told them whenever the door is open he can hear it in his house, he can hear it in his basement. It sounds like there is a rattling in his basement. It's miserable. When he bought his house, him and his fiancé weren't together, he wanted to put an addition on the house. Now, he can't wait to get out and she hates the house because it wakes them up at six (6) in the morning. They can hear it at eleven (11) at night. They say they were grandfathered in, but there is no paperwork. Which, he means, if there's no paperwork then you're not grandfathered in. He's been fighting with the city about it, because they said he can't produce any paperwork. So, he's been complaining about the time, because it wakes him up in the morning, he can't sleep at night. He's also worried about selling his house. He understands it costs a lot of money, but they don't want to agree to something where then they have no leverage to complain anymore, because if they can't complain about the time anymore, then it's over for them and they have to hear it in their house, in his basement. They say it's just two (2) neighbors. There is a lady that lives right next door to the factory, her room abuts the factory. She said it keeps her up at night, wakes her up in the morning, but she's renter and feels like she can't complain. He urged her to come out, her and her daughters didn't want to come out. It is what it is, but he just thinks the wall is totally separate from the time. He understands it's going to cost a lot of money. He recommended they do a little more insulation and to keep the garage door closed. They said they can't keep the garage door closed because the air conditioning would cost him a quarter million. Then they tell him the walls going to cost close to a quarter million, so it's comparable. All they've ever asked is for the door to be closed and do some insulation on the inside. They told him insulation on the inside doesn't exist for factories. A quick Google search, insulation for factories, does exist on the inside. Put it up on the ceiling it absorbs the sound. He hasn't been willing to try. When the city went over, he wasn't willing to work with the city. First, he seemed like he was going to work with them, then he's like they have a business to run here. They can just keep giving him tickets, he's not going to listen. So, he's already not complying with the city. They definitely don't want there to be the sound and think the wall will help, but they'll just go back to square one in his opinion, and he can start complaining again. Don't approve the wall, don't approve the time, because they don't want to move on the time. It's just too big of a deal for them where the wall goes up and they can still hear it. Then they have zero leverage to complain after that. So, he just wants to speak his peace. His fiancé is here as well and he wishes he could've brought more neighbors out, but some people just don't like to come and complain he guesses. Thank you so much for listening. He also sent the board an email of his exchange with the owner. They've been talking about it. He's always tried to work with him, and he just doesn't like the whole well if they're not going to let them work on the time whenever they want then they're not going to build the wall. He's basically threatening to not build the wall if they don't approve the time. Honestly, it is what it is. Don't approve the wall then, because they would rather still complain about the time, because that's all they have. Hearing it in his basement, he has a decibel reader. He thinks eighty (80) decibel's is what the limit is. It's right under, sometimes seventy-six (76), sometimes seventy-nine (79), sometimes eighty-one (81). So, it's right there. You get a decibel reader when he's got however many machines going, it will be over the decibel limit every once in a while. So, he's just concerned about still hearing it at his house and in his basement. He's also concerned for when and if he tries to sell his house that the only day he can show it is on Sunday right now. Other than that, there's just this loud factory that you can hear in the house. So, thank you again and have a great night.

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

No response.

Chairman Sophiea stated before he closed the public portion, he'd like Secretary Jerzy to read impact statement from Planning.

Secretary Jerzy thanked the Chair. From the Planning Department:

"The Planning Department makes the following recommendations regarding the proposed wall:

The wall shall be constructed of eight (8) ft. high brick embossed poured concrete with a 45° angle cap. Masonry block and precast concrete shall not be used as construction material.

To preserve the setbacks along Anna and Gerald Avenues, the wall shall begin 25 ft. south of the northwest corner of lot 56; continuing south along the west line of lot 56 for 119 ft.; then continuing east along the south line of lot 56 for 40 ft.; then south along the west line of lot 76 for 119 ft; ending 25 ft. north of the southwest corner of lot 76.

It is indicated in the application that the petitioner is requesting a variance for (2) two shifts. The proposed hours of these shifts should be specified by the petitioner. The current hours allowed under the Zoning Ordinance are 7:00 am to 7:00 pm."

Chairman Sophiea thanked him. At this time, he closed the public portion of the meeting and turned it over to the board for discussion.

Board Member Lindsey wants to first say he really appreciates the comments from the residents. Hearing their feedback really helps to make decisions for them. He does take their comments very, very seriously. He works in a manufacturing company and they are faced with challenges and regulations and ordinances all the time. It is a noisy environment. But they have the responsibility as an employer to abide by all the rules and regulations, and work around them. So, initially when he heard Ms. Burdi, he feels very strongly about running two (2) shifts. He certainly doesn't want to see anybody lose their job. Working manufacturing he wouldn't want to see that for his employees and the people he works with. He believes that nobody here would. But he feels strongly at the same time that as an employer there's got to be ways to work around this. He doesn't know if that wall is the answer, but it sounds like from the comments he's hearing that having the doors open is creating a lot of that noise. Maybe there needs to be an investment in figuring out a way for insulation, air conditioning, so the employer can keep the doors closed. That might help to run both shifts.

Caren Burdi asked if she may comment.

Chairman Sophiea replied yes.

Caren Burdi only takes exception to one thing that was said. Her client does not have an attitude of he's going to do what he wants to do, just give him the tickets. That gets them nowhere. She means, they just go to court and deal with these tickets. That's not the solution. That is not how this gentleman behaves. She will tell them that he has done things with the machines, under the machines. He has done things with regard to on the walls. He had very good discussions with Everett Murphy. Had him in the facility, took advice from him. In essence, discussing the different ways to solve the problem. The door does get opened to take supplies in, to take product out. She means, it is functioning. On some of these summer days, it is pretty hot. She does understand exactly what they're saying. They have taken many of these measures. This is the big measure, in her opinion. It is the big measure. They don't want to appear like their attitude is if they don't get both forget it, and they're taking their ball home and not playing anymore, but what they are saying, from a financial standpoint, it makes no sense to put the wall in if he can't meet his contracts. That's a fiscal thing. That's not a threat, that's not being rude, that's just saying what makes financial sense to make this work. What she heard from the Planning Department, she understands they don't want the segments, they want to (inaudible). They can do that, but the key to her is when it's full concrete, because that's going to make... If the gentleman is saying right now that in his opinion it's seventy-nine (79) decibels, seventy-six (76) decibels. Take forty-one (41) off of that. They are going to go way down. It's going to be a situation where they're going to be at thirty (30) something decibels. That is their goal. They want them to be able to enjoy their property, and they need to be able to use their property. They do want to make this work. So, any part of an attitude to give them tickets, they don't care; they do care.

Chairman Sophia has a question for Ms. Burdi. What is the proposed time of the second shift?

Caren Burdi asked for the owner to come up so she doesn't get this wrong. What is the shift from what time to what time? This is Mr. Hernden as she introduced earlier.

Ryan Hernden appeared before the board stating they currently operate two (2) shifts. First shift being 5:30 a.m. till 2:30 p.m., then 2:30 p.m. till 11:30 p.m. They've been able to eliminate the weekend.

Board Member Clift said to the Chair, point of order.

Chairman Sophia asked him to state his name for the record.

Ryan Hernden stated his name, owner of MMC Rollform and the property at 28661 Van Dyke.

Secretary Jerzy asked for the address just for the record.

Chairman Sophia thanked him and asked for the address of the property.

Ryan Hernden repeated the address.

Chairman Sophiaea wanted to mention to the neighbors that are here tonight. Just because this wall may get approved and the second shift is approved, it doesn't take away their remedy from complaining. If this does happen to get approved tonight, and they're still over the decibel reading or however the city measures that, they still have the right to complain and the city still has the responsibility to enforce and ticket for being over the reading. Just from reading the log here of enforcement and inspector going out, it just seems like the overwhelming problem is the noise is too loud when the door is open. So, he doesn't know how, hopefully this wall works good, he doesn't have a problem with the wall being over six (6) feet tall. He thinks the taller the better. Eight (8) feet seems like a good compromise, but he's more concerned about the wall goes in and it's still too noisy for the neighbors and over the allowed decibel reading pursuant to the ordinance. They're still going to have a problem where he's going to have to put air conditioning in or more insulation. He wants him to realize that, because...

Ryan Hernden asked if he could add some context around the door situation.

Chairman Sophiaea said yes, please.

Ryan Hernden stated as she explained, the building was very old. The original and only door for a number of years was right on Van Dyke, so that door has been closed. The only overhead door to move goods in and out of the building is in the rear. So, when that door is closed, there's a significant reduction in the noise, but the problem is that's not sustainable. You can't seal the building off, you have to come in and out with goods. Any of the comments he made about keeping the door shut were just relevant to his employees. When it's ninety (90) some degrees out and the air conditioning doesn't exist in the building, you can't ask people to work in a hundred degree environment.

Chairman Sophiaea asked when the door is open, is it completely open. Or is there a screen, is there rubber strips come down that you pass through?

Ryan Hernden explained it would be open. He's owned the building there for two (2) years. So, since he's owned it they have replaced the door with an insulated door. Energy and noise. He has done a number of things. He always tries to run his business to treat people how he would want to be treated. So, originally, the first discussions they had with the neighbors were shortly after they moved in. They've been working this relentlessly. Working with the city, working with them. They've spent a lot of money on foundations trying to engineer this issue out. It's really, in his belief, come to a situation where the wall is the only sustainable way to stop the noise because the door will open and close. The wall will be there.

Chairman Sophiaea asked what the size of the door is, approximately.

Ryan Hernden answered eighteen (18) foot wide by eighteen (18) foot long.

Chairman Sophiaea stated where he's proposing to put the wall, currently there is just a six (6) foot high chain link fence?

Ryan Hernden said chain link fence.

Chairman Sophiea said wow. There's no sound proofing right now. Are there other comments from the board tonight?

Board Member Clift said good evening, sir. Did he understand him correctly, sir, when he said that he's owned the building for two (2) years?

Ryan Hernden replied a little more. It would've been 2022.

Board Member Clift asked he moved in, set up shop and operation, all the zoning ordinances were in effect at the time when he moved into the building.

Ryan Hernden said that's correct. He purchased the building from a company called Center Line Dye and Engineering. They operated a similar stamping facility and been in existence with two (2) shifts for twenty (20) years.

Board Member Clift said that was his next question. The nature of the business. Stamping facility.

Ryan Hernden stated Caren was able to establish it back to a certain point, the previous owners, going back to 2000ish, definitely operating two (2) shifts.

Caren Burdi said more than that. The entity her client purchased from has sent them a letter that they operated two (2) shifts the entire time and operated a similar business. In addition to that, she is able to get back, she believes, almost with only a two (2) year gap to 1970. So, she is able to get back that far. But again, her just showing that it's grandfathered in doesn't solve the problem. She needs to address the problem of the noise. When he says he's tried to engineer it out, that means under his machines he has put in, she doesn't know what they're called, but they're absorbers underneath the machines. He has put those in, the insulated door, there's all sorts of efforts he's made. That's what has gone on over the two (2) years with Everett and that. Try this, try that, try this. But it's a glaring mistake not to have a wall up back there. That to her, if it can reduce it by forty-one (41) decibels, they got to, you know.

Chairman Sophiea asked to just have the petitioner and representative standing. Sir, the public portion has been closed.

(Inaudible)

Chairman Sophiea said that's not how this works, sir. I'm sorry?

(Inaudible)

Chairman Sophiea said they're discussing the matter and the public portion is now closed. Thank you.

Board Member Clift asked if he could continue.

Chairman Sophiea said please.

Board Member Clift asked his next question; how many people does he employ there?

Ryan Hernden has just under sixty (60) employees.

Board Member Clift asked when was his last Certificate of Compliance for the building or his business issued to him.

Ryan Hernden replied it would've been shortly after moving in 2022.

Board Member Clift explained that would be the reset for having been in compliance with all the ordinances and the zoning as appropriate and on the books at that particular time. The way he understands it. How many stamping machines does he have in that building, sir?

Ryan Hernden replied eight (8).

Board Member Clift said eight (8). All running usually? Couple down?

Ryan Hernden replied it varies, but five (5) to eight (8).

Board Member Clift yields the floor.

Secretary Jerzy asked how many employees work per shift.

Ryan Hernden answered it's more on first shift. It's probably a thirty-five (35), twenty-five (25) split.

Secretary Jerzy asked about parking for the facility. Is it just on the side streets?

Ryan Hernden explained when they moved in, and to further his question, the city made a number of recommendations that they addressed in terms of the building and different things. So, they paved a good portion of the yard that was dirt. They're working on creating more parking. His next steps with Caren would be to publish a site plan.

Secretary Jerzy understands. He has some concern about the outdoor storage going on but that's a separate issue. Going back to the wall and two (2) shifts though. He thinks as a board they're kind of caught between a rock and a hard place. Obviously, no body wants to see anybody lose their jobs. They want to see them succeed as a business owner. They want to see homeowners enjoy their property to the upmost that they can enjoy it, because they've been there. He just feels like the issue with the door is the main thing. He thinks putting the wall in is definitely a good need in that area. He went by there and couldn't believe how close that one house was to the property line. So, definitely don't see a problem with the eight (8) foot high wall. He thinks that's a necessity and can't believe there's not even a six (6) foot wall or some kind of wall there right now. But his concern is, you know, with the summer months, the door going up and down. He just sees this as a dog chasing it's tail type of thing. He doesn't see how he's going to be able to resolve that completely. Other than to suggest to him trying to keep the door closed as best he can, as often as he can. Which he's sure that's what he's doing. But he just feels

like it's going to be one of these even flow things. Perpetually with the property, so with that he'll yield the floor to one of his colleagues.

Board Member Green has a couple items. Looking at the back up they received, there's quite a few contradictions in it as to a few items. That leads him to his first question. What's his future intent for this building?

Ryan Hernden owned the business for ten (10) years. He started with three (3) employees, grew it and made it a priority to remain in Warren. They were on Murthum, outgrew that building, sold it, moved here. They look at other areas and they want to remain in Warren. So, they want to get into compliance and coexist with the neighbors. The wall isn't the end all be all. They've don't a lot of things to the point with the door. They run less machines at night. They keep the door shut until it's unbearable inside. His employees are all on board with trying to coexist. So, to answer his question, they want to remain in Warren. They want to continue to operate a business here.

Board Member Green asked the intention for the building is to stay there and keep all his employees working.

Ryan Hernden said it is.

Board Member Green said it's kind of contradicting to some of the things he's reading in his backup. That's why he's asking.

Ryan Hernden is not sure what he's referring to. He knows Hassan said he shared some messages they've had an ongoing dialogue for two (2) years now, so he doesn't know what...

Board Member Green said this is public information because this is all FOIA-able. So, he anticipates winding down and selling the building.

Ryan Hernden said no, that's not true at all. They've invested a tremendous amount of money into these programs. They've grown there, put money into the building. His intention is to run this business. It was started by his grandfather fifty (50) years ago; he made aluminum awning components. They've transitioned away from that and got into making parts for EV's. They're one of the largest producers of solar parts. They've built the business here in Warren.

Board Member Green said one more item. He thinks the outside storage and those other items do tie into this because it's a matter of the residence having confidence in what he's saying right now, that he's going to do it. Call a spade, spade. When looking at the backup, the outside storage has been addressed a few times and it's still being used for outside storage. The employees are still parking on the street, which he could see would upset residences. So, when will that item... you see where he's getting with this? So, if he's not addressing that item, if he's a resident, makes him believe that he's going to address this item? As an ongoing item. Say he puts the wall up, has to add a few other things, he means there has to be some confidence and trust. He can see with the outside storage not being addressed. He's just wondering if his facility has outgrown, you know, if it's not

working for him.

Caren Burdi explained Mr. Hernden did approach her with regard to the outdoor storage. They discussed what needs to be done. They have to get architectural drawings completed before they can get them turned into the Planning Department. So, they are in the process of doing that. He believes Mr. Hernden on his own brought up that's their next step is a site plan to the Building Department.

Board Member Green asked that does what Ms. Burdi.

Caren Burdi replied it takes care of the outdoor storage.
Board Member Green asked if he's going to get outdoor storage.

Caren Burdi said not necessarily. But they're going to have...

Board Member Green asked if that's the intent of the site plan.

Caren Burdi explained the intent of the site plan is to organize the outdoor storage. Even if they're allowed outdoor storage in the City of Warren, you have to have a site plan that shows where it is and what it is. So, anyway you slice it, he has to do a site plan for that building that has to go through the Planning Department.

Board Member Green said his last comment he would add then is that if they do put a wall up. If you drove by the facility, you'll see that sometimes there are pallets that are stacked up fifteen (15) to twenty (20) feet. Metal containers, storage containers stacked above the eight (8) foot level. There's a truck back there that hasn't been moved, it's probably not operational. There's a lot of things that if he was a neighbor would make him feel like is this guy going to follow through with this.

Caren Burdi said with all due respect, he thinks the step of hiring her to start working through these problems is an indication that he's dedicated to it, because otherwise he would have no reason for her. They have talked about what can be outside, what can't be outside, what they have to send through Planning. Like she said, it's an entire process. They're working with getting the plans done. Those plans will get turned in. She's been hired to do it, so she's absolutely going to follow through.

Board Member Green thanked her.

Chairman Sophia said the bottom line here is if there is an issue with storage, all eyes are going to be on the petitioner now, all city departments. Tonight they're here just about the wall and the two (2) shifts. If there's an issue about storage that they can't resolve with Planning, they always have the choice of coming back here with it for a variance to see if they can get more store, but hopefully they're able to have an amicable outcome with Planning and able to confine whatever storage they may be allowed outside. Are there any other comments tonight about...

Board Member Watts has a question for the petitioner. Sir, have you tried vinyl stripping, or rummber stripping, that goes on doors vertically.

Ryan Hernden has looked at that. They have looked at speed doors. Generally, the companies they talk to said those were for climate control, they won't affect much in the way of sound. Dura-Crete with the wall was basically what they've come up with. It's similar what they have on the express way.

Board Member Watts thanked him.

Chairman Sophia said personally, going through this here, he would like to see the wall. The two (2) shifts he doesn't have a problem with either as long as there are stated hours in the second shift. He thinks that would be a good compromise. At the same token, if the wall does not solve the noise problem, it does not take away the neighbors their ability to complain and city's enforcement action. Are there other comments tonight from the board?

Board Member Watts does have a question, maybe to Mr. Watripont. So, lets say this doesn't solve the problem. What will be the action after that?

Steve Watripont said if they have the variances and everything else. If the noise is still there, they would go in and look at what the decimal readings are and everything like that. He doesn't think the decimal readings were extremely high as far as at the property line. It may be the pounding and everything that's creating more of an issue and the noise generated from that. He's not exactly sure. He personally has not been out there during this. He believes the Public Service Director has been out there and might be able to explain a little bit more, Mr. Dave Muzzarelli. If the board would like to hear from him.

Board Member Watts replied yes.

Dave Muzzarelli, Public Service Director, appeared before the board stating the decimal reading was always right around the...

Chairman Sophia asked for his name for the record and apologized.

Dave Muzzarelli stated his name and title.

Chairman Sophia asked for his address, please.

Dave Muzzarelli stated 1 City Square. As Mr. Watripont said, the decimal reading was always right around that eighty (80) mark. The problem that Everett and him came up with is it's that continual repetitive noise. He can't remember the exact wording that he used.

Board Member Clift said Mr. Chair if he may. Resonance noise.

Chairman Sophia asked Mr. Clift to please hold until he's done with his comment.

Board Member Clift said he was looking for words. He was trying to help with resonance.

Dave Muzzarelli said yeah, it's some sort of repetitive noise. It was like a nuisance. It's

still in the noise ordinance, but it's a repetitive noise. His only concern with the wall is these people are hearing it in their basement. So, that's already a wall. They're getting that noise and vibration in the basement. Is that wall going to stop that? He's not sure. As far as the door being up, the door is always up. He drives by that property all the time, it doesn't matter what the weather is like, that door is always up.

Chairman Sophiea asked if that answered his question, Mr. Watts.

Board Member Watts said he has some concerns because, obviously, he's been around here all his life and that building has been there forever. It's not the only problem they have like that and now they have a new business that's come in there.

Dave Muzzarelli would love to see them succeed. If this wall could be the first step and if it helps, fantastic. He would love to see it, that would be great. He's just not sold that that's going to be the... it might just be the first step into the solution.

Caren Burdi asked what other solutions he has. They'll do them now.

Dave Muzzarelli is not sure, that's what he's saying. He's not sure that this is going to be the be all, end all that they think it's going to be.

Board Member Watts said that would be all he's got. He's added a little more with the repetitive noise in the basement. Thank you.

Board Member Nestorowicz wants to add one item. In support of the wall, because he thinks that will help. Normally, he would be fine with two (2) shifts also, but to be honest, he has not been by that building every day, but twice he has driven by the building when this was first scheduled back then and once recently. Both times he's drove by, the doors been open. He understands it gets hot inside, but he like, the door needs to be closed. If it gets too hot inside they need to do something with better air conditioning to provide for the employees. He's only been by the building twice, but both those times the door has been open. That's one of the concerns he has, because if the door is going to be open, even if they have the wall, he still feels they're going to hear noise and he does believe... businesses change. This business is probably louder than the previous ones have been due to the nature of the business, and that happens. Maybe that's not the location to be running two (2) shifts. If he was living in that area, he would not want that second shift running causing that noise when he's trying to fall asleep and such. That's his concern about it. That's the comment.

Caren Burdi said part of the situation is if the two (2) shifts can't be run, for him to meet his contracts, he's going to have to have the employees working over the weekend. They were really, really, really trying to avoid weekends, because what she thought was that homeowners use their properties, usually, not all the time, usually it's the evening and the weekends. So, they were trying not to run shifts, if you will, especially on Sunday, but on Saturday too, by running the two (2) shifts. If they don't run the two (2) shifts to be within the ordinance, they would run from seven (7) to seven (7), Monday through Sunday.

(Inaudible)

Chairman Sophiea said this goes back to his initial comment he had. They're going to invest in the wall. Hopefully, the wall works. If it doesn't work, the city still has recourse.

Board Member Nestorowicz said unfortunately, Mr. Chair, what happens is if yeah the wall doesn't work, they can still complain to the city, the city can go out, but since they approved the two (2) shifts and all that, you can't take that away.

Chairman Sophiea has a question for Mr. Watripont. Is there a violation of a ordinance that when that door is wide open all the time. It seems obviously a restaurant couldn't have their door open all the time going into the kitchen, that would be a health hazard.

Steve Watripont replied there is nothing other than it creating the noise. There is nothing that could prevent a door from being open in a factory.

Chairman Sophiea said okay. Do you have another comment to make?

Steve Watripont said if it's plausible for the board and the petitioner to agree. He knows he's heard him say going down to one (1) shift that they could eliminate people and everything. If the board was to approve the wall and postpone the shifts until a month after the wall was there so there could be some affect of that without it being postpone he wouldn't have to cut back to one (1) shift. He can run his production and go that way, but then there would be input for that second shift at that point and whether or not it would have to be cut. He knows they want to go forward with both at the same time, but he listened to the board, listened to residence and listened to their comments as well to see if that would all work. It's only a suggestion, that's all it is at this point from what he's heard.

Chairman Sophiea said that's a good suggestion, thank you.

Board Member Clift wanted to touch on that stamping plants create that vibration directly into the floor and the foundation of the building. He doesn't know if they have the capability, maybe one of the gentleman can answer if they have the capability to measure resonance waves and how it affects the neighboring properties. He's heard from residence saying that if they're hearing this noise in their basement and in their home, and he's got a little bit of experience dealing with stamping plants in close proximity. That stuff travels through the ground, it'll fan out. Depends on what the material of the earth all the way around is made up of, what the foundations are made up of. Rattle the walls, rattle the mirrors. Even though the decibel level is low, that resonance in the ground travels. It moves and it has a negative affect on neighboring objects, structures and foundations. He thinks, personally, that's the big thing being tried to be dealt with here. Cushioning the floor pans. He doesn't know if he's got the rubber style or the spring style plates that the machines sit on. Once that low based resonance sound impacts something, it has less of a chance of being reflected off it and more of a chance of passing through it.

Steve Watripont said to answer his question from zoning measuring. He was going to answer that. The only thing he has capability of and within the ordinance is the decibels. He doesn't know if that would solve anything. They would probably have to write a new

ordinance or something like that to equate to some other factors. That would be after the fact already, so it would already be not in forming at that point as well. If there was a way to measure, it might bring light to it, but they wouldn't have any code enforcement.

Board Member Clift understands. It's just resonance is a very hard thing to measure.

Caren Burdi doesn't know if the sound heard in the basements was before or after they've taken measures indoors. They have taken measures in putting the shock absorbers and everything like that under the machines. That was one of the things that they did when the issue first came up. So, she doesn't know if the complaint about the, she doesn't know how they're describing it, vibration or whatever, isn't before they took those measures. Now, the machines... that was one of the things that they worked on with Mr. Murphy. He came through, told them about measures they could take under the machines, and those measures have been taken.

Board Member Clift said his comment is resonance really has no ability to be measured, that he knows of anyway. Unless you're physically standing in somebodys basement that's complaining to about what it is that they're hearing. When residents show up to a meeting like this, he takes a lot of stock into what they have to say because there is nothing worse in the world than owning a piece of property and having it constantly encroached upon by something going on in the neighborhood that probably shouldn't really be there in the first place. Not to say that his factory shouldn't be there in the first place. He's in the mind frame that that location isn't exactly conducive to an eight (8) machine stamping plant right up against a neighborhood like that. He's all for the wall, but has a real issue with the two (2) shifts working. He's going to leave it at that and yield the floor.

Chairman Sophiea said to Ms. Brudi she's heard the boards comments tonight so far. Would she like to make any possible compromise on the second shift, maybe delaying it until after the wall is installed. He knows the petitioner is going to be investing a ton of money into this wall. If he was in his shoes he would have a super sound engineering on his side ensuring whatever he's about to do is going to be effective and efficient. But she's heard the comments so far tonight.

Secretary Jerzy has a proposal here. He actually came up with something that might work. If he made a motion he would make a motion to grant the eight (8) foot wall to be constructed by the end of October 2025, like she stated. Then a time study of three (3) months after the construction of the wall to test out the sound difference, and then go with the second shift from there. Try to do some kind of time study with the wall in place, how it's affecting everything before. They wouldn't deny the second shift, they would just postpone it indefinitely to try and get some kind of parameters in place, you know, of what the study would be for the wall.

Ryan Hernden is all for a compromise. He would ask what is the metric to study that. So, they put in the wall and is it continued complaints or is it an actual study of the decibels?

Chairman Sophiea has a way to maybe simplify this. He's going to mention this to the city attorney and to Mr. Watripont. Similarly, to how they grant temporary tents for a certain

period of time. Could the board approve the wall and approve a second shift for a certain period of time. Let's say maybe one (1) year, and they could come back.

Steve Watripont doesn't believe the board can grant a temporary variance for something that is not a temporary use. He would probably ask the city attorney and probably the former Secretary of the board, Ms. Burdi, on that one. He thinks she would agree that they can't do a one (1) year on a variance.

Caren Burdi stated what he's saying is variances run with the land and they tie to the land. However, it is agreeable, and she's seen it in Troy actually, where if there is an agreement, if the parties agree. If the board agrees and the parties agree, then it is possible to do any type of conditions that the parties all agree to. At this point, the board has given her a lot to think about, and Mr. Watripont just told her that there's a gentleman here who also has some ideas, if you will. She asked if they could table this to just the next meeting so she can talk to her client about some of these alternatives. Possibly come up with some language, if that's it. See if there aren't other things they can do. She doesn't know who this gentleman is, but she's willing to listen to anybody if he's got some good ideas. Can they table this to the next meeting for her to have a chance to talk to her client to see how they proceed.

Chairman Sophiae personally doesn't have a problem with tabling. Of course there has to be a motion made for it. The other alternative is that they approve the wall and just table the second.

Secretary Jerzy said postpone the second one until a time to be determined.

Caren Burdi doesn't want to mislead the residents saying they'll put a wall up and not have to. She doesn't want them to think that that's a commitment from them until they figure out what they're doing.

Chairman Sophiae said they have to come back anyways, so he doesn't have a problem, personally, with tabling both items.

Caren Burdi asked when the next meeting is.

Chairman Sophiae replied April 8th.

(Inaudible)

Caren Burdi asked April 9th.

Chairman Sophiae said they won't have a full board on April 8th. They're going to be down at least one (1) member that they know of.

(Inaudible)

Chairman Sophiae apologized and said April 9th is the next meeting.

Caren Burdi mentioned one of the neighbors is saying he would like to come back in May, but she doesn't know when the May meeting is.

Steve Watripont said there is an April 23rd.

Chairman Sophia said April 9th and April 23rd.

Caren Burdi thinks she is good with the April 23rd.

Motion:

Board Member Clift made a motion to table the item to April 23, 2025; Supported by Board Member Nestorowicz.

Voice Vote:

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

The petitioner's request was **TTABLED** to April 23, 2025.

7. PUBLIC HEARING:

APPLICANT: Shomij Miah
(Rescheduled from 2/12/2025)

REPRESENTATIVE: Same as above.

COMMON DESCRIPTION: 30971 Lorraine

LEGAL DESCRIPTION: 13-10-129-017

ZONE: R-1-B

VARIANCES REQUESTED: Permission to

Widen concrete driveway in the front setback 9' 6" from the north corner of the garage towards the north property line.

ORDINANCES and REQUIREMENTS:

Section 4.06 – Yard Use: Any portion of a lot in front of the front building line shall be used for ornamental purposes only and nothing shall be placed thereon except trees, shrubs, or items of similar nature.

Chairman Sophia asked if the petitioner is present for item 7.

No response.

Motion:

Secretary Jerzy made a motion to move the item to the end of the agenda and make it item 19; Supported by Board Member Clift.

Voice Vote:

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

7a. PUBLIC HEARING:

REPRESENTATIVE: Brandon Chaney - Nederveld

COMMON DESCRIPTION: 13700 Sidonie

LEGAL DESCRIPTION: 13-36-303-002

ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Construct a library on a property that is not on a major thoroughfare and does not have vehicular access to and from it by way of a major thoroughfare or collector street.

ORDINANCES and REQUIREMENTS:

Section 5.11 – Churches, Schools, Libraries and Civic Clubs: Churches, synagogues, mosques, public schools, public libraries, private educational institutions, funeral homes, community buildings, country clubs, fraternal lodges or similar civic or social clubs shall be permitted with permission of the Planning Commission pursuant to the standards set forth in Section 22.14(b)(1) and upon compliance with the following minimum requirements:

- 1) That these uses shall be located on a major thoroughfare as identified by the City of Warren Master Thoroughfare Plan.
- 3) That all vehicular access to and from the permitted uses shall be on a major thoroughfare or collector street.

Chairman Sophiea said good evening. Please start with name and address for the record.

Brandon Chaney, 3037 Miller Road, appeared before the board stating he's with Nederveld. They're the land planners and engineers for the project.

Chairman Sophiea said ma'am if you're planning to speak, state name and address.

Oksana Urban, 1 City Square, Library Director.

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

Brandon Chaney is here today representing Oksana Urban and the city's public libraries for the proposed branch library at 13700 Sidonie. This is a small branch library here to service the south east portion of the city. For those of you who do not know, they did just receive conditional approval from Planning Commission just a few weeks ago for the proposed library. With some coordination of the Planning staff, they found it was fit to apply for these set variances. So, the property is zoned R-1-C. The proposed library is allowed by right with conditions applied. That's per Section 5.11. They are able to meet all those sections except subsection 1 and 4. So, the property is not located along a major thoroughfare, but rather located 275 feet east of Schoenherr, which the city does consider a major thoroughfare. The reason why they believe the variance should be allowed here is because the intent of the zoning ordinance, section 5.11 was to be applied for uses with substantially higher traffic flows. That being public schools, larger full size libraries, churches, synagogues, so on and so forth. Like he said, they're proposing a 2,600 square foot small branch library, just to service the local neighborhoods in the south east Michigan. They do feel, though,, that it won't have major impacts like the intent of section 5.11 indicates. With that, himself and Oksana are here for any questions they have.

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

Bernice Martin, 14103 Sherman, appeared before the board stating she doesn't think the library is needed. She says that because they have a library that's located in Detroit down on Schoenherr and Six Mile. The other library is at Eastpointe. There is one elementary school

that's over there, and it's the Lord of Harvest church that sits on the corner. This is a residential area where it's a park, Sidonie Underwood Park. She thinks those libraries are close enough. Also, in Eastpointe and Warren in that area is a restrictive setting area. Restrictive setting as far as living individuals. She has looked at other libraries. She just left the library today, the main one, it's not that many people there. It's not that many people that go to the library on Van Dyke, because there's an issue with using the internet. Once they connected the police station there, you can't use the internet long because it will shut down what you're doing. They had more population there when they were at the old location. Also, she wanted to say it's invading the privacy of them as residents. That park is used by children. She knows where they're trying to sit it. She went around there. It's a shelter there, so they have restroom. She saw that restroom opened one (1) time when she used it for a family reunion. She hasn't saw it open anymore. If they wanted to building an extra library or use a library, use the elementary school that's on the other side, add onto that. To build another library, they don't have people using the libraries now like that. She doesn't understand why there's a need to put another library in this area when they already have two (2) libraries that's of use. They don't have a community center in that area besides for what the Lord of Harvest does. She feels that it will be another milage. The milage will increase as far as their utilities over there, as far as their insurance and everything else. Schoenherr is not a fully (inaudible) line that they can use to get to it. Oh, she also forget the Academy of Warren that sits on Eight Mile by where Art Van was. If they wanted to spend money on anything, it needs to be a community center in that area, not a library. They have already have a library accessibility in that area. That's her just of it. Thank you for listening to her and have a great evening.

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

No response.

Chairman Sophiea closed the public portion of the meeting and turned it over to the board for discussion. He would just like to address the... He apologized and said they do have an impact statement from the Planning Department they'll read into the record.

Secretary Jerzy thanked the Chair. He read, "After review of the request, no issues were found to impact the abutting, local or general public."

Chairman Sophiea thanked him. Just to address the audience member, her concerns. Obviously, the city doesn't own the school that's close by there and the Planning Department has already approved this request, as they heard from the impact statement. Personally, he thinks it would be a nice addition to the area and believes it upholds the spirit of the ordinance. Those are his comments. What other comments do we have?

Board Member Watts can kind of address the residents concerns, because this all went down when he was on city council. The residents of that area over whelming requested a library. They requested a couple different forms and this is where they wound up at today. There was a library at Stephens and Schoenherr, roughly. That was closed as well as one other library in the city, Common and Schoenherr was closed. So, that left the east side of the city without a library. That's why they had it here. The residents were overwhelming that they wanted a library. It's going to be smaller than normal and he's glad they had property they didn't have to buy to do

this; gets it out of the way. He would have rather it been on Schoenherr or something, but there just wasn't anything available. He supports this and he would make a motion to approve.

Chairman Sophiea thanked him for those comments.

Secretary Jerzy said the only thing he wants to add to the petitioner is looking at that corner with the business on the corner and the library not being on a major thoroughfare, or on a major corner, there is no street light at that corner, or on that street. The accessibility for people on the west side of Schoenherr trying to get to the library crossing Schoenherr, there's no real good way to get across the road. There is no way to stop traffic. Maybe they do some kind of study to put a light there at Sidonie and Schoenherr maybe in the future to help accessibility to that, to the new library.

Chairman Sophiea assumes that would come from the county probably.

Secretary Jerzy said hopefully. It's just one thing he kind of saw driving into the area. To echo Mr. Watts' comments, he was in a lot of those meetings too where a lot of people on the east side were adamant about trying to have a library or some place to go. That there was no library east of Van Dyke in the city. He thinks this is a good project in a decent area. Just kind of concerned about the accessibility going west of the road. Hopefully, they'll take that into consideration when moving forward with everything. This is something he can get behind as well. He'll yield the floor.

Board Member Nestorowicz wants to echo Mr. Jerzy's comments, because he actually finds that's the one detriment to that location that he saw, lack of way of crossing Schoenherr. Even the library here at the community center, if you're on the other side of Mound there's at least a light there at Arden and Mound, so you can cross at a light. He forgets where the nearest light was, that's not very convenient for crossing over to the library. He would really hope that if it's the county that puts in a street light, he would hope the library group would approach the county to be proactive about trying to get a light and not wait till there's a problem. Other than that he's behind the new library. It's just accessibility with the light would be his preference.

Oksana Urban thanked them for that recommendation.

Chairman Sophiea asked for any other comments or possible motions.

Secretary Jerzy said if nobody else has any comments he would like to make a motion.

Motion:

Secretary Jerzy made a motion to grant permission to construct a library on a property that is not on a major thoroughfare and does not have vehicular access to and from it by way of a major thoroughfare or collector street.

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

Board Member Nestorowicz supported the motion.

Chairman Sophiea said they have a motion by Secretary Jerzy, support by Mr.

Nestorowicz to approve the request as read.

Roll Call:

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

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

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

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

VARIANCES REQUESTED: Permission to

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

ORDINANCES and REQUIREMENTS:

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

Chairman Sophia said good evening.

William Ellenstein appeared before the board stating he is an attorney and not on the agenda as a representative, but he would like to represent Ms. Cook this evening. With the boards permission.

Chairman Sophia allowed it if he could state his address though, please.

William Ellenstein stated his office address is 16102 Nine Mile Road.

Chairman Sophia thanked him. If his client plans on speaking tonight, her name and address.

William Ellenstein said she may.

Caroline Cook, 16980 Kingsbrook Drive, appeared before the board.

Chairman Sophia thanked her and said they have the floor.

William Ellenstein stated as he indicated he's representing Caroline Cook. Now, she's the sole member of an LLC that owns 8700 Continental. She petitions this board for a variance as to the

use of that property. Presently, she's being charged in the district court, Warren District Court, for running an illegal boarding house. That case is now pending. They dispute that it's a boarding house, because they feel it doesn't meet the definition of boarding house. That's really not the point of this evening, he doesn't believe. So, he won't dwell on that. What they're asking for is a variance to allow her to continue doing what the property what she has been doing all along. That's renting to individuals. The property was originally built, as he understands it, in 1940. It was a duplex at that time. It was a double residence. It still is. There is an upstairs residence and there's a downstairs residence. Each unit has three (3) bedrooms, bathroom, kitchen, and it's own furnace and water heater as he understands. It's almost like there are two (2) separate houses in which she rents out. She rents out to women, women only. The downstairs has three (3) women living in it. One of the women has been there for nine (9) years, the second woman has been there for four (4) years, and the last woman has been there for two (2) years. The upstairs has two (2) people. The first woman has lived there for thirteen (13) years and the second one for only two (2) years. Of course, they're asking that Ms. Cook be allowed to continue using the property as all along for at least thirteen (13) years as a rental for these individuals. Recently, Ms. Cook made numerous corrections to the property as requested by the city. Spending approximately \$7,500 to get the property in shape and up to code. There's no detriment to allowing her to rent to these people. No detriment to the neighbors or to the neighborhood. There is no infringement to the neighbors. There's been no complaints in thirteen (13) years. There has been no nuisance to anyone. There has been no cause for a public safety concerns in that thirteen (13) years. So, it's like she's renting to individuals and it's caused no problem at all to the neighborhood. It's no different than a normal rental. The only difference is the tenants are not related to one another, as a family would be. She could rent to three (3) family members in one of the unit and she thinks she would be in compliance, but she's renting to three (3) women separately. There really is no difference as to the use of the property and to it's affect to the neighboring homes. Her LLC is called D&D Assisted Living LLC. That implies it's an assisted living facility, but it's not. It's not used in any manner as a care facility. Her profession is giving care for assisted living people. These people in her unit don't require that care and she doesn't bestow it upon them. Some of the tenants have been placed in her home by adult protective services and by the County of Macomb. One (1) is an abused wife who lives there. These women are independent. There is no care being offered to them and some of them even drive. If they were to be evicted, and that would be the effect, if the variance wasn't granted. She would be in a situation where she would have to evict these people. If some of them were evicted they become homeless, possibly. That would be a real blight to the city. It's really not different than a normal rental and they're asking the court to grant a variance so that these good people do not have to be evicted. There was a gentleman sitting with them a little while ago, he had to leave. He was the individual who owns the neighboring home that he rents out. He wanted to make a statement to the board and he had to leave. He had to pick up his son he believes. He texted a statement to him and with the boards permission he would like to read that into the record.

Chairman Sophiea said he will allow it. If he has his name and address.

William Ellenstein said his name is Wes Zari. He read, "My name is Wes Zari. I apologize for leaving. I had to go pick up my son anyhow."

Chairman Sophiea asked if there is an address.

William Ellenstein said he's the owner of 8692 Continental. Which is the neighboring home. He rents that out, he's got a tenant there. He continues reading, "I would like the board to know that he's been neighbors with Caroline for fifteen (15) years. I've never had any issues with the people living there. Matter of facts I think what she does for the people is a blessing. Also, I would like to add that my current tenants has no problem with the people next door and they have a very good relationship. Once again, I apologize for leaving. If you have any questions feel free to call me." He gives his telephone number also which he won't bother reading. He asked that they give that statement to the panel.

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

No response.

Chairman Sophiea said before he closes the public portion, he'll have Mr. Jerzy read the Planning impact statement into the record.

Secretary Jerzy stated per the Planning Department, "After review of the request, no issues were found to impact the abutting, local or general public."

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

Board Member Green has a few questions. She's been operating this for how many years? Caroline Cook explained she originally bought the home as her home. She does home care through the State of Michigan, she has D&D Assisted Living, which is a state agency. She goes through homecare. She met several workers and people doing home care. She bought the home back in 2008. It was old and needed a lot of work. As she state, she did a lot of work to it. So, meeting people she was asked through adult protective services. They introduced her to people that were homeless, people that were abused, and they had no where to go. She doesn't make a lot of money, these people pay \$400 they put together and pay her one amount. She does this to help people. She was abused as a women by her ex-husband. So, when they asked her to do this, yes. She'll rent out a room, sure. As they stayed there together they became a family. They're not just tenants, they're a family there. They are there together. Two (2) of them drive. One (1) of them goes to PAYS.

Board Member Green asked how many years has she been doing this. The big thing here is so every item they have is referring it to a boarding house. She's saying it's not a boarding house. When they look at the back they have, it says petitioner seeks to operate a boarding house in an R-1-C district in an legal non-conforming two family dwelling. So, he would ask the city attorney had they lost their non-conformities because now it's a boarding house. He hates to drop that on her, he's not asking right now, but that would be a question he has.

Jennifer Pierce said if she's not mistaken, the legal non-conforming is the fact that it's a duplex in an R-1-C, correct?

Board Member Green said it's a two family dwelling.

Steve Watripont replied yes. The non-conformity is that it's got two (2) separate, an upper and

a lower in this case, in that location.

Board Member Green is asking legally, have they lost that by... It's a boarding house. So, that takes him back to his original question. She's been doing the boarding house for thirteen (13) years she indicated?

Caroline Cook replied about that long, yes.

Board Member Green asked if it's all been elderly people.

Caroline Cook replied yes.

Board Member Green asked if any of these people are referred to her by the State of Michigan.

Caroline Cook replied yes, adult protective services.

Board Member Green asked if she's receiving any payment from the State of Michigan.

Caroline Cook replied no.

Board Member Green asked but the State of Michigan refers clients to her.

Caroline Cook explained if they're homeless, abused. They ask her if she can house them in her house.

Board Member Green said this is not an adult foster home.

Caroline Cook replied no.

Board Member Green asked how many people can be in one of these R-3's is what it boils down to. This apartment that she has. How many people can live in there.

Chairman Sophia doesn't like using the term apartment, because it's not an apartment.

Board Member Green said this is his opinion. So, what he's saying is, how many people can live in there?

(Inaudible)

Board Member Green asked if twenty (20) people can live in an R-1-C.

Chairman Sophia said no, one (1) family can.

Board Member Green said his point is, if they're doing elderly people. Five (5) years from now there could be seven (7) eighteen-year-olds in that house, then it creates a new problem. The problem is all those people are going to be driving cars. So, whatever they do today is permanent. He thinks they need to look at the big picture. He doesn't think the hardship is there, because it's an R-1-C. He doesn't think there is a hardship. He thinks the non-conforming use

is gone with the two family dwelling, or whatever they refer to. This running a business, since she doesn't own the house, her D&D Assisted Living owns the house. She's running a business out of a residential. He looks at the back up about this missing middle city information. It's a slippery slope. So, he's concerned about this whole thing. He asked if she's licensed by the state.

Caroline Cook replied no.

Board Member Green said okay, those are his comments.

(Inaudible)

Board Member Green said I'm sorry.

Chairman Sophiea said a question hasn't been asked. Mr. Watts, you have the floor.

Board Member Watts has the same concerns as Mr. Green. Here's his question. How long does a non-conforming use last? It's his understanding, in the past, if there's a non-conforming use once something is sold it has to come up to the standard. Is he correct in that?

Steve Watripont replied no. Once a non-conforming use is there, it continues it's non-conformity until it changes it's use. Mr. Green brought up a point on whether or not it's changed its use. He doesn't think he's approached the attorneys with that, because it's still two (2) separate dwellings there that are renting out rooms now as opposed to a single thing. So, he will look further into that, as Mr. Green says. But a non-conforming loses it's non-conformity once there is improvements or anything thirty (30) percent greater than the true cash value or changes it's use. If they put an addition on there, even though it stayed two-family, it would lose it if it was more than thirty (30) percent of true cash value also.

Board Member Watts thanked him. So, his concern is that they're running a business in a residential. Besides the non-conforming, he's confused about that obviously, but he can get answers obviously. The other half of the coin is that he sees this as a business operating in a residential area. He has a problem with that.

Board Member Nestorowicz stated this property is basically a duplex, but a boarding house is more different. He really just wants to make this comment, because he knows that his fellow board member here made a comment about the missing middle. Boarding houses are not part of the missing middle. Duplex, triplex, live work kind of locations are part of the missing middle, it's not boarding houses. That's why it's not on that list. He has no problem with that house being used as a duplex. He just always worries about if he is doing a boarding house that is a business in that neighborhood. That's six (6) bedrooms, that's six (6) people with potentially up to six (6) cars. He knows the current tenants don't all have cars, don't all drive, but technically in the future they could have six (6). Driving by and taking a look at the driveway and such, that house does not have parking for six (6) cars. So, that's his concerns.

Secretary Jerzy said to Steve. Is there anyway if they made a motion, could they put a number on the amount of people allowed in the boarding house.

Steve Watripont believes the board can put that condition on. He would defer to the city attorney on that.

Secretary Jerzy said madam attorney.

Jennifer Pierce believes they can. Just reading the definition of boarding house, she doesn't know that it qualifies.

Steve Watripont said a boarding house or rooming house shall construe to mean any dwelling occupied in any such manner that certain rooms in excess to those used by members of the immediate family and occupied as a home and family unit.

Jennifer Pierce said correct. The last portion she's reading though.

Steve Watripont said lease or rented to persons outside of the family without any attempt to provide therein with cooking or kitchen accommodations.

Jennifer Pierce said they have use of the kitchen.

William Ellenstein said there are kitchen accommodations.

Steve Watripont said the way it was presented at the counter was they are renting rooms. That the kitchen is not their kitchen, it's a shared kitchen at that point.

Jennifer Pierce understands what he's saying and she just reading that, it's difficult to determine whether they mean a kitchen in the bedroom or...

Steve Watripont said he didn't write these.

Jennifer Pierce says she knows. So, just reading the definition, she would need to further do research to see if it even fell under the definition of a boarding house.

Chairman Sophia said it doesn't matter to him whether it's technically a boarding house or not. Ms. Cook seems like a very nice person. She's doing a good thing. She seems genuine. But unfortunately, he thinks she's doing it in the wrong place. It's technically a single-family home for one (1) family. Now, he thinks there is a good argument to be made that it could be a duplex like Mr. Nestorowicz indicated, because there's entrances, there's two (2) kitchens. Fine. That's still not technically allowed anymore, but he thinks if she came and said she wanted to have this home into two families, he thinks she would probably get the support for that. There is a need for a duplex. He just has a problem now. He knows the tenants have been there for a long time and they're good people, but it just doesn't sit well with him if every house on the street. It'll start something. The neighbors will come, they have three (3) bedrooms and would want to have three (3) people in their home. They have four (4) bedrooms and want four (4) people in theirs. It doesn't sit well with him. It sounds like the over arching opinion tonight. Are there any other comments from the board?

Board Member Cliff asked if there is a sunset option they could put in here. It's viable until the LLC dissolves or the owner sells.

Chairman Sophia wishes there was.

Board Member Clift doesn't think there is, not on this. Going back to his colleague, Mr. Green, where he talked about this missing middle housing. Every type of housing that was listed on that list is all intended for each individual unit, being it duplex, triplex, fourplex, to be occupied by one (1) family, a single family, not multiple people. He doesn't know where that kind of came from, but he looks at it with some of his other colleagues. This is running a business in a neighborhood. He's not worried so much about the people that are already there, nobody showed up in opposition, but ten (10) years, fifteen (15) years down the road what do they have living in a boarding house in that neighborhood. That's where his concern lies. No disrespect to the petition whatsoever. It's their job to look, not only at the present but what's happening down the road to the future. For him, there is too much at stake in the neighborhood having a boarding house with five (5) bedrooms. Five (5) or ten (10) or fifteen (15) different people can move in and rent there. He agrees, he thinks she's doing a great and wonderful thing, but doing it in the wrong place. He'll yield the floor.

William Ellenstein asked if he may respond to that.

Chairman Sophia replied no and apologized. Are there any other comments from the board here tonight?

No response.

Chairman Sophia asked if anyone would like to make a motion.

Board Member Nestorowicz said he'll make the motion if all comments are done.

Chairman Sophia said please do.

Motion:

Board Member Nestorowicz made a motion to deny the petitioners request to operate a boarding house in a R-1-C district in a legal non-conforming two-family dwelling.

Reasons being: Size and shape of the lot; Detriment to the neighborhood; Its economic, in his opinion.

Board Member Watts supported the motion.

Chairman Sophia said they have a motion to deny by Mr. Nestorowicz, support by Mr. Watts to deny the request for the reasons given. A yes vote is to deny.

Roll Call:

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

Board Member Nestorowicz	Yes, to deny.
Board Member Watts	Yes, to deny.
Board Member Clift	Yes, to deny.
Board Member Assessor	Yes, to deny.

Board Member Lindsey	Yes, to deny.
Board Member Green	Yes, to deny.
Board Member Perry	No, to approve.
Secretary Jerzy	Yes, to deny.
Chairman Sophia	Regrettably, yes to deny.

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

9. PUBLIC HEARING: **APPLICANT: Image 360 - Brighton**
REPRESENTATIVE: Robert Dempster / Ara Telbelian
COMMON DESCRIPTION: 11800 Twelve Mile
LEGAL DESCRIPTION: 13-14-101-004
ZONE: R-2

VARIANCES REQUESTED: Permission to

Erect a 20' wide x 50' tall (1,000 square ft.) temporary banner sign higher than 6' above surface grade for a period of 1 year.

ORDINANCES and REQUIREMENTS:

Section 4A.41 (A) – Temporary Signs Permitted: In all districts, one (1) temporary sign may be approved for each parcel based on the permanent parcel identification number, two (2) times per calendar year for a temporary time period not to exceed thirty (30) consecutive days as follows; Signs located along major thoroughfares shall not exceed thirty-two (32) square feet in total area; shall have no more than two (2) faces and shall not project higher than six (6) feet above surface grade.

Chairman Sophia asked if the petitioner is here for item 9.

No response.

Chairman Sophia said okay. Of course this was the easier one. Does he have a motion to table this.

Motion:

Board Member Cliff made a motion to move the item to 19a; Supported by Board Member Perry.

Voice Vote:

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

10. PUBLIC HEARING: **APPLICANT: Nicholas Shango -USE-**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 13740 Twelve Mile
LEGAL DESCRIPTION: 13-13-101-002
ZONE: MZ, C-1, P

VARIANCES REQUESTED: Permission to -USE-

Allow a retail carpet showroom business in a C-1 zoning district.

ORDINANCES and REQUIREMENTS:

Section 13.01 – Uses Permitted in C-1: Retail carpet showroom is not a permitted use in C-1

zoning district.

Section 14.01 (d) – Uses Permitted in C-2: Any service establishment of an office-showroom workshop nature of an electrician, decorator, dressmaker, tailor, baker, printer, upholster or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct and in which establishments no more than five (5) persons shall be employed at one (1) time in the fabrication, repair, and other processing of goods.

Chairman Sophiea said good evening.

Nick Shango, 13700 Twelve Mile, appeared before the board stating they own a banquet plaza at Thirteen Mile and Mound, the Village Plaza, and a couple other properties in the city. They have a tenant that wants to open at carpet retail shop. He has two (2) employees. It's a two (2) man show. They do sales and insulation. Is there any questions as far as the tenant is concerned?

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

No response.

Chairman Sophiea closed the public portion of the meeting and turned it over to the board for discussion. He doesn't think there is a Planning impact statement on this one. Personally, he thinks it's a not very intense use, but what are other thoughts.

Board Member Nestorowicz always thought the separation of what's a C-1 and C-2, now a days is not very relevant. Take a look at what makes a carpet retailer more intense than some other kind of retailers in that location. He personally thinks it's a good use for the property and a good thing for that plaza, bringing more traffic and such.

Chairman Sophiea thanked him and agreed. Any other comments from the board, or motions?

Board Member Nestorowicz said if there are no other comments, he would like to make a motion.

Chairman Sophiea said please do.

Motion:

Board Member Nestorowicz made a motion to allow a retail carpet showroom business in a C-1 zoning district.

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

Board Member Perry supported the motion.

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

Roll Call:

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

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

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

11. PUBLIC HEARING: **APPLICANT: Thrifty Florist of Warren 1 -USE-**
REPRESENTATIVE: Nicole Agbay
COMMON DESCRIPTION: 29010 Schoenherr
LEGAL DESCRIPTION: 13-12-353-010, 13-12-353-027, 13-12-353-025
ZONE: MZ, C-1, P

VARIANCES REQUESTED: Permission to -USE-

Conduct a seasonal outdoor sales operation in a "P" district from March 31, 2025 through January 31, 2026 (788 square ft.) to no less than 16 ft. from the Schoenherr Road property line and 50 ft. from the north property line per site plan and same as last year.

ORDINANCES and REQUIREMENTS:

Section 4.52 (d) – Standards for Temporary Outdoor Retail Sales Approval: No sales activity or display of merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use.

Section 16.01 – Uses Permitted: In all "P" districts, no land shall be used for any use other than automobile parking.

Chairman Sophiaea said good evening and welcome back.

Nicole Agbay, 29010 Schoenherr, appeared before the board stating they're here asking as they do each year to conduct a seasonal outdoor sales in the P district from March 31, 2025 through the end of January 2026, which is 788 square feet. No less than sixteen (16) feet from the Schoenherr Road and fifty (50) feet from the north property line, per the site plan, and as the same as last year.

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

No response.

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

Secretary Jerzy said just one thing to the petitioner. He knows this is a rinse and repeat every day, but when he drove by the Schoenherr location, can you please remove the signs out of the

right-of-way?

Nicole Agbay asked for the shamrocks.

Secretary Jerzy said there was about thirty (30) signs in the right-of-way.

Nicole Agbay said absolutely.

Secretary Jerzy said other than that, he doesn't know if they're like that at the Ryan location.

Nicole Agbay said they put them out for this week, yeah. Her boss did it, she doesn't know. They never had shamrock signs before.

Secretary Jerzy asked if she could address that please, so they can not set them out. He doesn't see anything else wrong with this.

Chairman Sophiea said they forgot to read the impact statement into the record. Mr. Lindsey pointed that out.

Secretary Jerzy said that's right. Thank you, Mr. Lindsey. Planning Department found no issues impacting the abutting, local or general public.

Chairman Sophiea is going to vote yes on this like he did last year. Just as a side note, he has a slight problem with this just because it's temporary every year, but they put it up for March to the end of January.

Secretary Jerzy said it's like a third of the year.

Chairman Sophiea said it's more than a third of the year. So, he doesn't know. They do a good job with it, but...

Nicole Agbay explained the product isn't actually sold like after Christmas, it's kind of over. They just ask for that time to take the brick and board down before Valentine's Day. Depending on the snow and weather, sometimes they can't always get it. You know what she means, when it snows and can't move the brick and border, they're out there freezing. So, they ask for the end of January so they can have time.

Secretary Jerzy said that's understandable.

Nicole Agbay said it goes through Christmas selling grave blankets.

Chairman Sophiea said that's understandable.

Secretary Jerzy said if no body else has anything else to say, he'd like to make a motion.

Motion:

Secretary Jerzy made a motion to grant the petitioner permission to conduct a seasonal outdoor sales operation in a "P" district from March 31, 2025 through January 31, 2026

(788 square ft.) to no less than 16 ft. from the Schoenherr Road property line and 50 ft. from the north property line per site plan and same as last year.

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

Board Member Clift supported the motion.

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

Roll Call:

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

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

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

- | | |
|----------------------------|---|
| 12. PUBLIC HEARING: | APPLICANT: Thrifty Florist of Warren 2 |
| REPRESENTATIVE: | Nicole Agbay |
| COMMON DESCRIPTION: | 30975 Ryan |
| LEGAL DESCRIPTION: | 13-07-227-013 |
| ZONE: | C-1 |

VARIANCES REQUESTED: Permission to

Conduct a seasonal outdoor sales operation 20’ x 30’ (600 square ft.) from March 31, 2025 through January 31, 2026 to no less than 50 ft. from the Ryan Road property line and 45 ft. from the Thirteen Mile property line.

ORDINANCES and REQUIREMENTS:

Section 4.52 (d) – Standards for Temporary Outdoor Retail Sales Approval: No sales activity or display of merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use.

Nicole Agbay, 30975 Ryan, stated they are asking to conduct the same outdoor seasonal sales, twenty (20) feet by thirty (30) feet, 600 square feet from the end of March 31, 2025 through January 31, 2026, no less than fifty (50) feet from the Ryan Road property line and forty-five (45) feet from the Thirteen Mile property line, and the same as last year.

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

No response.

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

Secretary Jerzy said the impact statement is the same as the previous one. No issues were found to impact the abutting, local or local public, according to the Planning Department.

Chairman Sophiea thanked him. This is routine like the other one. This is a yes vote for him despite the extensive time frame. Just out of curiosity, is there any plans to do something with the parking lot? He doesn't know if they own the building, the parking lot is, could lose a small car.

Nicole Agbay said yes. The owner of her company owns sixteen (16) retail flower shops around the Metro-Detroit area. Parking lots and roofs and siding are on a rotating thing. The Warren 2, the one they're doing, is on the list. Yes, they have done little patches work, but that only lasts a few years and doesn't seem to work. So, yes there is an extensive... Yes, it's on the list. They just finished remodeling their Royal Oak location and did the entire parking lot in Birmingham and Huntington Woods. So, yes it's coming.

Chairman Sophiea said great. Good to hear. Do they have a motion?

Board Member Clift said just to piggy back on what she was talking about with the upcoming improvements here in Warren. Steve, are they going to need a site plan to do (inaudible) repaves and things. Just curious.

Steve Watripont explained only if they're changing the elevation of the parking lot. If everything else is the same, they'll need a cement permit or building permit only.

Board Member Clift was going to say they're back every year. If they were going to do something like that maybe they would incorporate their outdoor sales and not have to come here and do this every year. Just incorporated it in with the site plan.

Steve Watripont said that's what other organizations have done.
Board Member Clift said there is one tonight.

Steve Watripont said is there another one.

Board Member Clift said Home Depot is going to do it for their outdoor storage.

Nicole Agbay said that is something they will look into, as something permanent. Not come every year.

Board Member Clift thinks it would benefit them if they did that. That topic came up and it was a good chance to interject and just plant to see. He'll yield the floor, unless anybody has anything else he'll make a motion on this.

Board Member Green has a comment. Since he opened the door. On a previous item he did talk about intent and being good stewards of the property if they're going to be a business person in

Warren. He looks at these outside display floral shop. He goes to Thirteen and Ryan and buy stuff all the time. But these outside displays look pretty cool, because of what it is. But it would seem to him, for example, Thirteen Mile. The temporary sign he looked everywhere. How is there a temporary sign there?

Nicole Agbay asked he looked everywhere for what and apologized.

Board Member Green said there is a temporary sign there. It looks like they're going to the circus. The temporary sign.

Steve Watriont asked the arrow sign or whatever.

Board Member Green said yeah, the temporary sign.

Steve Watriont walked up here before she started talking and said the temporary signs need either a permit or got to go.

Board Member Green asked if there is a permit.

Steve Watriont is not sure on that. He knows the little ones they wouldn't give a permit for twenty (20) small signs.

Board Member Green said to him personally it doesn't look good. The displays, he doesn't know anything about this stuff, but he drives around everybody does the cinder blocks.

Nicole Agbay said yes, sir. She moved them. Not fun.

Board Member Green said cinder blocks are cinder blocks. There's got to be items that are a little bit more appealing aesthetically than a cinder block. The other thing he looked at and he knows they're here to approve the outside displays, but the dumpster is not in the enclosures it because it's too big?

Nicole Agbay said the garbage men can't get it in and out. She doesn't know. The enclosure is one way and the dumpster is the other way. He would have to actually go on the grass. She doesn't really know, it's never been inside there.

Board Member Green asked if the owner owns the one in Ann Arbor.

Nicole Agbay said yes they do. They're actually building, making the road there.

Board Member Green said he was there today and he sees a consistent theme.

Nicole Agbay said yeah. The sign actually fell off the building in Ann Arbor in the last wind storm. They lost the sign on the building. They're doing construction, it's shut down on one side.

Board Member Green said he knows she doesn't own it, she's just the representative. He's not getting on her. Do parking lots have to be striped? He's going to go to the parking lot issue now, because the parking lot is a disaster area and it has been for quite awhile.

Steve Watripont said yes, parking areas have to be striped.

Board Member Green said okay, so that's another thing. Last year, the outdoor display went all the way across the front of the building. He looks at the site plan, that's where disabled parking is. So, he doesn't know how they address that, but that was another issue. The back of the building, there is a broken window that's covered with a piece of cardboard. Do you get where I'm getting?

Nicole Agbay asked as the Thirteen Mile and Ryan.

Board Member Green said yeah. So, anyways he just wanted to add that and say that he's going to vote yes of course, but he wants her to share that with her owner.

Nicole Agbay said right, address the window. He said there's a window in the back of the building that's broke?

Board Member Green said the overall aesthetics of the building. The back of the building is peeling off. He's afraid that sometimes businesses work up to the level of the other businesses around them. He can see where that could happen, but he doesn't want to see that. Those are his comments.

Board Member Watts would like to piggyback on Mr. Green's issue because they have an ADA ordinance. It's one thing the businesses need to get their ADA parking up to compliance. They have so many of them that are out of compliance. If they're doing this work, they can't have ADA parking blocked off for accessibility. So, they might want to take a look at it. He's all for this as well, but as they're addressing issue he would like to see that kind of stuff be addressed so it doesn't become a bigger problem. Good to hear they're putting money into the buildings. Thank you.

Board Member Nestorowicz wanted to piggyback on the thing. Based on the fact that he lives on that side of town, he's familiar with the location on Ryan very much, but it's like, he will vote to approve this tonight. Don't worry about that. But he would like her to take back to the owner that the parking lot does need to be addressed and it's not even just her business that doesn't have the striping on the parking. He always says the stuff spreads because they don't want to go through Ace in the plaza behind the building, that parking lot is just as awful. Those spaces aren't striped out. The eye glass place, that area is nicely done up, but the rest of that plaza is not. He knows that's not her property, but that's why he says where things can spread. It's like the same problem exists at the plaza that exists at the flower shop. He hopes she would take back to her owner to maybe take a look at what that site plan looks like, where are the striped parking spaces, where is the ADA parking, because you can't tell looking at the parking lot where the spaces are.

Nicole Agbay said that when they do set up the thing that it's not covering spaces.

Board Member Nestorowicz said exactly. If she could just take that back so that way they're not doing these same comments next year at this time.

Nicole Agbay said right.

Board Member Nestorowicz will vote in favor of this.

Chairman Sophiea asked if there were two (2) tents set up there last year.

Nicole Agbay said three (3). They're ten (10) by ten (10), 600 square feet. Two (2) and then one (1).

Chairman Sophiea said one of them were over the handicapped spot was. Just want them to be cognizant of that to not block those couple spots.

Nicole Agbay said she'll make sure they have that.

Chairman Sophiea apologized they beat her up so much. They'll move on. Do they have a motion?

Nicole Agbay said it's okay, she wishes she had a pen.

Motion:

Board Member Clift made a motion to approve to grant permission to conduct a seasonal outdoor sales operation 20' x 30' (600 square ft.) from March 31, 2025 through January 31, 2026 to no less than 50 ft. from the Ryan Road property line and 45 ft. from the Thirteen Mile property line.

Reasons being: Approved this for the last twenty years or so.

Board Member Perry supported the motion.

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

Roll Call:

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

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

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

- | | |
|----------------------------|------------------------------------|
| 13. PUBLIC HEARING: | APPLICANT: 14 Mile Tent LLC |
| REPRESENTATIVE: | Eddie Babbie |
| COMMON DESCRIPTION: | 32800 Ryan |
| LEGAL DESCRIPTION: | 13-05-101-039 |
| ZONE: | C-1 |

VARIANCES REQUESTED: Permission to

- 1) Conduct a temporary outdoor retail sales operation without a permanent building.
- 2) Conduct a temporary outdoor sales operation in a 20' x 20' (400 square ft.) tent in an area designated for parking from 10:00 a.m. to 10:00 p.m. from June 26, 2025 through July 5, 2025.

ORDINANCES and REQUIREMENTS:

Section 4.48 – Temporary Outdoor Retail Sales in Commercial and Industrial Districts:

Temporary outdoor retail sales may be permitted in conjunction with a permanent building C-1, C-2, C-3, M-1 and M-2 zoning districts.

Section 4.52 (d) – Standards for Temporary Outdoor Retail Sales Approval: No sales activity or display of merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use.

Eddie Babbie, 1183 Congress Drive, appeared before the board.

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

Eddie Babbie explained this is their fourth season conducting the outdoor fireworks sales. It's pretty much going to be the same set up that they did last three (3) years. They actually cut back a little bit on the tent. He thinks last year they requested a twenty (20) by thirty (30), but actually went down twenty (20) by twenty (20). He thinks they initially had eleven (11) days. They went down to nine (9) days now. They pretty much stayed in compliance with the city and state in terms of all their regulations. They still have their security system, the lighting, and everything in the space is exactly where it should be. They don't have any issues, they don't have any complaints, and he thinks they did a pretty good job the last few years operating it. Thank you.

Chairman Sophiea said this is a public hearing. Is there anyone in the audience who wishes to speak on this item?

No response.

Chairman Sophiea closed the public portion of the meeting. He will turn it over to Secretary Jerzy to read the impact statement.

Secretary Jerzy stated from the Planning Department they reviewed the request, found no issues to impact the abutting, local or general public.

Chairman Sophiea thanked him. At this time, he turned it over to the board for discussion. Personally, they've done it before, they're back again. He doesn't have a problem with it. He can live with it for nine (9) days. What are your thoughts?

Board Member Nestorowicz knows he voted against this last year. He still always has an issue that the location of the tent abuts up to where those condos, the residential right behind it. He's always had an issue, feels like it's too close. That's the same thing he had last year that remains this year.

Secretary Jerzy said he kind of has to echo the same sentiment as his colleague, probably for just a couple different reasons. It's nothing personal against Mr. Babbie or how he operates his

tent, it's been absolutely wonderful. He just feels like they're undercutting people in this town that are doing the right thing by having a business, having a store front, paying insurance year in and year out. The one time a year they look to try to sell fireworks, they're getting chopped at the knees a little bit by these pop up tents. That's his concern. Especially, because they have a new fireworks company going in at Nine and Van Dyke investing in the city, trying to do the right thing. They've had issues that have been documented, not with Mr. Babbie's tent, but with other tents in this town, with them going over. People smoking within the buffer zone. Again, it's nothing with this site particular, but he just sees it as an ongoing problem. He knows they discussed last year at length about maybe trying to get some kind of tent ordinance in place of the city, with Thrifty and even the big tents they have at the festivals. Whether the Lions Club, St. Anne's, any of these other venues. They have to have some kind of criteria to work off of. He's not so sure the water barrel scenario is a good situation anymore. He does events where everything is anchored down with a cement block. There's either a cement block at either corner that'll ensure any kind of collapse of the tent. So, that's his position. Unfortunately, as long as he's on this board that's probably going to remain his position unless something changes within the ordinances to state otherwise. Other than that, he'll yield the floor.

Eddie Babbie said this came up last year, too. He knows that was one of his concerns. The thing is, the 400 foot restriction, whether you take the fireworks and put them inside a building, which outdoor is actually safer than indoor, personally. If something happens it's more dangerous to have it indoor than actually having it outdoor. Outdoor is much safer. The other thing is, they have to comply with the 400 foot rule. There are homes blowing up fireworks right next to each other. So, for him to have that rule and their enforcing and have security, they have cameras, they have everything. It's just something that they do. He does this with his kids every year. It's just something patriotic that they've done every year. It's just something he loves to do. When he was a kid doing it until now. If some of the concern is a block and stuff like that. He's had storms when they had it up where it never even moved. The water is very secure. They're talking water filled to the top. He doesn't know how many gallons, he forgot how many gallons. They're the tall ones and they have them in five (5) location, and they also have approximately ten (10) feet to twelve (12) feet away from the tent so nobody can just... They have it in a secure area right now. Right now it's kind of secluded in that area. If they were to move it to the middle or somewhere it would interfere more with people driving back and forth. It would be even worse. So, where they have it right now.

Secretary Jerzy said that's not the question about the location of the tent. He understands the premises and the box that he's kind of dealt with over there. So, he's just stating his position. It's nothing personal. It's just time for them to address this some way shape or form. Until they do as a city, he's going to be a no vote every year. He wishes him luck, but that's his position. He'll yield the floor.

Chairman Sophiea asked for any other comments from the board.

No response.

Chairman Sophiea can respect Mr. Jerzy's position. He disagrees. He's not a huge fan of tents popping up, but for nine (9) days he thinks he can tolerate it, and he has a good history. Any other comments from the board? Motions?

Board Member Green said motion to approve. Since nobody has anything else.

Chairman Sophia said he can read the requested variances, read item 1 and 2, then give his reasons why.

Motion:

Board Member Green made a motion to approve:

- 1) Conduct a temporary outdoor retail sales operation without a permanent building.
- 2) Conduct a temporary outdoor sales operation in a 20' x 20' (400 square ft.) tent in an area designated for parking from 10:00 a.m. to 10:00 p.m. from June 26, 2025 through July 5, 2025.

Board Member Nestorowicz said reasons why.

Board Member Green asked he's got to do more. Why did he even make a motion? What else does he have to do?

(Inaudible)

Board Member Green said oh, boy. He got in over his head here. Reasons why, because it sounds cool. No? Somebody help him out here.

Secretary Jerzy said something a little more than that.

Chairman Sophia said maybe it's not a detriment to the area.

Reasons being: Not a detriment to the area.

Chairman Sophia asked for a support.

Board Member Assessor supported the motion.

Chairman Sophia said they have a motion by Mr. Green, support by Mr. Assessor to approve the request as written in the agenda.

Roll Call:

A roll call was taken on the motion. The motion failed (4 – 5).

Board Member Green	Yes, for the reasons stated in the motion.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Watts	Yes.
Board Member Clift	No, he believes they're a detriment to the area.
Board Member Lindsey	No, detriment to the area and self-imposed.
Board Member Perry	No, detriment to the area.
Board Member Nestorowicz	No, detriment to the area.
Secretary Jerzy	No, detriment to the area.
Chairman Sophia	Yes, for the reasons stated in the motion.

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

14. PUBLIC HEARING:

**APPLICANT: Family Fun Fireworks –
Michael Kanakry and Jenna Nola**

REPRESENTATIVE: Caren Burdi
COMMON DESCRIPTION: 26800 Dequindre
LEGAL DESCRIPTION: 13-19-101-017
ZONE: C-2

VARIANCES REQUESTED: Permission to

- 1) Conduct a temporary outdoor retail sales operation without a permanent building.
- 2) Conduct a temporary outdoor sales operation in a 20' x 40' (800 square ft.) tent, with a 10' buffer around the tent, in an area designated for parking from 9:00 a.m. to 10:00 p.m. from June 15, 2025 through July 5, 2025.

ORDINANCES and REQUIREMENTS:

Section 4.48 – Temporary Outdoor Retail Sales in Commercial and Industrial Districts:

Temporary outdoor retail sales may be permitted in conjunction with a permanent building C-1, C-2, C-3, M-1 and M-2 zoning districts.

Section 4.52 (d) – Standards for Temporary Outdoor Retail Sales Approval: No sales activity or display of merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use.

Caren Burdi, 28225 Mound Road, stated she is here tonight for Family Fun Fireworks. Her colorful client and his daughter are not here. He's actually in the hospital and she is with him. With regard to this item, this is the same item her client has had approved for probably the last twenty (20) years. He has done so successfully without issue with the state. His record excellent with the state. She does understand what Mr. Jerzy is saying about the idea wanting to support local businesses and having these tents. She would say that's a different situation when it comes to fireworks, and this is why. If you own a fireworks company and own it brick and mortar. Number one, the state has determined when fireworks can be used. If you looking at the list, it's probably like a handful of dates, you cannot let off fireworks whenever you want. It's just that simple. To maintain a brick and mortar for fireworks, is not easy. They have New Year's, 4th of July, but it's not something that can be consumed on any Tuesday. In addition to that, when they have these companies open these tents in these different cities, they have been extensive training. You don't want just anybody opening these tents. You want the same people you've seen successfully doing it doing that. The NFPA has a book just about fireworks the state has adopted. Had she known, she would've brought it here tonight. The rules and procedures that have to be followed to successfully conduct a fireworks sale and do it in full compliance with the law is not an easy thing. So, they don't want the 7-Eleven guy opening a fireworks tent. You don't want the nickel and dime store, now the \$1.25 store, you don't want the dollar store opening these tents. They want the people that have the experience and expertise. The second thing is, she was involved many years ago with the first law suits in Macomb County. It was with Eastpointe with regard to tents. A gentleman came from the NFPA and testified. She doesn't remember his name now, but he testified that he thinks it's safer to have fireworks in tents because you can escape. It is easy to escape from a tent. It is not always easy to escape from a building. So, it was his testimony and his opinion that tents are the safer way to do fireworks, than a brick and mortar. In any event, they're asking for permission to have this on Dequindre, the same location he's been doing for years, and if the board has any questions she's available.

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

No response.

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

Secretary Jerzy said according to the Planning Department after their review of the request no issues were found to impact the abutting, local or general public.

Chairman Sophiea thanked him. He turned it over to the board for discussion.

Board Member Nestorowicz stated this location is around the corner from his house. The petitioner has always done a good job in terms of the tent. Do they know when that grocery store is opening up?

Caren Burdi does not know.

Board Member Nestorowicz was just wondering. He knows in the past, especially now, there's very little traffic going on in that strip mall because most of it is vacant. He knows the former Big Lots is being turned into a grocery store. He's just wondering when that's opening and the traffic that might be generating into that parking lot. Not a big fan of firework tents, but this one they have done a good job at this location in that parking lot. That's his comments.

Chairman Sophiea echoes the same sentiment. He knows how Mr. Jerzy will probably be voting. Respectfully, he wants to just agree with Mr. Nestorowicz. He thinks they've done a good job over the years. It's a perfect location, actually, for a tent given that the grocery store is not operational right now. He has a hard time denying something when the Planning Department issues their impact statement in agreement. Are there other comments from the board tonight?

Board Member Nestorowicz would like to make a motion if there's no other comments.

Chairman Sophiea said please do.

Motion:

Board Member Nestorowicz made a motion to approve the petitioner's request to:

- 1) Conduct a temporary outdoor retail sales operation without a permanent building.
- 2) Conduct a temporary outdoor sales operation in a 20' x 40' (800 square ft.) tent, with a 10' buffer around the tent, in an area designated for parking from 9:00 a.m. to 10:00 p.m. from June 15, 2025 through July 5, 2025.

Reasons being: Size and shape of the lot, because it's such a large parking lot this is going into; Not a detriment to the neighborhood, as this area is also remote enough where there's no residence and such.

Board Member Perry supported the motion.

Chairman Sophiea said they have a motion by Mr. Nestorowicz to approve, second by Mr. Perry for the reasons stated. Roll call.

Roll Call:

A roll call was taken on the motion. The motion carried (6 – 3).

Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Green	Yes, for the reasons stated in the motion.
Board Member Lindsey	No, he thinks it's a detriment to the area.
Board Member Clift	No, he believes they're a detriment to that area.
Board Member Watts	Yes.
Board Member Assessor	Yes, for the reasons stated in the motion.
Secretary Jerzy	No, he believes it's a detriment to the area.
Chairman Sophiea	Yes, for the reasons stated in the motion.

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

15. PUBLIC HEARING:

**APPLICANT: Family Fun Fireworks –
Michael Kanakry and Jenna Nola**

REPRESENTATIVE:	Caren Burdi
COMMON DESCRIPTION:	30800 Hoover
LEGAL DESCRIPTION:	13-11-101-033
ZONE:	MZ, C-1, P, C-2

VARIANCES REQUESTED: Permission to

- 1) Conduct a temporary outdoor retail sales operation without a permanent building.
- 2) Conduct a temporary outdoor sales operation in a 20' x 50' (1,000 square ft.) tent, with a 10' buffer around the tent, in an area designated for parking from 9:00 a.m. to 10:00 p.m. from June 15, 2025 through July 5, 2025.

ORDINANCES and REQUIREMENTS:

Section 4.48 – Temporary Outdoor Retail Sales in Commercial and Industrial Districts:

Temporary outdoor retail sales may be permitted in conjunction with a permanent building C-1, C-2, C-3, M-1 and M-2 zoning districts.

Section 4.52 (d) – Standards for Temporary Outdoor Retail Sales Approval: No sales activity or display of merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use.

Caren Burdi, 28225 Mound Road, stated this too is a site that Family Fireworks has had for years and years. He operates this site in full compliance with the state and with all the rules and regulations. He has not been cited or had difficulty at all with state enforcement or the city. They ask the board that they will approve it again this year.

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

No response.

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

Secretary Jerzy stated same thing as the last one. After review of the request, no issues were found to impact the abutting, local or general public.

Chairman Sophiea thanked him. Any additional comments from the board on this one. It looks like the same request, just a different location. They have a long history at that site.

Board Member Nestorowicz said the petitioner does have a long history at that site. Not as familiar as going to see how their operations are as he is at the Dequindre one, but he would make a motion.

Motion:

Board Member Nestorowicz made a motion to approve the petitioner's request to:

- 1) Conduct a temporary outdoor retail sales operation without a permanent building.
- 2) Conduct a temporary outdoor sales operation in a 20' x 50' (1,000 square ft.) tent, with a 10' buffer around the tent, in an area designated for parking from 9:00 a.m. to 10:00 p.m. from June 15, 2025 through July 5, 2025.

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

Board Member Perry supported the motion.

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

Roll Call:

A roll call was taken on the motion. The motion carried (6 – 3).

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

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

16. PUBLIC HEARING:	APPLICANT: AI Shahi Palace -USE-
REPRESENTATIVE:	Caren Burdi
COMMON DESCRIPTION:	4235 Twelve Mile
LEGAL DESCRIPTION:	13-08-351-041
ZONE:	C-1

VARIANCES REQUESTED: Permission to -USE-

- 1) Allow a restaurant in a C-1 to operate 2 private banquet rooms. **USE**
- 2) Allow all maneuvering lanes to remain 20' 10" wide or greater.
- 3) Allow all parking spaces to remain 18' long or greater.

ORDINANCES and REQUIREMENTS: -USE-

Section 14.02 (a) Item 7 – Approval of Special Land Use Permit: Under such conditions as the City Council, after recommendation of the planning commission, finds the use meets the standards for approval set forth in Section 22.14 of the Ordinance and subject to the conditions that may be imposed, the following uses may be permitted: Recreational businesses, indoor or outdoor, including but not limited to, the following: Dancing halls, recreation halls, and night clubs.

Section 4.32 – Off-street Parking Requirements: In all zoning districts, off-street parking facilities for the storage or parking of self-propelled motor vehicles for use of occupants, employees, and patrons of the building hereafter erected, altered or extended after the effective date of this ordinance, shall be provided and maintained as herein prescribed.

(i) All spaces that abut a continuous curb required in accordance with Section 16.07 of this ordinance or a common property line shall be laid out in the following dimensions, including off-street maneuvering lanes: 90 degree spaces required 22' length parking spaces and 22' maneuvering lanes.

All spaces that do not abut a continuous curb required in accordance with Section 16.07 or a common property line shall be laid out in the following dimensions: 90 degree spaces require 20' length parking spaces and 22' maneuvering lanes.

Caren Burdi, 28225 Mound Road, said hello again. Tonight she is representing Al Shahi Palace restaurant, an Indian cuisine restaurant that seeks a variance to have two (2) private party rooms and some things dealing with the parking. She would like to deal first with the idea that it's called they have to ask for permission to have banquet rooms. She does want to point out that the history of the City of Warren has been if you have a restaurant you could have as an accessory use private rooms. They never had to be approved as a banquet room. Example of that is the Simple Palate, it used to be Juliano's over on Van Dyke, they don't have permission as a banquet room. They can turn half their restaurant into banquets. She believes that they should be able to, because the Fire Marshall limits you to the number of people, and that's the number of people allowed, and you can't exceed that number. In this case, though, they're here because they were instructed they had to get qualified as banquet rooms. She does want to point out that this restaurant serves no alcohol at all whatsoever. There's a large room, private room, 2,927 square feet and a small room, 1,251 square feet. The reason he has these rooms is because after the pandemic, his location is at Twelve and Ryan, it's the old Chinese buffet if anybody remembers that. That restaurant was pretty big, had the buffet. When they closed in the pandemic, his client looked at that place to have his Indian restaurant. He didn't want that restaurant as big as it is. He felt it was too big for starting out, but to provide that space, the kitchen spans the back. You can't divide the kitchen, and the bathrooms, obviously, were in one location and not in both. The landlord told him to take the space, use it the best he can. At that point, if they recall, it wasn't very easy getting tenants in these shopping centers. It still isn't all that easy. In any event, he took the space and made these two (2) private rooms. The rooms take up twenty-eight (28) percent of his total square footage. So, basically a quarter of his square footage is both these rooms. Currently, the private rooms provide less than ten (10) percent of the restaurants revenue. She points that out because there's a business on Van Dyke, just north of Thirteen

Mile, and it's called the Royal Palace. They were able to get a Certificate of Compliance when they signed a paper stating business operation expected to be seventy (70) percent restaurant, thirty (30) percent banquet facility. If the banquet facility becomes greater than thirty (30) percent, the restaurant will reapply for their C of C. They're at ten (10) percent revenue from those rooms. They've asked the city if they could do a sign document the same way the Royal Palace and were told no, had to get approval for these as banquet rooms. She asked even though they don't have alcohol. They don't service any alcohol. She was told yes, she has to get approval for them. So, that's why they're here tonight. They have been to Planning. Planning approves, makes a recommendation to Council as to whether or not banquet rooms should be allowed. Planning Commission has made a recommendation to approve this. They then go to Council. The reason they're here tonight is because having banquet rooms in a C-1 needs a variance. Again, it deals with what's the difference between C-1 and C-2, and why do they have those differences. So, they're asking for this bodies approval to be able to have the restaurant have these private rooms with no alcohol in a C-1 so they can go to Council and present to them the private rooms and seek their approval. So, that's one of the variances. The other variances deal with the parking spaces in the parking lanes. This is kind of unique. This shopping center, this is Twelve Mile, obviously this is Ryan. This is the property line for this center. Then here's the line over here for this center. So, many centers aren't split like this. That's what makes this somewhat unique. So, the lanes that are smaller than normally would be provided is over here. They can actually move this parking this way and can have proper dimensions for their lanes. They were asked not to move those lanes because if they move those lanes it then causes where you have to jog when you drive in. They want to keep this lane open from the driveway between the two (2) properties. So, many of the issues of asking for the variances with regard to the parking is to keep the flow on the property consistent as presented, because if they solve their lane problem here, move this parking over, then the traffic has to jog around. That's not what Planning wants them to do. With regard to the parking spaces that are eighteen (18) and nineteen (19) feet, many of them are what about the property lines. The ones in the middle here, they measure out. It's these parking spots along the border. This parking has been in effect for quite some time. They had a very old cross access easement parking agreement between the two (2) entities, and they've updated that agreement now. That agreement is now updated and it doesn't have an end date, so the cross access parking and cooperation with regard to parking is now in place. She asks the board for their approval as to those items.

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

No response.

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

Secretary Jerzy stated according to the Planning Department after the review of the request, no issues were found to impact the abutting, local or general public. There's also a letter from John and Patricia Simonie who live at 29009 Van Laan.

"We're writing to express our concern regarding the special land use for the Al Shahi Palace restaurant with banquet facilities located at 4253 Twelve Mile. We live at 29009 Van Laan Drive, which is located on Twelve Mile next to the parking

lot of this location. We are strongly opposed to allowing banquet services at this location for the following reasons: Twelve Mile and Ryan is already one of the most dangerous intersections in Warren. There are multiple businesses and side streets that intersect near there, which causes a lot of accidents. Banquet services would increase the amount of traffic incidents and injuries at this already dangerous location. Two, the parking lot is not equipped to handle parking for banquet services, which may result in lost customers, business and profitability of other businesses in that complex. Three, banquet services will create noise and disruptions in their neighborhood during evening and late night hours. Four, banquet services will increase the opportunities for loitering, drug and alcohol use, violent crimes, etc. in and around our neighborhood. To protect our neighborhood they ask the Planning Commission deny this request and keep our neighborhood safe. Sincerely, John and Patricia Simonie.”

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

Board Member Nestorowicz has a few comments regarding this property. First of all, he's eaten when it was a Chinese buffet before, and he even remembers back then that Chinese buffet had a private dining area of, you know a private room, and that was not considered as a banquet hall, but they did have a private room that people would rent for functions and parties. So, that kind of use has actually always existed in that property as far as he's concerned. He doesn't have any issues approving that portion of the approval. The second part regarding the parking. He remembers when way back when this was all one (1) lot originally, when there was a grocery store. So, the thing is, but when they subdivided it that caused all the kinds of issues of how they subdivide. He remembers when they had to approve the sign, because the tenants of the one (1) plaza their sign is in part of the lot that is now part of this building. It was all those approvals for off-site signage. So, he does agree they don't want to move those parking spaces that are on that lane when people drive in. They want to keep that lane straight. It has always been like that for as long as he can remember. Therefore, it's actually in his opinion just approving something that has existed and functions as is. He's personally in favor of all the variances requested in this petition.

Chairman Sophiea thanked him. He echoed the same comments. He goes into that plaza all the time. Not as much now without CVS or the bank, but there's never been a problem with traffic in that parking lot or how the spaces are lined. He would not like to see the parking plan modified.

Secretary Jerzy said to Ms. Burdi, off the site plan, total spaces on that property if he's reading it correctly, is 231 is it? Or is it the 151? The parking calculations.

Caren Burdi stated 231 spaces are provided on the whole lot.

Secretary Jerzy asked if that would be all the way to Ryan.
Caren Burdi replied yes.

Secretary Jerzy said okay, so that's not just the...

Caren Burdi replied no.

Secretary Jerzy stated when he went over there, he counted out somewhere around 162 spots, somewhere in that range for that portion of the lot.

Caren Burdi said that may be accurate, yeah.

Secretary Jerzy said somewhere, give or take maybe him miscounting because he's not great at math. So, maybe off a couple spots, but the point being it said the located would take up sixty-seven (67) spots with the banquet. Between the banquet hall and the restaurant. His concern is they still have one business in that location that's vacant. Where the old CVS is, if he's correct. They have Ross and then the restaurant. So, his concern is they're almost... because of the parking situation there and the way that building is configured, that they're going to run into a parking situation at some point. They're over expanding the property. If they move in somebody into that CVS building, what becomes of the parking situation at that point. That's his concern going forward. Just the congestion that it would create in that lot.

Caren Burdi stated for each use that's there, for example, it's one (1) space per 200 square feet. So, they needed fifty-three (53) spots. The banquet center, because that's what they're calling it, the private rooms, add fourteen (14) spaces. Ross is required to have thirty-six (36) spaces. Like CVS, they can say what was there required thirty-nine (39) spaces. That was 142 spaces total, including CVS. She's not leaving CVS out. Including CVS, and they have 151. So, they're over their parking. When you add the cross access easement, they're way over, way over on parking.

Secretary Jerzy said then they're impeding on those other businesses.

Caren Burdi explained they're not impeding. They have an agreement. No, no they're not taking and using what they shouldn't...

Secretary Jerzy said that's where that agreement comes in. Okay.

Caren Burdi said yes. This is there since they split it, a cross access parking agreement. That agreement has successfully working at this site. It had run out. It had a sunset date in it. Planning Department required her to get an updated one, and she did. That cross access parking agreement doesn't have a sunset date, the one that's in existence now, and it's both parties. They're all cooperating with the parking. So, in essence, if they get to a point where they're over 231, he's right, somebody is going to have to say no they can't go in there or this isn't going to work, but they're far. They're like eighty (80) spaces over right now.

Secretary Jerzy asked what would be the hours of operation of the banquet center.

Caren Burdi replied same as the restaurant.
(Inaudible)

Caren Burdi informed 11:30 a.m. till 10:00 p.m.

Chairman Sophiea said if he may, the cross access agreement as the name implies, it works both ways.

Caren Burdi said it works both ways.

Chairman Sophiea said it's really a wash. They'll park some on their side and vice versa. It is kind of a compatible use that the building next to the proposed banquet center is a school, and the school is going to have hours that probably end...

Caren Burdi represented them. Ross School, to become an aide at a doctors office, to be the person who takes blood, these types of different things. One hundred percent homeschooled. What happens on Thursday and Friday are the only, she thinks just Thursday and Friday, are the only days during the day where they do their practical's. Practicing taking blood, demonstrating that they know how to chart a chart. It's where they show to the teacher their practical aspect of what they're studying. Those hours, and she thinks they're out of there by, it's Friday morning, and they're out by Friday afternoon. That place is literally only used two (2) days a week.

Chairman Sophiea drives by that Twelve Mile there three (3) or four (4) times a day. He's never noticed any significant numbers of cars parked. Especially, with CVS gone.

Board Member Nestorowicz said their cross access for parking does work very well. He can tell them many where's gone to Subway there, he's never parked in the spots that are labeled for Subway. He's always parked across from the entrance for the spaces for this location, because it was more convenient. People that go there do park, it goes both ways. It has worked. He's never seen that plaza, since he use to go to that CVS also, everything always worked very well at that location.

Board Member Green said there is a similar situation pretty close to there. His concern is, maybe she can make them feel comfortable with this, the banquet centers don't become private club rooms. Does she understand what he's saying?

Caren Burdi replied yes. To be honest with him, this isn't a situation where there's alcohol and they're having big weddings and things along those lines. These are birthday parties, and remember no alcohol. There is no alcohol permit there. There's none.

Board Member Green said the situation he's talking about they actually bring their own.

Caren Burdi said this is a restaurant, you can't bring the alcohol here. That's not allowed. He can't have that on the property. He's in the restaurant business. He's not in the...

Board Member Green said that answers his question.

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

Board Member Clift would like to make a motion.

Chairman Sophiea said please do.

Motion:

Board Member Clift made a motion to grant permission to:

- 1) Allow a restaurant in a C-1 to operate 2 private banquet rooms. **USE**
- 2) Allow all maneuvering lanes to remain 20' 10" wide or greater.
- 3) Allow all parking spaces to remain 18' long or greater.

Reasons being: Size and shape of the lot; They have a great cross reference parking agreement going on there; Not a detriment to the area.

Board Member Nestorowicz supported the motion.

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

Roll Call:

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

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

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

17. PUBLIC HEARING: **APPLICANT: The Home Depot -USE-**
REPRESENTATIVE: Kaleb Sondgerath
COMMON DESCRIPTION: 25879 Hoover
LEGAL DESCRIPTION: 13-22-432-016
ZONE: MZ, C-2, C-1, P

VARIANCES REQUESTED: Permission to -USE-

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

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

ORDINANCES and REQUIREMENTS:

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

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

Mackenzie Shegafox, 29328 Spoon, appeared before the board stating she is from Kimely-Horn, standing in for Kaleb Sondgerath. She is representing Home Depot tonight and their request for the variance for the permanent outdoor storage on the west and north side of their existing

building. She knows this has come through at least one (1) time in the past as temporary storage in these areas and they are now requesting they become permanent outdoor storage.

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

No response.

Chairman Sophiea closed the public portion of the meeting. He'll have Mr. Jerzy read Planning impact statement into the record.

Secretary Jerzy thanked him. He read:

"After review of the request, the following issues were found to impact the abutting, local or general public:

The Planning Staff recommends that this variance request be tabled for the following reasons:

On December 4, 2023, the petitioner was granted approval of a minor amendment to the site plan to allocate space for outdoor storage, outdoor sales, and parking spaces. Multiple areas on the site that the petitioner is seeking a variance for permanent outdoor storage was approved by the Planning Commission for seasonal outdoor storage. More specifically:

- 1) Seasonal outdoor storage areas located in an "L" shape are indicated abutting the east and north elevations of the northeast corner of the building (Home Depot Garden Center). These two areas will both contain pallets 2 deep, 8' pallet by 2' in height (2,106 sq. ft. each). This area is indicated in purple on the site plan.
- 2) Seasonal outdoor storage, an area measuring approximately 82 ft. x 22 ft. and containing 1,743 sq. ft. would be provided along the north elevation of the building and contain pods to store grills from April to August. This area is indicated in blue on the site plan.

The above-mentioned locations that the petitioner is requesting a variance for permanent outdoor storage were approved by the Planning Commission as seasonal outdoor storage. Approval of a revised minor amendment to the site plan through the Planning Commission shall be required to change the proposed seasonal outdoor storage to permanent outdoor storage.

Therefore, the Planning Department recommends this variance request be tabled so that the petitioner can submit for a revised minor amendment to the site plan to seek approval for the change in the above-mentioned locations from seasonal outdoor storage to permanent outdoor storage.

It is with this observation that I provide my opinion."

Chairman Sophiea thanked him. At this time he'll turn it over to the board for discussion. They heard the Planning impact statement. Personally, as the board has indicated at previous requests for outdoor storage, he's not in favor of permanent outdoor storage because they lose control over the site and what can be out there. Are there other comments?

Secretary Jerzy echoes that same sentiment. It seems like this site, even when they grant the seasonal outdoor storage. Last year, it seemed to have gotten a little bit out of hand. He didn't

really look at the site plan based off where things are located, but it seemed like there was product all over that property. The sheds were all over, they had product on the backside of the building. It just seemed to be a constant mess. To make that a permanent situation, he's not in favor of it all. He would actually echo the sentiments of the Planning Department and actually move to have this tabled till April 23rd meeting. Per their recommendation.

Chairman Sophiea does have a question for the petitioner. He sees the correct site plan, but the cover letter on it says City of Fenton. He thinks it's just a mistake, but he wants to verify that the information on the cover letter attached to the site plan is correct, that it's for the City of Warren.

Mackenzie Shegafox said it is for the City of Warren. She doesn't have the cover letter with her. Her partner Katie only provided her with the site plan, so she doesn't have a way to double check that. She knows she is working with the City of Fenton at the same time. The numbers she has on her table on her site plan do match the numbers requested in the meeting agenda.

Chairman Sophiea sees on the larger site plan here that's folded up it is the correct plan. He just doesn't know if the numbers on the cover letter were correct. It sounds like this is going to get tabled anyway, so they'll have time to double check.

Secretary Jerzy wanted to add to that. It seems like the last two (2) or three (3) years they've come before the board that information has been a miss, there's been things missing, there's been things off. For a professional organization such as Home Depot, it just seems extremely unprofessional the last couple of years in trying to get permanent outdoor storage at all costs. He thinks it was the same issue last year they came wanting permanent outdoor storage as well. He doesn't really know what's going on over there with them, but it just seems the last couple of years it's just been they've been bumping their heads here unnecessarily.

Diane Walkuski, 7656 Charlesworth, appeared before the board stating she is the store manager of the location. The outdoor sheds have been removed. There's only two (2) outdoor sheds now. The reason they had them removed was because people were breaking into them. They felt it was a public safety issue. The neighbors were complaining. They kept trying to lock them up and people would break in and use them on the weekends, and they were not there. So, they're down to just two (2) outdoor sheds for that reason. They couldn't keep control over it. They couldn't keep them locked.

Secretary Jerzy said that adds to another question. How are they going to keep control over permanent storage of product outside the building.

Diane Walkuski is also asking the company not to force product to them they cannot hold. They are asking for more control on their side as the store level in what they can hold as they sell through. They were having issues with the company just pushing trucks to them and they weren't able to control the amount of stock. So, they are really pushing back and the company is listening to them. They have not received a fraction of what her sister stores around her are receiving. Because she knows that until April hits, she has no control over where she can store this merchandise. So, they have asked for more control from the company on their end to be able to release PO's on what she feels, as a store manager, she can take and hold and rotate through her stock. In years past, as soon as a certain date hits, the company would just start pushing mulch and mulch and mulch. If they noticed, they have nothing on the outside on the side of the

building, nothing in the parking lot, and nothing in the apron that she can't control. There are other things from the company they have pushed back as a total company program, they've gone back and said they can't do this, they can't do this, and they can't do this, because it would push them too far off the apron. They have asked for more control from the company. Her district manager is supporting this and her regional manager is supporting this. Allowing them to tell the company what she can handle, rather than just shipping truck after truck after truck and she has no control over it.

Chairman Sophiea thanked her for those comments.

Diane Walkuski continued saying she's taken much more control over the cleanliness of the outside building and making sure it's presentable to the neighbors.

Chairman Sophiea thanked her again.

Secretary Jerzy yields the floor.

Chairman Sophiea is glad to hear that products not being pushed to the store as much. It's a step in the right direction.

Steve Watripont said as a zoning inspector, he's happy to hear that as well. The last couple years it has gotten out of control. That would be another reason for it to go back to Planning to find out exactly what they want and where they want it and go from there. It may be to segregate which is temporary, which is permanent and go from there.

Chairman Sophiea said on the site plan.

Steve Watripont said on the site plan and get that set. Which would probably take more than a month to do so.

Chairman Sophiea said okay, maybe they should table it to May.

Board Member Nestorowicz has a question. Tabling it, and it can take some time, his concern is the need for the store will be before then to use this space. Is there a way of approving something as a temporary.

Steve Watripont explained if they have the application in and everything else, they basically do a stay. They don't do enforcement on it. Unless it gets out of control. If it gets out of control and excessive of what they have here, they definitely would do enforcement. But they wouldn't enforce it if they're running normal course. If they cut back on product, he doesn't think they would do enforcement on that at all.

Board Member Nestorowicz said basically if they did table it to May, it would give them time to go to Planning. They could use the property and then the board would actually be able to see how it's being used at that time, too, because if they see it and...

(Inaudible)

Chairman Sophiea said luckily Mr. Watripont won't have to confiscate the mulch.

Diane Walkuski informed the company has bought her additional racking on the inside of her yard, so she can hold more product inside. They've understood that she has a neighborhood. She wants to be a nice neighbor. She wants to be a very nice site line. She's out there all the time looking at trash. She has her lot guys going around everyday picking up trash along the road. She understands they need to be good neighbors. If they can control the product that's coming, she thinks they'll see a vast improvement.

Chairman Sophiea said great. Good to hear, thank you. Do they have a motion to table?

Motion:

Board Member Assessor made the motion to table this item to May 14, 2025, Supported by Board Member Clift.

Voice Vote:

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

The petitioner's request was **TABLED** to May 14, 2025.

18. PUBLIC HEARING: **APPLICANT: Paul Borg**
REPRESENTATIVE: Franco Mancini
COMMON DESCRIPTION: 21550 Ryan
LEGAL DESCRIPTION: 13-32-301-032
ZONE: M-1

VARIANCES REQUESTED: Permission to

- 1) Waive required 8' wide greenbelts along the north, south and east property lines that abut R-1-C and R-1-P zoning districts.
- 2) Install 9' 3 panel metal privacy fencing along the east property line.

ORDINANCES and REQUIREMENTS:

Section 17.02 (c) – Industrial Standards: Greenbelts. None, except when a side or rear yard abuts a zoning district other than industrial then eight (8) feet wide as per Section 2.26.

Section 2.26 (a) – Greenbelt: An eight (8) foot greenbelt shall be a solid planting strip composed of evergreen trees spaced not more than twenty (20) feet apart and not less than one (1) row of evergreen shrubs, spaced not more than five (5) feet apart and which are at least five (5) feet or more in height after one (1) full growing season after planting, and which shall be planted and maintained in a healthy growing condition by either the occupant or owner of the property.

Section 4D.38 – Height: Obscuring walls and fences in non-residential zones shall not exceed six (6) feet in height.

Franco Mancini, 53200 Van Dyke Suite 200, appeared before the board stating on behalf of Paul Borg. As the board sees in front of them they have the package of fence they are proposing to install for a proper full screening, no a cyclone fence. The reason they're here this evening is because the petitioner attempted to get a permit for an eight (8) foot cyclone fence, but was denied at the Building Department. Eight (8) foot fences aren't allowed in that zoning, six (6) foot is only allowed in that zoning. During that time, back in 2019 the eight (8) foot cyclone fence was approved but was not installed. The landscaping for the front and tree setups and sprinklers

were maintained and installed previously on the conditions of that site plan along with a permitted salt dome that was installed over the last few years. They're here this evening to ask for a little bit of guidance, either for a six (6) foot fence they see here in the packet that's a full screening, or a six (6) foot cyclone fence, or go back to the eight (8) foot fence that was previously approved. So they can install that in the buffer zone in the rear of that parking lot. The other variance they're requesting for the north and south sides of the industrial area of the two (2) existing neighbors. It was discovered back in 2019 that part of those properties are in a residential zoning, even though they are used and master used in an industrial fashion, both north and south. The same owner of both the north property and south property have a multiple zoning use on their existing properties. Mr. Borg's property is zoned in the accepted zoning of the master plan. Those properties were probably an oversight or maybe a change in the master plan over the years. So, the reason they're asking for that variance is it's the same users of industrial use as Mr. Borg of the north and the south. They're maintaining their grounds of the same fashion and that's why the screening was requested to be waived on that section, because it's going to be greenbelt for an industrial user so to say. For the neighbor that they're proposing to do this fence, they think it would be a benefit to be able a solid screening versus a cyclone fence screening with landscape, so there will be no protrusions of visibility. It would help with sound, it would help with a more pleasant viewing for the neighbor, and a little bit more privacy on his behalf so he's not as disturbed as he is right now. He's here for any questions or guidance that the board can provide for this evening. Thank you.

Chairman Sophiea thanked him for those comments. This is a public hearing. Is there anyone in the audience who wishes to speak on this item? Sir, you can approach. Please start with name and address.

Dan Eickhoff, 21603 Sunset, appeared before the board.

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

Dan Eickhoff explained when they bought the house at 21603 Sunset in 2009 their fence yard went passed their front property boundary all the way through the rezoned property. At one time there was an alley back there and the easement was split up. He went to City Council meeting January 2018 to voice his concerns about rezoning. He went to the Planning building meeting in 2018 to voice his concerns. Do you have the original plans at all here?

Chairman Sophiea replied no, not from 2018.

Dan Eickhoff said okay on Good Friday, April 19, 2019, heavy equipment came in and leveled the property. They ripped out the fencing, so he had to make an emergency... This is where their property used to run all the way up to their building before rezoning. After they ripped out all the fences, his dogs could get out of the yard and other dogs came in. He had to put up a cyclone fence, an emergency fence. Without warning, they ripped everything out. To this day, B&B Maintenance Services have only put up a rag tag fence with some wood stakes and zip ties. For the past six (6) years he's gone to the Warren Zoning commission office twice a year. He's talked to this gentleman quite a few times. He's shown them photos, binders with printed photos and date sticks. They say yes this is a problem and will get right on it. Nothing ever happened. In 2023 he asked the zoning office to see the building plans, specifically about the green belt, they said he needed to file a Freedom of Information Act to get that information. The

next day he filed a Freedom of Information Act, they told him all planning documents were off site get digitized. He never heard back from them. So now they're here seven (7) years later asking for a variance. He would like anyone on the board to stop by his house and see what he's put up with for seven (7) years. He would like the plans that were promised to him seven (7) years ago to be put forth. One last thing, can they put blinders on their parking lot lights because this is from his back door. He has photos here if anyone wants to see them, they're more than welcomed. Thank you.

Chairman Sophiea said this is a public hearing. This is a public hearing. Is there anyone in the audience who wishes to speak?

No response.

Chairman Sophiea closed the public portion of the meeting. He turned it over to Secretary Jerzy. They do have one (1) email they will read into the record from a neighbor, and they'll also read into the record the Planning Department impact statement.

Secretary Jerzy thanked him. First is from the citizen from Thomas Downen living at 21619 Sunset:

"...Oppose any and all variances being granted to B&B maintenance 21550 Ryan Road for the following reasons.

I cannot enjoy my patio with friends and family due to the unsightly view and noise from their heavy equipment at their business on a daily basis.

My house windows, vinyl siding, patio and vehicles are covered in dust at the end of every week from the all the dust from their business.

I feel like I live in the DPW yard. I invite you all to stop by my home to see what I have to deal with on a daily basis. The Green belt that they removed without authorization needs to be replaced to help alleviate some of these issues.

We are all neighbors, and we should show consideration and respect to each other so we can all coexist peacefully. Enclose below are photos of what it looks like to look out my windows from my bedroom, kitchen and dining room all the time.

Also photos from my patio showing what I have to look at in a closer view. I am being robbed of the my right to enjoy my backyard peaceful, quietly and unsightly environment, due to not having a green belt behind my home like other citizens of Warren. I pay my taxes to the City Of Warren and I deserve better. Thank you Thomas Downen"

Next is the impact statement from the Planning Department.

"After review of the request, the following issues were found to impact the abutting, local or general public:

On May 6, 2019, the petitioner received site plan approval for open storage and a parking lot. An 8 ft. wide greenbelt is required along the east property line, the east 76 ft. of the south property line, and the east 76 ft. of the north property line, where it abuts the residentially zoned districts.

It is the recommendation of the Planning Department that the petitioner's

variance request to remove the requirement of the 8 ft. greenbelt be denied. The petitioner's request to replace the 8 ft. greenbelt with a proposed nine (9) ft. 3-panel metal privacy fence is inadequate screening for the residential dwellings abutting to the east of the property.

Should the petitioner's variance request to waive the 8 ft. greenbelt be granted, the Planning Department recommends that a wall be constructed of six (6) ft. high brick embossed poured concrete with a 45 angle cap. Masonry block and precast concrete shall not be used as construction material.

The wall shall be constructed along the east property line, and along the east 25 ft. of the south property line, where it abuts the residential dwellings. Any proposed changes to the approved site plan shall require Planning Commission approval.

It is with this observation that I provide my opinion.”

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

Board Member Nestorowicz looking at this property. The first variance they're asking for is about waiving the greenbelts on the north, east and south property lines. He understands and can supporting waiving them on the north and south, since they abut other industrial properties over there. However, he does agree with the Planning recommendation that an eight (8) foot greenbelt along the east property line is needed. That's the one that abuts the residence and a four (4) foot or anything smaller is inadequate. So, he personally would not be supporting waiving that, because he does feel it should be at least the eight (8) foot wide greenbelt. The second variance asking for a nine (9) foot tall, three (3) panel metal privacy fencing along the east property line. He thinks nine (9) foot is very large. Some walls they've done eight (8) foot.

Chairman Sophia said eight (8) foot is the highest.

Board Member Nestorowicz said now it's actually going up to nine (9), he thinks that's too high. Personally, he would love to see that being... He means, due to the nature of the business that goes on there, he thinks it needs to be bigger, taller than six (6) foot. He's six (6), two (2), he'd be able to be looking over that wall, he thinks that wall would be too short. He can picture an eight (8) foot wall, but he thinks an eight (8) foot along the concrete lines would be better than the metal. That's just his personal opinion.

Chairman Sophia said with the greenbelt.

Board Member Nestorowicz feels the greenbelt is needed. Looking at the photos, he cannot see the back of the property from the street, but looking at the photos that were provided, the back of that property has a lot of stuff. They need to have that eight (8) foot greenbelt so they don't have all that stuff up against the neighbors lot. That's his personal opinion.

Chairman Sophia thanked him. Any other comments from the board?

Board Member Watts has a couple questions for Mr. Watriont. Looking back through the data that was provided, and then online looking at the Building Department records. Has this place ever had a Certificate of Compliance?

Steve Watripont is not ready to answer that at this point, because he did not look that up.

Board Member Watts said his findings in BS&A...

Steve Watripont doesn't believe so. He believes there has always been an issue. If they did, it's because they started to go through site plan and they would sign off until they finished the site plan. They would issue one, basically like a contingent one, that they could rescind if needed if they did receive one. He knows there's been zoning issues for a long time here.

Board Member Watts said this is his problem. Looking at what was provided in the packet, looking at the Certificate of Compliance, this has been going on for a long time. He hates to say this, but he has a concern on whether they plan on complying and being good neighbors or not. He wouldn't want that going on by his house. Looking at the pictures that were provided and what have you. This is not right and it's been going on too long. It needs to be stopped. He would not vote for this at all.

Chairman Sophiea asked for any other comments from the board.

Board Member Lindsey has a quick question for the petitioner. If he's understanding correctly, it sounds like there was a greenbelt there and it was removed. Is that correct?

Franco Mancini replied there was a four (4) foot greenbelt area there next to the pavement, correct.

Board Member Lindsey asked if he knew the reason why it was removed.

Franco Mancini explained when they were cleaning up the yard when Mr. Borg took possession of the building, he wasn't the original owner, he cleaned up the entire site. That's why they came to the Building Department, and that's when all these items were compiled. Mr. Borg has been meeting those criteria's. One was about the front entrance about trees, the other was the parking lot striping, another item was irrigation of that site. All those items have been maintained. The fence of the barrier proposal can be reduced down to eight (8) foot. It is a type of metal fencing that can be cut. That's not an issue if that's what the board deems to be a correct height of eight (8) foot. That's not the issue. When they came back here in 2019, that eight (8) foot fence was approved to be a cyclone fence. Then covid happened and a couple other things, so there has been a large delay. Of course it shouldn't be a deterrent towards the neighbor. They're trying to rectify that right now. That's why they went for the building permit to get the action, and that's when the eight (8) foot rule was given to them. That's why they told them to come back to get the variance to get that handled to determine six (6) foot or eight (8) foot. That's when they came up with the solid design for screening. This neighbor has had issues in the past with debris and dust, but that parking lot is not a dust or gravel parking lot; it's an asphalt parking lot. The neighbors to the south and the neighbors to the north have open area that are gravel on the north side and grass on the south side. So, it's not just one (1) party that may be creating dust for these neighbors or things like that. Like he said, he's here to try to comply with that. He understands that the time has passed extremely beyond reasonable. So, they're looking for that guidance so they can get this rectified.

Chairman Sophia said he had indicated somebody told him to make the fence be six (6) feet or eight (8) feet.

Franco Mancini replied the Building Department stated that.

Chairman Sophia said right, but his petition says nine (9) feet.

Franco Mancini said that's an error, because it was showing it not be trimmed. It is an eight (8) foot.

Chairman Sophia asked that he agrees to reducing that to eight (8) feet.

Franco Mancini replied yes, sir.

Chairman Sophia said number one it sounds like he's not going to get the support to waive the greenbelt.

Secretary Jerzy said based off everything he's heard, it just doesn't seem like they're in original compliance with the original site plan. If that's the case, why are they here granting additional variances. That's kind of what he sees. He's looking at it from a generalization. To him, personally, if they're not living up to their initial obligations and not helping meet them half way as a city, why should they meet them half way granting a variance.

Franco Mancini explained making an eight (8) foot greenbelt was not an issue of them not determining it. They asked for the four (4) foot because that's what was existing. So, to bring back four (4) more feet, it would be an economical hardship, but it can be done.

Secretary Jerzy said it was also self-imposed.

Franco Mancini said the existing was previously on the site. That's all he's trying to say.

Chairman Sophia said his initial thought was to deny this, but then denying it doesn't help the neighbor out. It's almost better if the wall just gets approved at eight (8) feet, make them put the greenbelt back in. He thinks that's the best option.

Board Member Clift wanted to go on the record saying if he had to live behind that he'd want a fifteen (15) foot fence between him and that mess.

Board Member Green asked what year he put up the salt dome.

(Inaudible)

Board Member Green said he's directing his question to the petitioner.

Franco Mancini stated that was a permitted salt dome container.

Board Member Green asked when it was installed.

Franco Mancini said 2019, 2020. No, 2017. Sorry.

Board Member Green asked if the fence was torn down in 2019.

Franco Mancini replied correct, sir. When they were cleaning up all the brush and the ingrown vines. That's why the fence was torn apart.

Board Member Green asked that there was a fence there, not a greenbelt.
Franco Mancini explained it was a six (6) foot cyclone fence originally there.

Board Member Green said what happens is, if they take a look at this metal fence, and go to the area and look at the residential houses behind there, it's just a cluster. They've got a four (4) foot brick, then they have a cyclone fence, then they have someone who put their own dog wood like fence, then they have the big spot in the opening where his business is. If they put a green nine (9) foot thing up, it's just aesthetically going to look bad. It's going to create a bigger problem, going to look terrible. That's his statement.

Board Member Watts said based on what he's seeing, the facts, and the Planning Department is saying it's got to be a concrete wall. They're saying it's got to be an eight (8) foot greenbelt. Then looking at the problems where it appears they don't have a Certificate of Compliance, he agrees with Mr. Jerzy, why are they here? So he would make a motion to deny.

Board Member Nestorowicz would be in favor of it with the eight (8) foot greenbelt. Personally, he would like a concrete wall as opposed to a metal wall. That he could go with. If they don't do that, then he will not be in support.

Chairman Sophia can get behind that request, too. He'll ask the petitioner. Would he be in agreement to amend this petition to have an eight (8) foot poured concrete wall.

Franco Mancini asked six (6) foot to match adjoining sides. It would be six (6) foot to meet the Planning's request. They can plant taller trees to make it slightly eight (8) foot.

Chairman Sophia asked six (6) foot wall or six (6) foot of greenbelt.

Franco Mancini replied six (6) foot wall. That's in the standards of what Planning has...

Chairman Sophia said probably not. Planning did recommend six (6) feet brick. If he was a neighbor back there, he would want it taller.

Board Member Green said looking at the site, it's an eight (8) foot would probably be appropriate.

Chairman Sophia asked if they can mandate eight (8) feet. The ordinance says six (6) feet.

Jennifer Pierce said if they're granting the variances, yes they can.

Chairman Sophia asked what the ordinance says as written. Couldn't he just put up a six (6) foot block wall? If that's the case, how can they force him to put up eight (8)?

Franco Mancini believes the Planning ordinance states six (6) foot concrete barrier, brick embossed. He believes that's the standard.

Board Member Nestorowicz said the ordinance does say six (6) foot concrete. That's why the Planning recommendation is six (6) foot.

Steve Watripont included poured concrete.

Chairman Sophiea doesn't think they can impose.

Secretary Jerzy said that recommendation was based off them waiving that eight (8) foot greenbelt.

Chairman Sophiea said he doesn't want to do.

Board Member Nestorowicz said no. He thinks they have to have the eight (8) foot greenbelt and poured concrete wall.

Secretary Jerzy agrees.

Chairman Sophiea would be in agreement with that. It sounds like the petitioner, that's what he would agree to. Would he agree to modify the petition to a six (6) foot.

Franco Mancini said six (6) feet poured concrete embossed wall with an eight (8) foot greenbelt in that east corner. They would agree with that.

Chairman Sophiea said okay, he has his vote. Mr. Nestorowicz's vote.

Board Member Watts asked to the city attorney or Mr. Watripont. Can they grant variances if the property isn't in compliance, with a Certificate of Compliance. That's a problem.

Steve Watripont said he'll let madam attorney take that one. His opinion is that the reason they come for variances is because it's not in compliance most of the time. So, he would say yes. He would defer to the city attorney.

Jennifer Pierce tends to agree with that, but ultimately to answer that question she would have to do some research.

Chairman Sophiea said by doing nothing, it's not solving any of the noise complaints, or dust complaints. At the same time they want to be able to enforce.

Board Member Watts said in five (5), six (6), seven (7) years, what have they done to solve any of the problem?

Chairman Sophiea said right. Nothing.

Board Member Watts said they haven't followed through with their Certificate of Compliance according to the city BS&A. He can't vote for that. They owe the residents that are there 24/7, better. That's his opinion.

Chairman Sophiea asked for any other comments from the board.

Board Member Nestorowicz can make a motion. He does have one (1) question and it's because of not seeing the back of the yard. He knows that this property on the south side. Along the east side they have the wall against that residence. He knows on the south side where it starts going west there is a residential property that appears longer.

Franco Mancini explained there is a little thing to that residential piece, they have a little dog lay if you want to call it that. They have a white laced six (6) foot cyclone fence that abuts to that wall of the industrial wall of that portion of that concrete wall that's poured to that industrial to the south. That's about ten (10) foot he believes.

(Inaudible)

Board Member Nestorowicz was just trying to think what that section would be. Would that be cyclone or would that be part of the wall.

Franco Mancini said it could be concrete L shaped back there into that wall.

Board Member Nestorowicz said that's why he was trying to think, because it's probably...

(Inaudible)

Franco Mancini said it's probably not an issue when you're already there.

Chairman Sophiea said if you read the Planning impact statement as the city attorney pointed out. It says the wall shall be constructed along the east property line and along the east twenty-five (25) feet of the south property line where it abuts the residential dwelling unit.

Board Member Nestorowicz thanked him for pointing that out.

Franco Mancini said it would continue to that, correct.

Board Member Nestorowicz asked if he would be fine with that.

Franco Mancini replied yep.

Chairman Sophiea said it was a good observation.

Board Member Nestorowicz said if there are no other comments, he'll make the motion.

Board Member Watts believes he did have a motion to deny on the floor.

Motion:

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

Reasons being: It's a detriment; They need to have a Certificate of Occupancy; They need to bring the place up to standards, then they can take a look at the rest of it.

Chairman Sophiea asked if they have a support for the denial.

Board Member Assessor supported the motion.

Chairman Sophiea said a motion by Mr. Watts to deny, support by Mr. Assessor. His reasons to deny due to the failure of having a Certificate of Compliance.

Board Member Watts said history of showing not doing what they're supposed to do to keep the property up.

Chairman Sophiea said roll call.

Secretary Jerzy said yes vote is to deny.

Roll Call:

A roll call was taken on the motion. The motion failed (3 – 6).

Board Member Watts	Yes, to deny.
Board Member Assessor	Yes, to deny.
Board Member Green	No.
Board Member Nestorowicz	No, not to decline because he thinks they can make something work here.
Board Member Perry	No.
Board Member Lindsey	No.
Board Member Clift	No, should've made a move on this or came to some kind of agreement for the benefit of the residents there immediately impacted by that unsightly mess behind the residence.
Secretary Jerzy	Yes, to deny.
Chairman Sophiea	No, believes they can work something else out.

Chairman Sophiea said the motion has failed.

Board Member Nestorowicz said in that case, he would like to make a motion.

Chairman Sophiea said a modified.

Board Member Nestorowicz said modified approval motion. Hopefully, he captures all this correctly.

Motion:

Board Member Nestorowicz made a motion to:

- 1) Waive required 8' wide greenbelts along the north and south property lines that abut R-1-C and R-1-P zoning districts. Not along the east, the east would remain an eight (8) foot greenbelt as required.

~~2) Install 9' 3 panel metal privacy fencing along the east property line.~~ Concrete wall to be constructed along the east property line and 25 feet along the south property line where it abuts the residential property.

Reasons being: Size and shape of the lot.

Board Member Clift asked for clarification on the height of the wall.

Board Member Nestorowicz was going with the six (6) foot, because that's what Planning and the ordinances say.

(Inaudible)

Board Member Nestorowicz repeated the modified motion.
Board Member Perry asked if that wall is poured concrete.

Board Member Nestorowicz replied yes, poured concrete.

Board Member Perry supported the motion.

Chairman Sophiaea said they have a motion by Mr. Nestorowicz, support by Mr. Perry to approve the request as read.

Roll Call:

A roll call was taken on the motion. The motion carried (6 – 3).

Board Member Nestorowicz	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 Green	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Assessor	No, thinks it's a detriment.
Board Member Watts	No, it's a detriment to the area.
Secretary Jerzy	No, detriment to the area.
Chairman Sophiaea	Yes, for the reasons stated in the motion.

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

Franco Mancini apologized for the inconvenience. They'll get this handled.

Chairman Sophiaea said this brings them back to item 7 they're recalling.

19. PUBLIC HEARING:

REPRESENTATIVE:
COMMON DESCRIPTION:
LEGAL DESCRIPTION:
ZONE:

APPLICANT: Shomij Miah
(Rescheduled from 2/12/2025; Previously item 7)
Same as above.
30971 Lorraine
13-10-129-017
R-1-B

VARIANCES REQUESTED: Permission to

Widen concrete driveway in the front setback 9' 6" from the north corner of the garage towards the north property line.

ORDINANCES and REQUIREMENTS:

Section 4.06 – Yard Use: Any portion of a lot in front of the front building line shall be used for ornamental purposes only and nothing shall be placed thereon except trees, shrubs, or items of similar nature.

Chairman Sophia asked if the petitioner is present for item 7, now 19.

No response.

Chairman Sophia understands today might be a holiday. If they could postpone for one (1) meeting or just indefinitely. Next meeting would be April 9th.

Motion:

Board Member Clift made the motion to table to April 9, 2025, Supported by Board Member Nestorowicz.

Voice Vote:

A voice vote was taken. The motion carried (8 – 1).

19a. PUBLIC HEARING:

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

ZONE:

APPLICANT: Image 360 - Brighton

Robert Dempster / Ara Telbelian

11800 Twelve Mile

13-14-101-004

R-2

VARIANCES REQUESTED: Permission to

Erect a 20' wide x 50' tall (1,000 square ft.) temporary banner sign higher than 6' above surface grade for a period of 1 year.

ORDINANCES and REQUIREMENTS:

Section 4A.41 (A) – Temporary Signs Permitted: In all districts, one (1) temporary sign may be approved for each parcel based on the permanent parcel identification number, two (2) times per calendar year for a temporary time period not to exceed thirty (30) consecutive days as follows; Signs located along major thoroughfares shall not exceed thirty-two (32) square feet in total area; shall have no more than two (2) faces and shall not project higher than six (6) feet above surface grade.

Chairman Sophia said not seeing anyone in the audience.

Motion:

Board Member Clift made the motion to table to April 9, 2025, Supported by Board Member Perry.

Voice Vote:

A voice vote was taken. The motion carried (8 – 1).

20. NEW BUSINESS

Secretary Jerzy welcomed Mr. Assessor and Mr. Green to the board. He knows Mr. Assessor was on last months board meeting with Mr. Anglin leaving, they kind of missed welcoming him to the board. Do a double welcome to Mr. Green and Mr. Assessor. Also, wish Mr. Higgins well in his endeavors. He has officially resigned from the board and wish him the best of luck in whatever his future holds. Thank you for his input and service to the board as well. That's all he has.

Chairman Sophiea thanked him.

21. ADJOURNMENT

Motion:

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

Voice Vote:

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

The meeting adjourned at 10:55 p.m.

Paul Jerzy
Secretary of the Board