

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
APRIL 9, 2025

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, April 9, 2025 at 7:30 p.m. at the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

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

Members of the Board absent:

David Sophiea, Chairman
Paul Jerzy, Secretary
Charles Perry, Assistant Secretary

Also present:

Jennifer Pierce, City Attorney
Everett Murphy, Chief Zoning Inspector
Nicole Jones, Council Office

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

A roll call was taken and Board Members Sophiea, Jerzy and Perry were absent.

Chairman Nestorowicz said before they move onto the next item. They have six (6) out of the nine (9) members. So, they do have a quorum to move forward, but since they're down three (3) members, he wanted to offer and make an opportunity to all petitioner's here today. You need to have five (5) yes votes for the item to pass. There are six (6) of them here, so basically they need all five (5) out of the six (6) to vote yes. If anybody wants to reschedule to their next meeting on April 23rd, he wanted to give them the opportunity to reschedule it to have a full board as opposed to just the six (6) of them. If any of the petitioner's want to reschedule, just approach the podium and they'll get that scheduled for the next meeting. If everybody is good on proceeding, they'll just go forward as is.

No response.

Chairman Nestorowicz moved to the adoption of the agenda.
Secretary Clift asked about excusing the members first.

Motion:

Board Member Clift made a motion to excuse the absent members; Supported by Board Member Green.

Voice Vote:

A voice vote was taken. The motion carried (6 – 0).

4. ADOPTION OF THE AGENDA

Motion:

Board Member Watts made a motion to adopt the agenda; Supported by Board Member Assessor.

Voice Vote:

A voice vote was taken. The motion carried (6 – 0).

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

Motion:

Secretary Clift made a approve the minutes of February 12, 2025; Supported by Chairman Nestorowicz.

Voice Vote:

A voice vote was taken. The motion carried (5 – 0). (Board Member Green abstained.)

Motion:

Chairman Nestorowicz made a motion to table the minutes of March 12, 2025; Supported by Secretary Clift.

Voice Vote:

A voice vote was taken. The motion carried (6 – 0).

6. PUBLIC HEARING:

APPLICANT: Shomij Miah

(Rescheduled from 2/12/2025 and 3/12/2025)

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 sued for

ornamental purposes only and nothing shall be placed thereon except trees, shrubs, or items of similar nature.

Chairman Nestorowicz stated for all petitioners. When they come up, state name into the microphone followed by address, and then take the board through the request. Describe it and then the reasons for it.

Shomij Miah, 30971 Lorraine, appeared before the board.

Chairman Nestorowicz asked for the reason for his request today.

Shomij Miah is requesting to widen his driveway, put concrete on the left side of his driveway, because he has a situation. He has children that are disabled. He has difficulty taken care of them without a wheelchair. He has two (2) vehicles and he cannot park them behind the street. Other cars comes and hit his vehicles. He needs gap, so he was requesting to please consider his application and (inaudible) today. He already mentioned all the paperwork and submit the doctor note as well. So, please help him out.

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

No response.

Chairman Nestorowicz closed the public hearing and turned it over to the board for discussion and actually he'll start by making a comment. He understands the need when people have the need for additional parking, especially being off the street. He sees the notes here from the doctor regarding both children in the packet and such. There is space, it's within the fence line there. He personally has no issue with this one, but that's his comments. Any other comments from any other board members.

Board Member Green has a couple questions for the petitioner. First, do both the children live at the house?

Shomij Miah answered yes.

Board Member Green asked if he brings home any work vehicles from his work.

Shomij Miah asked him to repeat the question one more time.

Board Member Green asked if he brings any work vehicles home.

Shomij Miah answered no, only his personal vehicle.

Board Member Green asked if it's his contention that he has one (1) van in the driveway.

Shomij Miah replied yes.

Board Member Green asked if he doesn't have the ability to get the children out...

Shomij Miah apologized and said he does have another vehicle. The picture is showing actually his vehicle was removed. Maybe side parked on other street, maybe the picture doesn't show. So, right now he has two (2) vehicles. When he parks in his driveway there's a gap. There is no space to go around.

Board Member Green apologized and asked that he has two (2) vehicles.

Shomij Miah answered yes.

Board Member Green asked if he has handicapped access into the house. Like a ramp or something?

Shomij Miah answered no. He's going to build, but arranging money right now. But right now he's using his garage stair and pulled the wheelchair into the garage and when he takes his babies outside he just grabs this wheelchair and go behind the driveway and put them inside the car.

Board Member Green thanked him.

Secretary Cliff looks like he's at the end of the block. What's next to him? Is that a parking lot over next door to him?

Shomij Miah stated it's a dental parking lot. They don't want him to park over there.

Secretary Cliff wasn't inferring that. He was just wanting to make the comment that from appearances. He remit that he didn't get out like he usually does prior to the meeting, but going by the photograph it looks like he's the last house on the street and then he has this business and parking lot next door. Correct?

Shomij Miah said correct, yeah.

Secretary Cliff stated that concludes his question for the respondent. Thank you, sir.

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

Board Member Watts asked how much he's going to widen it by. Is he widening it all the way to the fence.

Shomij Miah thinks he'll maybe keep gap. Maybe one (1) feet because he needs space. He's going to plant some flower in case (inaudible) so he has some space. He pretty much all he needs is what he mentioned. Hopefully, he's not going to against the fence.

Board Member Watts asked what is the actual width that he's adding to the driveway.

Shomij Miah replied fifteen (15) by twenty-five (25) feet. He hopes that's enough for him.

Chairman Nestorowicz just wants to clarify. After he's done working, that's how wide the driveway is. He thought according to the picture he's adding twelve (12) feet. Correct?

Shomij Miah replied yes.

Chairman Nestorowicz asked when he's done, he'll have twenty-five (25).
Shomij Miah said yes.

Chairman Nestorowicz just wanted to clarify that.

Board Member Green said on the request it says widen concrete setback nine (9) feet six (6) inches from north corner of the garage towards the north property line. His intention is to add nine (9) feet? He just wants to make sure they get it right so they don't have to come back having to change it. Does he understand what he's saying? Does he see the backup where it says nine (9) feet six (6) inches?

Secretary Cliff explained that's taking into account the thirty (30) inches for the width of the garage that is already. He's telling the board he's moving nine (9) feet six (6) inches from the corner of the garage, but there is a thirty (30) inch width that's already incorporated, which brings it to a total of twelve (12).

Board Member Green said from the north corner of the garage towards the property line. When he reads this it says that measurement is twelve (12) feet up to that little four (4) foot fence. So, if he's asking for nine (9) feet six (6) inches.

Chairman Nestorowicz said that's the twelve (12) feet minus the thirty (30) inches.

Board Member Green said the thirty (30) inches isn't part of the driveway though.

Chairman Nestorowicz explained the measurement is taken from the corner of the garage.

Board Member Green said oh, his base measurement is from the corner of the garage. Got it. He just wanted to make sure he had that clear.

Board Member Watts stated here's the problem he has with this. They have this going on all over the city. They have another one on the agenda tonight. There's a driveway there. He understands he has the situation, but he doesn't see where adding this much is a good thing for the neighborhood. He can tell at least four (4) or five (5) that he has seen that have done this that are in violation. They're going one way, they're going the other way. It's not good for the neighborhood.

Chairman Nestorowicz asked based on the twelve (12) feet, would you consider if there was less than twelve (12) feet.

Board Member Watts said to be honest with him, he can see widening the driveway, he can see the thirty (30) inches to the end of the garage, but he couldn't see adding another whole parking space all the way across there. That's not going to look right with the neighborhood at all.

Chairman Nestorowicz said he also likes to see the point, because sometimes, he takes a look he has a two (2) car driveway. He can only park one (1) car in his garage because of all the stuff

he has in there from lawnmowers and all that. One (1) car ends up in the driveway and the third one gets put on the street.

Board Member Watts has the same situation. There's ways around it. That's just his opinion. He doesn't think it's good.

Board Member Green tends to agree with Mr. Watts. He would be much more comfortable if it was half that. He's not telling him how to do it, but twelve (12) feet seems like a lot. Aesthetically when looking at these people who have done it without variances, it doesn't look like part of the neighborhood. He is uncomfortable with the twelve (12) feet.

Chairman Nestorowicz stated sharing with both of them they're uncomfortable with twelve (12), if the petitioner would be willing of a lesser amount, would they be wanting to discuss that.

Board Member Green said yes, he would.

Chairman Nestorowicz said he thinks standard width of a driveway he thought was right around ten (10) feet.

Board Member Green said the purpose is to be able to get his two (2) children out safely in the winter or stuff like that, where he's on cement. He can see where something less than twelve (12) feet. He would be open to that if that would be something that would be agreeable upon. He gets his problem, but the twelve (12) feet is just too much.

Board Member Watts said his thought, like he said originally, the thirty (30) inches would take it out to the garage. Anything more than that wouldn't be right. That's where he's at.

Chairman Nestorowicz asked Mr. Green if there is a width amount he would like to propose. He would be good proposing ten (10) if the petitioner would want that, but he wasn't sure if... Mr. Watts thinks thirty (30) inches.

Board Member Green thinks it would be cutting it a little bit tight, but...

Secretary Cliff doesn't believe he needs a variance for the additional thirty (30) inches. He thinks the code says width of the garage.

Chairman Nestorowicz said that's why the measurement for the variance is measured...

(Inaudible)

Chairman Nestorowicz asked for Everett to approach the podium for a moment.

Board Member Green thinks anything less than six (6) feet would be favorable.

Everett Murphy wanted to clarify one thing. If he expands it to the width of the garage and no farther, he does not need a variance. It's when they expand beyond the width of the garage that he would need the variance. If he only goes the thirty (30) inches he doesn't need a variance for that. Just clearing that up.

Chairman Nestorowicz thanked him.

Board Member Watts would like to ask the petitioner if he would be comfortable with just thirty (30) inches width added to the driveway.

Shomij Miah asked thirty (30) inches the long way.

Board Member Watts said thirty (30) inches width. Right to the edge of the garage and no further.

Shomij Miah said he would need to get it one more. Like thirty (30) inch from garage to sidewalk?

Board Member Watts said no. He can go all the way down to the sidewalk from the garage. What he's saying is he can add thirty (30) inches from the driveway to the edge of the garage. Would that give him enough room?

Shomij Miah said to be honest he doesn't think so, no. He will try but then he'll find out there will be difficulty in the future because the babes keep growing up. In the future he will build a ramp behind the garage door. He really needs the space. He wants to add one additional comment as the neighbor they mentioned. Next door to him, the person who lives next door to him, he without the permit he told him he just poured the concrete and they said violation letter. He went to the court and told them he needs it, they just approved him. They just paid the fine. The other neighbor, third house, fourth house he did the same thing the last year. He asked if they got a permit, they said they don't need a permit. If they have a problem they'll come to them. They'll show them, listen, listen. Later on he talked to them and asked if they had any trouble. Yeah, they had to go to court and they convinced them. Then (inaudible) no, they're just not looking beautiful at his house. He wants it to look nice. It's his house. It's his choice. So now they came to him and requesting. He's been living there for over four (4) years now. He wouldn't put anything, because he doesn't want to spend the money, but two (2) child it's not easy, especially disabled child. It's not easy to take care. Just right now he pulled his youngest one with oxygen he's probably going to take him to the hospital because it's going down. He has so much difficulty. He compromised with all this thing. The youngest one is seven (7) years old, he doesn't know what's going on with him right now. When the summer comes he wants to go outside. The youngest one very sensitive. If they touch him he got sick. So, the (inaudible) he has is darker and kind of dusty. Now he's thinking when he puts the concrete there it's no dust is going to go over there and his two babies can have some space to play. He can play with them. That's why he's kind of humbled today. Please look one more time of his application.

Chairman Nestorowicz thanked him for that explanation. He asked if he would be able to accept if the total amount was instead of twelve (12) feet. He knows it's 9.6 from the north corner. Instead of twelve (12), let's say ten (10) feet. So, therefore, it would be seven (7) feet six (6) inches from the corner of the garage. That way it's a usable space. If somebody made a support with that, would be good with that?

Shomij Miah asked twelve (12) feet.

Chairman Nestorowicz stated instead of twelve (12) it would be ten (10). It would be two (2) less feet than what he's asking.

Shomij Miah said two (2) less feet like ten (10) feet. Maybe he can manage. He wants one (1) foot gap from his fence. As long as he gets ten (10) feet at least, yeah.

Chairman Nestorowicz said then he'll have room for the wheelchair and all that you know. Secretary Cliff said that measurement he's proposing is comparable to what was done next door, at the property next door. He believes it would be to the south of him. He's looking at an aerial view. There was some addition done on that property, whether it was permitted or not he doesn't know, but that house directly to the south of him looks like it's got a four (4) or five (5) feet off of the corner of the garage going north. He also wanted to add that he thinks he could get behind his proposal of the overall ten (10) feet width as opposed to the twelve (12) foot.

Chairman Nestorowicz asked if there is other discussion or if he would like to make a motion.

Secretary Cliff asked if anybody else has anything. He'll be glad to make a motion on this.

Motion:

Board Member Cliff made a motion granting permission to widen concrete driveway in the front setback 9'-6" 7' 6" from the north corner of the garage towards the north property line.

Reasons being: Not a detriment to the area; Fits reasonably well with modifications already made adjacent within the neighborhood.

Board Member Lindsey supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Cliff, support by Mr. Lindsey to approve the request as written in the motion. Roll call vote.

Roll Call:

A roll call was taken on the motion. The motion carried (5 – 1).

Secretary Cliff	Yes.
Board Member Lindsey	Yes, for the reasons stated in the motion.
Board Member Watts	No, detriment to the neighborhood.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Green	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

Chairman Nestorowicz stated the changes and if he has any questions he can talk with the Building Department.

7. PUBLIC HEARING: **APPLICANT: Image 360 – Brighton**
(Rescheduled from 3/12/2025)
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 Nestorowicz asked them to state name and address, then take the board through the request today.

Robert Dempster appeared before the board stating he's with Dempster Designs and Image 360, representing Henry Ford Health.

Chairman Nestorowicz asked what he's requesting today.

Robert Dempster is requesting they erect a twenty (20) foot wide by fifty (50) foot tall, 1,000 square feet temporary banner sign, higher than six (6) feet above the surface grade for a period of one (1) year.

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

No response.

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

Board Member Watts has a question for the petitioner. He asked if the sign was going to be up there for a whole one (1) year, or is it going to be up and down during various times.

Robert Dempster said one (1) year. It will be facing the parking lot. It won't be facing Twelve Mile there. Yeah, it's for one (1) year.

Board Member Watts asked if it's a special purpose sign.

Robert Dempster said it's the branding. It's the new branding of the hospital. They're making aware the community that Henry Ford Health is now there.

Board Member Watts thanked him.

Chairman Nestorowicz sees that the sign is facing south into the parking lot, so they don't want the branding and all that facing Twelve Mile. What's the reason it facing the parking lot instead of...

Robert Dempster said they had a few options and it was the hospital that decided that they would get more viewership that way. The setback is quite a bit from Twelve Mile. There's not really an area that would be... There could possibly be four (4) or five (5) places, but they decided on this location.

Chairman Nestorowicz said he means it faces the parking lot, that's a huge parking lot on the south side of the building. So, it really is... okay.

Secretary Cliff said good evening. He's seeing similar banners on most of the Henry Ford facilities all over the region. He may or may not know this, he's just curious if their intent is to go ahead and eventually replace this with a more permanent style sign in the future. If he has any knowledge or can relay that to the board. He's just generally curious. He's seen them pop up on almost every building they have in Detroit. He's just curious if they're going to make this a permanent type of thing or going forward.

Robert Dempster explained there are permanent signs being fabricated now. The banners are for awareness, brand identity. The aluminum signage is being constructed now. They may have already applied here. That's a different company. He's in the banners and rebranding of the vehicles.

Secretary Cliff understands. He appreciates it, sir. Thank you. He has nothing further.

Board Member Green has a couple questions. As he looks at the backup. There are three (3) signs right now at each entrance identifying the hospital as Henry Ford Hospital. He stated in the backup that the primary reason for this particular sign is for the safety of the patients. If looking at the sign, number one, it's very oversized. He thinks it's unreasonable for a 1,000 square foot sign, and it looks more like... If he takes a look at the backup and look at the sign, it looks more like an advertisement than what is implied in the backup. It says, "we go for it", looks to be about sixty (60) percent of the sign and then on the bottom of the sign it says Henry Ford Hospital, the smallest portion of the sign. So, he doesn't think that it is doing what he's asking the board to approve here in the backup. It surely doesn't have anything to do with the safety of the patients. It might have to do with branding, but he thinks it's a pretty big sign. He thinks the entrances are clearly marked as Henry Ford Hospital, and it's been a hospital forever. He just doesn't see how it's, he doesn't see how it's going to be a good look. His intention is to vote no on this item.

Robert Dempster said if he may.

Chairman Nestorowicz asked Mr. Green if he had a question for the petitioner.

Board Member Green said he answered his question when he said the sign was for branding. It doesn't match the backup. That's his concern. He just thinks it's way oversized, that's all.

Robert Dempster doesn't think there are... Is there three (3) Henry Ford signs up there? Last time he was by there, he didn't see new signs quite yet.

Board Member Green said they were there this morning.

Robert Dempster said that's a large area, but this is their branding and their identity. Not only patients, but there are visitors. People, even himself, driving over there he didn't know, he knew it was a hospital, but he didn't know what hospital it was. Their branding and identity is this logo. They put, this is the 9th one Henry Ford has acquired, nine (9) hospitals from Ascension. This is the 9th hospital. They've installed them on all the others and to much success. The older you get the... signs are very important to a community. He's big on signage. Way finding is important. He drove around that whole campus, he thinks it's a good scale for it. That's him, but this is their identity.

Board Member Green said maybe he can answer the question then. He states that the request is primarily due to the safety of the patients. He's just curious how that sign does that.

Robert Dempster said the safety of the patients.

Board Member Green read the request is primarily due to the safety of the patients.

Robert Dempster thinks it does. It also involves their friends and family, people that bring it there. People that bring people to the hospital.

Board Member Green thanked him.

Chairman Nestorowicz asked for any other comments.

Board Member Lindsey doesn't have an issue with the sign itself. His question to the petitioner is more in relation why the temporary banner for one (1) year. He has more of an issue with the length of time.

Robert Dempster said if they could have two (2) years they'd take two (2), but one (1) year seems to be fine enough. That gives them time to fabricate the other signage and people will know. There's an awareness, there's an identity.

Board Member Lindsey understands that. He's not in the sign business, but one (1) year seems like a long time for a temporary banner. He believes it's a lot longer than they normally have temporary banners up in the city. So, if this was to give him time to install a permanent sign, he thinks that would be fine. His issue is going to be the length of time they're requesting.

Robert Dempster explained there's quite an investment in putting up that temporary banner. It's possible they could bring it down once they have the permitted signs, too. That's an option. He thinks once they see it, they're going to like it.

Board Member Lindsey said that's all he had. Thank you.

Chairman Nestorowicz wanted to add on to Mr. Lindsey's comment. He understands brand identity,

taking over nine (9) hospitals. Wants to make sure everybody in the community knows these Ascension hospitals are now Henry Ford. Since the sign is facing the parking lot, he really does feel... He has no problems with the size of the temporary sign, but he has a problem with it being for one (1) year. Temporary signs, the ordinance allows three (3) days. He could actually agree to six (6) months for something like this of rebranding works. He thinks a year is too long, but the size he's fine with.

Secretary Cliff is going to echo the same sentiment on the length of time. However, he's curious if there's going to be some major refit on the outside of that hospital upgrades to the façade or the facing. Those are questions that can only be answered by folks other than the petitioner standing before the board. He's sure he doesn't have an understanding of what's going on. Again, they've taken over nine (9) and he sees things happening at a few of them on the outside. His guess would be why they're asking for a year. He personally would consider getting behind a motion to approve it for six (6) months and then let them come back and talk to the board about what their plans are. If they need to have it up longer or want to have it up longer. Maybe at that point in time Mr. Dempster can relay to whoever he's working through that is the boards feeling and they would like to hear from somebody at the hospital itself to maybe explain why the length of time is, in their eyes, necessary. If he made any sense with his comment. He could get behind a six (6) month on this, but he couldn't get behind a whole year.

Board Member Lindsey would be more comfortable with that.

Board Member Assessor would be more comfortable with that, too. He would be comfortable with six (6) months, because how long would it take to get the permanent sign.

Robert Dempster is pretty sure they're going to... The new signs will probably be in the same locations. They're not planning on putting a permanent sign back there. They may approach the board, but they haven't heard anything like that. So, this is something to, once again branding, let the community know. They paid for a lot of advertising on television. They really care about the community. They hired a lot of employees and take care of this community. All they're looking for is, they don't want it longer up there. Unless the board would like it, but it's just to have people. This place is new, it's exciting and it's a premium hospital system. They're lucky to have it here in Michigan. He represents them and he's sure happy that he works for them because they're a great hospital system.

Board Member Green doesn't think anybody is debating whether it's a good hospital system or not; he's sure it is. What they're going to do here, he's mentioned they're going to come with other signage. Thirty-two (32) feet is the ordinance, so if they approve 1,000 foot sign now, they're kind of saying 1,000 square foot signs are okay, in his mind. That's the concern he has.

Robert Dempster doesn't think...

Chairman Nestorowicz said any signage on the property for entrance, exits, that's a different package. This is a temporary banner. It doesn't affect the signs on the property or the amount of...

Board Member Green said again, his point was the ordinance is thirty-two (32) feet and this is a 1,000. So, temporary or not, it's very oversized. That's his opinion.

Board Member Watts agrees. That's huge. He doesn't see a year as a temporary. He sees a temporary as thirty (30) days, sixty (60) days. Something like that. They're worried about branding that they want everybody to know that it's there. What else is there? There is not another hospital in the city. There used to be seven (7). There's none other there. If you're going to the hospital, you're going to be going to Twelve and Hoover, to whatever name it is this year. It's changed so many times. He would agree. He would go maybe six (6) months, but enough is enough. The same with the size. The size is an issue with him, too. If the board does it for them, they're going to have to do it for the next one. They're setting dangerous precedents when they do this. That's all he's got.

Chairman Nestorowicz said of course his two cents there is it doesn't set any precedent because every property is unique. Their next door neighbor could ask for something similar, it's a separate property. There is no precedents. Saying they allowed the neighbor to do something, that's not a precedents.

Board Member Watts said they'll discuss that on another item.

Chairman Nestorowicz said okay. Yeah, that's fine.

Robert Dempster wanted the board to know they're not worried. Henry Ford Hospital is excited to be here. They want to do the right thing. Everything in the decision making, this is a positive thing. He's in the sign business. It's a good thing. They don't want to have it up there any longer than it has to be. They want a year, they're seeking a year, if it's six (6) months that's fine. This is a good thing.

Chairman Nestorowicz said based on the comments he hears, it sounds like there is support for six (6) months. If after six (6) months he can make a case as to why they need another six (6) months, then he can make that case at that time. He doesn't think there is any support here for more than six (6) months. He asked if anybody wants to make a motion. Or is there any further discussion?

(Inaudible)

Motion:

Board Member Lindsey made a motion to grant the petitioner 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~~ **no longer than 6 months.**

Reasons being: Won't be a detriment to the area; Size and shape of the lot.

Secretary Clift supported the motion.

Chairman Nestorowicz stated they have a motion by Mr. Lindsey, support by Mr. Clift to approve the petitioner's request for a period of six (6) months. Roll call vote.

Roll Call:

A roll call was taken on the motion. The motion carried (5 – 1).

Board Member Lindsey	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Watts	Yes.
Board Member Green	No, ordinance is 32 feet, this 1,000 sq. ft., the property can be used as zoned, property is not unique, not necessary.
Chairman Nestorowicz	Yes, for the reasons stated in the motion.

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

8. PUBLIC HEARING: **APPLICANT: Paul Braschayko**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 13622 Edwin
LEGAL DESCRIPTION: 13-12-352-002
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

- 1) Erect a 10' x 14' (140 square ft.) gazebo.
- 2) Waive the required 4" slab with 24" rat wall for the gazebo foundation.

ORDINANCES and REQUIREMENTS:

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

- 2) That the building be fixed to a permanent foundation of the type required for detached garages in the Building Code.
- 5) That all accessory structures, excluding garages, will not exceed a total of 120 square feet.

Chairman Nestorowicz asked for name and address for the record, then take the board through the request.

Paul Braschayko, 13622 Edwin, appeared before the board. For about ten (10) years now, they've had a ten (10) by twelve (12), 120 square foot cloth top gazebo in the backyard. He thinks they've had two (2) of them. They wear out after a while, the canvas top gets sun damaged and everything. Last summer with the big wind storm, the wind blew the cover off of that gazebo. They're looking for a new one. They found one a little bit larger, ten (10) by fourteen (14), twenty (20) square feet more than the city allows. It's a hard top gazebo and they would like to install that in place of that damaged ten (10) by twelve (12), 120 square foot gazebo.

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

No response.

Chairman Nestorowicz closed the public portion of the meeting and turned it over to the board for discussion. He has one (1) question.

Board Member Lindsey said there is a letter to read.

Chairman Nestorowicz said there is an impact statement and asked for it to be read into the record.

Secretary Cliff stated it's dated March 31, 2025 to multiple folks, Secretary of the Board of Appeals, Mr. Murphy and Mr. Schuman from Mr. Wuerth. He read:

"RE: 13622 Edwin - 140 sq. ft. Gazebo & waive the required slab w/ratwall.
As per Article XX, Board of Appeals, Section 20.29 Impact Statement from the Planning Director, I have been requested to review the above-mentioned item for its impact on the City's general planning principles and other related issues.
My responsibility is to consider the effect of the variance request on pedestrian and vehicular circulation, off-street parking, structural relationship, public utilities, landscaping, accessibility and other site design elements. When a petitioner requests a variance to a Zoning Ordinance regulation, it is my responsibility to consider the overall impact of the variance(s) on the abutting, local or general public as a factor to be considered.
After review of the request, no issues were found to impact the abutting, local or general public.
It is with this observation that I provide my opinion. Should you have any questions, please contact me at the Planning Department..."

Secretary Cliff stated that was put together by Mr. Wuerth and Mr. Crabtree.

Chairman Nestorowicz thanked him. He closed the public portion of the meeting and turned it over to the board. He has a question. The gazebo he had, ten (10) by twelve (12), is that block patio existing? Is that what he had back there?

Paul Braschayko replied yes.

Chairman Nestorowicz asked that it's not something new that's being built.

Paul Braschayko explained it's been there for ten (10) years or so at least.

Chairman Nestorowicz asked Everett to approach the podium for a second, please. He sees Ron saying there's no issues that they saw from Planning. A block patio, they don't need to build a block patio with a rat wall or anything like that. He's just trying to understand.

(Inaudible)

Everett Murphy explained a patio itself without a structure on it, that's alright. It's when they put the structure over it.

Chairman Nestorowicz thanked him. He was just trying to think. The ten (10) by twelve (12) gazebo that would've been there, ten (10) by twelve (12) is allowed so they would not need any permit.

Everett Murphy explained the ten (10) by twelve (12) would have required a permit.

Chairman Nestorowicz said the permit, but there's no variance.

Everett Murphy said right.

Chairman Nestorowicz said when that one went up they wouldn't have needed, was there a request for a rat wall at that time or was it because it was considered...

Everett Murphy said the ones he had with canvas he hasn't looked it up, he doesn't know if Brian did, he doesn't know if ever had a permit for those. It's not the kind with the poles you take down at the end of summer and put back up, it should've had a permit if it stays there all the time. Its permanent, it should've had a permit.

Chairman Nestorowicz said he gets confused because now when going to Home Depot, Menard's or any of those stores they have these large canvas'. Instead of being a cloth, they become a hard roof. Very different.

Board Member Green is curious, they're cool looking. He's going to ask him a question and asked for his name again.

Everett Murphy stated his name and Chief Zoning Inspector.

Board Member Green said for the audience, he's new, that's why he didn't know who he was. Does a thing like that with just the screens.

Paul Braschayko informed it doesn't have walls.

Board Member Green asked if it would require a rat wall. Is that a dumb question.

Everett Murphy said it's how the ordinance reads, right. All such accessory structures. It encompasses all of them. If it has a roof over it, it's a structure.

Board Member Green said the roof is what the determining factor is. Interesting.

Chairman Nestorowicz asked Mr. Watts if he had a question.

Board Member Watts said he answered his question. He's good.

Everett Murphy said two for one.

Secretary Cliff explained in his line of work he deals with rat problems all the time. He doesn't find rats underneath structures that are open and don't have walls. He hasn't yet and he's been doing it for a number of years. He reserves his opinion on the ordinance for another time. All he can tell them is that in his experience, and he thinks he's mentioned this before when these come up, dealing with these types of structures and the foundations or whatever they're on, unless they're a wood deck. Now, if they're a wood deck that stands up off the ground, then they might have problems there, right? But a paver block patio or a concrete patio or even just sitting on approved footings sunk into

the ground and bolted down and grassy underneath, he has never encountered rodents in one of these types of structures. With that he'll yield the floor.

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

Secretary Cliff would like to make a motion if no other member has any comment.

Motion:

Secretary Cliff would like to grant permission to:

- 1) Erect a 10' x 14' (140 square ft.) gazebo.
- 2) Waive the required 4" slab with 24" rat wall for the gazebo foundation.

Reasons being: Not a detriment to the area; Enhancement to the neighborhood.

Board Member Lindsey supported the motion.

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

Roll Call:

A roll call was taken on the motion. The motion carried (6 – 0).

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

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

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| 9. PUBLIC HEARING: | APPLICANT: Fouad Youkhanna |
| REPRESENTATIVE: | Same as above. |
| COMMON DESCRIPTION: | 30823 Boewe |
| LEGAL DESCRIPTION: | 13-08-128-014 |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to

Retain widened driveway 12' beyond edge of garage in the front yard.

ORDINANCES and REQUIREMENTS:

Section 4.06 – Yard – USE: No part of any required yard, except a rear or side yard shall be used for any detached garage or any accessory building other than a garage or use, or for the storage of vehicles. 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 Nestorowicz asked the petitioner to say his name.

Fouad Youkhanna, 30823 Boewe, appeared before the board stating he would like to reschedule for the next meeting if possible.

Chairman Nestorowicz said he's fine. Based on the shortage of the members today. Would someone make the motion?

Secretary Clift said he'll make the motion. Does he want the next meeting, sir?

Chairman Nestorowicz asked the 23rd.

Fouad Youkhanna said yes.

Motion:

Secretary Clift made a motion to reschedule this item to April 23, 2025; Supported by Board Member Assessor.

Voice Vote:

A voice vote was taken. The motion carried (5 – 1).

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

Chairman Nestorowicz said with it only being two (2) weeks away, there won't be any new reposting or anything so this is his notification that he's on the 23rd. If there's anybody in the audience that came to speak on this item, this is their notification for that also. He asked board members to retain the package.

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| 10. PUBLIC HEARING: | APPLICANT: Warren Woods Tower Booster Club |
| REPRESENTATIVE: | Jason Chamberlain |
| COMMON DESCRIPTION: | 13400 Twelve Mile |
| LEGAL DESCRIPTION: | 13-14-226-023 |
| ZONE: | MZ, R-1-C, C-1 |

VARIANCES REQUESTED: Permission to

Conduct annual spring fair in the parking lot from Friday, May 16, 2025 through Sunday, May 18, 2025 during the hours of:

Friday 4:00 p.m. to 12:00 a.m.

Saturday 12:00 p.m. to 12:00 a.m.

Sunday 12:00 p.m. to 11:00 p.m.

Music to be lowered at 10:00 p.m. each night.

ORDINANCES and REQUIREMENTS:

Section 4.35 – Circuses, Fairs, Carnivals and Similar Uses: Permit circues, fairs, carnivals and similar uses in any district after approval by the Board of Appeals under the following conditions:

- (1) When engaged in by schools, churches, fraternal societies and similar non-profit organizations as an accessory use for the sole purpose of raising money for the financial support or such institutions in pursuit of their natural functions; provided, that such uses are confined to the land and buildings normally used and occupied by such institutions.
- (2) A permit is obtained from the City of Warren Police Department.

- (3) Such use and occupancy is not disturbing to the public peace and tranquility.
- (4) Such use and occupancy will not create undue traffic hazard and congestion.
- (5) Permits for such uses shall be valid for a total of sixteen (16) consecutive or nonconsecutive days; however, the permit expires thirty (30) days from the date of issue.

Chairman Nestorowicz asked him to state his name, address and then what the request is.

Jason Chamberlain, 12967 Jan Drive, appeared before the board stating he's the Vice President of the Warren Woods Tower Booster Club. This is their annual May fair. They come every year to get the variance to hold the May's fair in the middle school's parking lot. This is a big event for them to raise money to help the kids raise money at the high school and throughout the district through fundraising and things like that. They come every year. He thinks this is somewhere near forty (40) years it's been going on there.

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

No response.

Chairman Nestorowicz ends the public portion of the meeting and turned it over to the board. Before that he asked Mr. Clift to read the public impact statement.

Secretary Clift has another impact statement. This one is also dated March 31st from Mr. Wuerth. He read:

"After review of the request, no issues were found to impact the abutting, local or general public."

Chairman Nestorowicz thanked Mr. Clift. He turned it over to the board. He just wanted to start out by stating Warren Woods Tower Booster Club has had this year after year. If taking a look what's been approved the last two (2) years, this is identical to the wording they've always approved. They can see there are no neighbors, nobody complains about it. That's a good sign when there's no complaints.

Justin Chamberlain said this is his fourth year representing the Booster Club. He has one (1) more left. His youngest graduates next year. One this year and one the year after. Mr. Green, he actually went to Hazel Park High School. Sorry, he came right from baseball. He coaches baseball at Tower also. So, he came right from a baseball game.

Chairman Nestorowicz asked if there are any other comments or discussion from the board? Any motions?

Motion:

Board Member Lindsey made a motion to grant permission to:

Conduct annual spring fair in the parking lot from Friday, May 16, 2025 through Sunday, May 18, 2025 during the hours of:

Friday	4:00 p.m. to 12:00 a.m.
Saturday	12:00 p.m. to 12:00 a.m.
Sunday	12:00 p.m. to 11:00 p.m.

Music to be lowered at 10:00 p.m. each night.

Reasons being: Not a detriment to the area; Something they have seen in the city that's an enhancement as well.

Board Member Assessor supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Lindsey, support by Mr. Assessor to approve the request for the reasons stated. Roll call.

Roll Call:

A roll call was taken on the motion. The motion carried (6 – 0).

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

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

11. PUBLIC HEARING: **APPLICANT: Daniel Crippen**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 22534 Groesbeck
LEGAL DESCRIPTION: 13-35-202-002
ZONE: MZ, M-1, M-2, C-3, R-3

VARIANCES REQUESTED: Permission to

Replace 190' of damaged 6' high chain link fence along Groesbeck and 285' along Fisk and to retain the remaining sections of 6' chain link fence that are all in the front setback.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards: (a) Front yards. M-1 zones 8' front setback required.

Section 17.02 – Industrial Standards: (a) Front yards. M-2 zones 25' front setback required.

Section 15.05 – Front Yard for Commercial Buildings C-3: A front yard setback of fifteen (15) feet shall be provided for commercial buildings, measuring from the right-of-way line proposed by the Master Thoroughfare Plan of the City of Warren.

Section 10.04 – Front Yard: Each lot in R-3 districts shall have a front yard of not less than twenty-five (25) feet in depth for a one (1) story building plus ten (10) feet for each additional story or portion thereof.

Chairman Nestorowicz asked them to state name and address, and then what the request is.

Dan Crippen, 28216 Newport, appeared before the board stating he's representing Bar Processing at 22534 Groesbeck Highway. They're requesting a variance to replace an existing deteriorating fence in lieu of moving it back as current code states, to behind the front of the building. The reason for this is they need the space for daily operation. They process steel, they process large bundles of steel and they need places to store them and move them around in the yard. They do have space in the back where they could additionally stack if they were to shrink their front and side

yard, but there are residents back there. They're trying to be a good neighbor and only put stuff back there for long term storage.

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

No response.

Chairman Nestorowicz asked Mr. Clift to read the impact statement.

Secretary Clift said to bear with him, it's a little lengthy. The first two (2) paragraphs again mimic the one he read earlier into the record. This is from Mr. Wuerth and Mr. Crabtree:

"On April 8, 2025, the Planning Staff conducted an inspection of the site based on the approved site plan, granted approval by the Planning Commission on February 11, 2013. As a result of the inspection, the Planning Staff determined that the site is not in compliance with the approved site plan. The following issues were found and observed by the Planning Staff during the inspection:

- 1) A fuel tank is located between the east side of the building and the east property line, which abuts residential dwellings. A variance may be required to retain the fuel tank.
- 2) There are large, tall piles of dirt and gravel in the southeast corner of the site, in an area only designated for paving.
- 3) Per the approved site plan, there are ten (10) passenger parking spaces to be located along the east side of the building, near the driveway entrance to Fisk Avenue. In place of the required parking spaces is open storage of various materials and construction vehicles.
- 4) In the area to the east of the building along the east side of the building and along the east and north property lines, there is open storage of various materials, pallets, machinery, dumpsters, and debris that was not approved on the site plan.
- 5) Per the approved site plan, the area to the east of the building is to be paved. However, only gravel currently exists.

The Planning Department recommends this item be POSTPONED and referred back to the Zoning Division for further inspection and code enforcement, and to determine what further variances shall be required to bring the site into compliance with the approved site plan. Any changes the petitioner wishes to make to the site and site plan shall require a revised site plan.

Should this item be heard by the Board, the Planning Staff recommends that slats be added to the proposed chain link fence, in order to adequately shield the open storage of materials from public view."

Chairman Nestorowicz thanked Mr. Clift. He closed the public portion and turned it over to the board for discussion. He actually understands need of replacing damaged fence. Based on what they heard from Planning, he honestly does not think they should hear this item today, because it sounds like they need to have a new updated site plan that makes it through the Planning process. That could address some of these findings that Mr. Wuerth stated in his assessment letter. That's his opinion. He doesn't know what the other board members, if they're in agreement.

Board Member Lindsey would echo that.

Board Member Watts is okay with that, but he did have some questions for Mr. Murphy if that's possible.

Chairman Nestorowicz asked Mr. Murphy to approach the podium.

Board Member Watts was looking at the documents included in the packet. It looks like dated way back to 2015 a Certificate of Compliance was not applied for. Then it shows it was applied, but it doesn't show they ever got the Certificate of Compliance. He's wondering where they're at on that.

Everett Murphy will check with Brian. He did the research on that.

(Inaudible)

Board Member Watts said fair enough. That's good and thanked him. He said it was cleared. Thanks.

Secretary Clift said if nobody else has any comment, he'll make the motion to table.

Chairman Nestorowicz asked to a date unknown based on the need for a site plan.

Secretary Clift said date to be determined.

Motion:

Secretary Clift made a motion to postpone the item to a date to be determined; Supported by Board Member Watts.

Chairman Nestorowicz said they postponed this item to a date to be determined based on the need of an updated site plan through Planning. Do you want to take a roll call vote on that?

Secretary Clift said yes, he will.

Roll Call:

A roll call was taken on the motion. The motion carried (6 – 0).

Secretary Clift	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.
Board Member Lindsey	Yes, for the reasons stated in the motion.
Chairman Nestorowicz	Yes to table for the reasons stated.

The petitioner's request was **POSTPONED** the item pending a new site plan.

Chairman Nestorowicz recommended he talk to Mr. Murphy's department and he can explain

what the steps are for that. Once they have a new site plan approved, then they'll be back in front of the board.

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| 12. PUBLIC HEARING: | APPLICANT: Alex Hano |
| REPRESENTATIVE: | Same as above. |
| COMMON DESCRIPTION: | 32150 Dequindre |
| LEGAL DESCRIPTION: | 13-06-151-018 |
| ZONE: | M-2 |

VARIANCES REQUESTED: Permission to

Erect a 53" x 103" (37.91 square ft.) wall mounted electronic message center sign that is 100% digital display area.

ORDINANCES and REQUIREMENTS:

Section 4A.27 – Electronic Message Center: In addition to other applicable zoning requirements, a responsible party shall comply with all of the following electronic message center requirements:

(b) Except a property where a business has a valid State of Michigan Motor Fuels Retail Outlet License, the digital display area of an electronic message center does not exceed 25% of the total permitted free standing sign area.

(d) The electronic message center is a freestanding sign.

Chairman Nestorowicz asked them to state name and address, and then what the request is. Alex Hano appeared before the board stating he's representing Kelly Car Wash at 32150 Dequindre. He stated his home address. They're requesting a variance for this sign because the legally allowed square footage is thirty (30) or twenty-five (25), something like that. Their sign is a little over that. They're wondering if they can get the go to put a little bit larger one because of the distance of the building from the street.

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

No response.

Chairman Nestorowicz said to Mr. Clift there is an impact statement to be read.

Secretary Clift said comments of the impact statement are:

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

It is the recommendation of the Planning Department that this variance request be DENIED. The petitioner's reasoning in the application for the variance request of making the City of Warren look more modern and giving it that extra "bling" does not demonstrate a reasonable hardship or burden. Also, the west side of the building where the proposed digital sign would be placed is approximately 200 ft. from Dequindre Road. The size of the proposed sign combined with the distance from passing vehicles traveling along Dequindre would prohibit this sign from being clearly seen by passing motorists."

Chairman Nestorowicz thanked him for reading that. He closed the public portion and turned it over to the board for discussion. He wanted to start out with a question. Personally, he is not in favor of an LED sign this big being the only sign there. There are people who have an LED sign because they're going to be changing it. With that being their only sign, what would he be changing that sign to. He imagines specials and stuff.

Alex Hano said they do have specials.

Chairman Nestorowicz said then they wouldn't have the name of the business on the sign.

Alex Hano said no, they won't be showing the name of the business on the sign. People know the name of the business from the sign already up on the street by the sidewalk. This was going to promote their specials and when they get new equipment in later on this year. When they put in monthly plans, which they're offering late this year and early next year. They're going to put those in. They want people on the street know they have this special, especially because the car wash hasn't been doing that good in the last few years.

Chairman Nestorowicz said he drives down Dequindre always. Most passengers are going to be driving on the street. The sign being flat like that on the building is not going to be easy for people to see, first of all, in his opinion. If you want to advertise the business, he doesn't think that's... He's not totally in favor of this. He thinks having an LED sign that big being the only sign there, he personally is not in favor of that.

Alex Hano said to be fair, it's up on the hill, which is already hard to see. Thankfully they have a stop light right in front of the car wash where people stop. They can look at their surroundings and take a look at their wash.

Chairman Nestorowicz knows it's an industrial area. They have the storage of RV's over there in that one area, they have all the other stuff. Other comments from the board members?

Board Member Green asked what they're trying to do with this sign is branding. Trying to bring attention and brand the product?

Alex Hano said pretty much yeah. Promote the specials.

Board Member Lindsey shares some of the same thoughts. He really doesn't have an issue with the size of the sign if it's lighted. The LED's he's usually not in favor of LED signs. He really doesn't want to see those continue to be a thing in the city. He thinks they are distracting. He thinks they are a detriment to the area. So, he's not really in favor of the LED sign here.

Chairman Nestorowicz asked for any other comments. His question is... The reason he's not in favor of that is because he still has that sign that says car wash by the sidewalk he knows. Correct?

Alex Hano said there is nothing there as of now. It just says car wash and that's it, Kelly Car Wash. It's a street sign.

Chairman Nestorowicz said but there is a sign by the street. He thought there used to be a sign

there. See, he was thinking if he was advertising the car wash there is that grass area between the asphalt and the sidewalk. He thinks a sign that is perpendicular to the street over there advertising car washes would make sense. He's not in favor of the sign. Any other comments or motions?

Secretary Cliff asked how often this sign would be refreshing or changing it's message.

Alex Hano replied not very often. It's completely up to the board and what they allow him to put on that sign. Whether its video, picture or moving text. He'll comply with whatever the board tells him if they even grant him permission to put the sign. He can even put a timer on it to be on for certain hours of the day. When it's necessary.

Secretary Cliff said where he's at with it, it's so far from the road. His concern is that if it's eye grabbing, which is what he wants, he understands what he wants. He wants eye grabbing, attention getting, promote the business. His thing is when people are traveling around and that thing flashes or does something and it's a little overly distracting because that's far away to look. It'll occupy time and afraid it's more of a detriment to traffic travel than anything else. Something like that with a slow changing message on the berm down there out by the road where you're not looking and turning your head forty (40) degrees or whatever to see it, he could get behind something like that. He sees this as being maybe a little overly distracting. He understands what it is he's trying to do, but he just wanted to throw his opinion on there. He'll yield the floor with that.

Chairman Nestorowicz added on to Mr. Cliff's comment. If it's a sign on the building like that, he'd be more in favor of a permanent type of sign, a regular sing. He personally thinks, even to advertise specials or any of that kind of stuff, he would think a monument sign by the sidewalk with the proper spacing, but a monument sign that says name of the car wash on top. Then a smaller LED section underneath to have the specials. That he can understand, because then as you're driving north or south on Dequindre it can easily be seen. A complete LED sign on the building he just doesn't like a sign being only LED. They don't have control over what the sign says and that's just his two cents.

Board Member Watts asked if they're saying there is no sign by the road.

Alex Hano asked if he meant just a car wash sign. There is.

Board Member Watts said he's looking at Google maps and it shows a big sign by the road.

Chairman Nestorowicz thought he saw one.

Board Member Watts said it says free vacuums, car wash, maybe the price changed, \$4, blah, blah, blah.

Alex Hano said that's the one.

Board Member Watts agrees with the comments. Personally, he likes LED signs but when they're flashing red or blue like they do in some of these places, it really grabs their attention. It's distracting.

Alex Hano said he has a question. Other city's are different. He hasn't had a problem with Clinton Township, they let him pull a sign out and everything like that. What appalls them so much from allowing a sign like this to be put up in the city.

Chairman Nestorowicz said every city has different ordinances that were written. Part of what the ordinances are that digital display area of LED sign should not be more than twenty-five (25) percent of the total permitted sign area. They don't allow 100 percent. If he had a sign and only twenty-five (25) percent of it was LED, they don't even need the approval or permission. It's when they go over that twenty-five (25) percent. Every city the ordinances were written by different people, different areas, different times. Can't really compare one city to another.

Secretary Clift said for him it's an enforcement issue. It's too easy to change, speed up the change of the message, keep the intensity high. There's really lack of control. You approve something like this and it takes somebody coming along maybe recognizing that it's out of ordinance for one reason or another. It could sit there and do things it's not supposed to do for a long period of time if somebody doesn't catch it. Something like this when they're added to monument or in corporation with monument signs advertising out in front of the building, to him that's a whole different ball game. He just can't get behind this one. He'll yield the floor with that.

Chairman Nestorowicz asked for any other comments from the board. Any motions?

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

Motion:

Board Member Lindsey made a motion to deny the request to erect a 53" x 103" (37.91 square ft.) wall mounted electronic message center sign that is 100% digital display area.

Board Member Assessor supported the motion.

Chairman Nestorowicz said they have a motion by Mr. Lindsey, support by Mr. Assessor.

Reasons being: It's not necessary; Detriment to the area.

Chairman Nestorowicz thanked him. Mr. Clift roll call.

Roll Call:

A roll call was taken on the motion. The motion carried (6 – 0).

Board Member Lindsey	Yes, to deny.
Board Member Assessor	Yes, to deny.
Board Member Watts	Yes, to deny.
Board Member Green	Yes, to deny.
Secretary Clift	Yes, to deny.
Chairman Nestorowicz	Yes, to deny.

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

Chairman Nestorowicz said based on some of the comments he heard, he thinks it might be worth while looking into improving or making changes to the existing car wash sign that's by the road. Maybe find a way to make that a more appealing sign and get a message board added onto that or something.

Alex Hano thanked the board for their time.

13. PUBLIC HEARING: **APPLICANT: Baker & Associates Realty Group**
REPRESENTATIVE: Faye Baker
COMMON DESCRIPTION: ADDRESS TO BE ASSIGNED AFTER PARCEL SPLIT.
(CURRENT PARCEL 12-13-33-276-005 LOT 756 ON
PACKARD AVE.)
LEGAL DESCRIPTION: 13-33-276-005(In process of re-establishing plat lines)
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Construct a single family residence:

- 1) With a 30' rear setback.
- 2) Without staggering front building line 2' from adjacent lots.
- 3) With 35% lot coverage.

ORDINANCES and REQUIREMENTS:

Section 7.08 – Rear Yards: Each lot in R-1-C districts shall have a rear yard depth of not less than thirty-five (35) feet.

Section 7.05 – Front Yard: Each lot in R-1-C districts shall have a front yard of not less than twenty-five (25) feet. Where residences are to be erected on adjacent lots, such building line shall be staggered at least two (2) feet, with no building located closer than twenty-five (25) feet from the front property line.

Section 7.04 – Percentage of Lot Coverage: One (1) family dwellings, together with accessory building, hereafter erected on any lot in R-1-C districts, shall not cover more than thirty (30) percent of the area of such lot, provided, that this requirement shall not apply to any lot which at the time of [sic] this ordinance becomes effective is less in area than the specifications herein provided if such lot was of record at the time of the adoption of this ordinance.

Chairman Nestorowicz asked the petitioner to start with name and address for the record, then the reason for the request.

Faye Baker appeared before the board and asked if they wanted her home address or address of the building.

Chairman Nestorowicz said either works.

Faye Baker stated the address has not been determined, but she does have the parcel number 12-13-33-276-027 lot 756.

Chairman Nestorowicz asked for her to explain the reason for her request.

Faye Baker said the request is to have the setback for the single family detached home to be thirty

(30) in the rear instead of the twenty-five (25) and they're requesting that they don't have to stagger the front lines by the two (2) feet. Also, thirty-five (35) percent lot coverage instead of the thirty (30) so they can have a house that's more appealing to the current market for sale. Her goal is to increase home ownership in south Warren. This house will allow them to do that. The lots are smaller, which means they have to be very strategic on how they place things there. Most people want a garage on their home as well. Increasing the coverage will allow them to put a house that fits today's families and encourage people to move to south Warren with home ownership.

Secretary Clift said before they move on. Point of clarification. He asked her to read the last three (3) digits of that parcel number for her since it does differ from what they have on the paperwork in front of them. He thinks they're going to need to include that in the motion.

Faye Baker said 027. It was just assigned late last month.

Secretary Clift thanked her.

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

No response.

Chairman Nestorowicz closed the public portion of the meeting and turned it over to the board for discussion. He understands about the setbacks and all that kind of stuff. How large is the house that's being built there? Is there a square footage?

Faye Baker said yes, not including the garage it's 1,252. Including the garage they're at 1,516 and the garage is 260. So, the actual size, the square foot of the home itself is 1,248.

Chairman Nestorowicz asked if it's a one story or two story house.

Faye Baker replied one story house.

Chairman Nestorowicz said cases like this that come before the board, he personally would always love if they saw a picture of what the house is going to look like or have an idea other than just the measurements.

Faye Baker said she has it on her phone. She has to wait till it gets approved before she can actually get the drawings and things like that. They're single family detached homes, one car attached garage. Open floor plan, three (3) bedrooms, two (2) full bathrooms, with laundry on the first floor. They're also making it...

Chairman Nestorowicz asked if the house is going to have a basement or slab.

Faye Baker explained it depends on how costs go, but they desire to have some on basements and maybe some on crawls. They want people to be able to age in place so they have the zero barrier entry so older people will desire to buy a home there. Or people who as they age can stay in their home longer. They have the wider doors, they have the zero entry barrier to get into the home, and also the attached car garage to make it more appealing to buyers.

Chairman Nestorowicz said for the life of him he was trying to remember that large parcel. Does anybody remember what was on that large parcel that this is being separated from. He's trying to remember.

Faye Baker asked if he's wondering what was that parcel. It was a school.

Chairman Nestorowicz said that's right. He asked if she's building just one house or going to be developing all of these parcels.

Faye Baker said yes.

Chairman Nestorowicz asked if the other parcels here are being sold off to other people.

Faye Baker explained some of the parcels will have colonial homes and because the footprint is smaller, it fits in the current building envelope so those don't require a variance, but in order to include ranch style houses for people who don't want colonials. People don't like to do stairs. So, she wants to be able to appeal to a wide range of buyers and the smaller lots. As it's zoned it does not allow them to do that.

Chairman Nestorowicz explained why he asked those questions. He knows the southern end of the city the lots are smaller so they can't always have the setbacks that they can have in other parts of the city. The reason he was asking about what kind of home was being built there, because he's seen builders put homes in small lots in other parts of the city where they put a house but it's only a two (2) bedroom house. Which might be fine for an older retired couple, but if you want a family that two (2) bedroom house doesn't work that well. That's why he was wondering about the size of the house.

Faye Baker said that's exactly why they need the variance. Without it they can't put a three (3) bedroom two (2) bathrooms in that small space. The house would be just slightly over a thousand square feet. It's not as desirable for a homeowner for someone to buy it. They'll rent it, but they're trying to increase homeownership.

Chairman Nestorowicz likes seeing new housing stock in the southern end of the city. He thinks it's a good thing for the city. That's his comments. Any other comments or discussion from other board members on this item.

Secretary Clift asked if these homes are going to have basements. Just curious.

Faye Baker stated it depends on the price point. Things are changing, so as they determine what they can build there. It will either be built on a crawl space or they'll be built on a basement.

Secretary Clift thanked her. He yield the floor.

Chairman Nestorowicz asked for other comments.

No response.

Chairman Nestorowicz asked for motions.

Secretary Clift said he would like to make a motion.

Chairman Nestorowicz said yes, Mr. Clift.

Motion:

Secretary Clift made a motion to give permission to:

Construct a single family residence:

- 1) With a 30' rear setback.
- 2) Without staggering front building line 2' from adjacent lots.
- 3) With 35% lot coverage.

That would take place on parcel number 12-13-33-276-027

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

Board Member Lindsey supported the motion.

Chairman Sophiea said they have a motion by Mr. Clift, support by Mr. Lindsey to approve the request for the reasons stated.

Roll Call:

A roll call was taken on the motion. The motion carried (6 – 0).

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

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

Chairman Nestorowicz wished her luck building the home. It's nice to see new construction going on there. Thank you for the work.

14. NEW BUSINESS

Board Member Lindsey wanted to say well done for the board members that are stepping in today. He appreciates them.

Secretary Clift thanked him.

Chairman Nestorowicz wanted to add that Mr. Sophiea did send him an email.

Secretary Clift said that's \$20 deducted from Mr. Nestorowicz.

Board Member Green has a couple of questions. Thirteen and Mound is, well, he talked to Steve a little bit but, is there a site plan. He doesn't know if he knows the answers right now, but is there a site plan. Is it seasonal, is it permanent with what they have there. That particular tent

used to be right on the corner. Now they have a strip mall there. Now the tent is in a different spot. He thinks it requires a different site plan. If taking a look at it, if he's familiar with the area, that has been growing and growing and growing. He wants to find out, he did talk to Steve a little bit about this, is to where they are at with that. Third, he doesn't know what the rule is, but they have a porter john out there. It's in front of the brick and mortar buildings. On top of that, if you drive by it you'll see a temporary sign that's right underneath the brick sign that's stuck between the sidewalk and the grass. To make it fit, they actually took the base of the sign and bent it backwards to stick it in there. It's not a good look. He talked about temporary signs already and now there is a temporary sign up. He wants to find out what's going on there.

Everett Murphy said they'll look into that. Brian has been taking notes as he's been talking. They'll get an answer to that question because he doesn't know it.

Board Member Green said first and foremost the temporary sign looks terrible. They have to have some kind of permit for a temporary sign he's assuming.

Everett Murphy asked if this is the flowers.

Board Member Green said it's the flower place. The problem is at one point they came to the DDA and wanted to put a permanent structure at Majestic Plaza. Then that changed. From their standpoint the site plan was originally for the corner. Now, the whole thing has moved behind the strip malls. He doesn't know if it's a permanent type of situation where they put it up year after year after year. They have a porter john. Last year they had storage for outdoor sales. Some clarification on Thirteen and Mound would be nice.

Everett Murphy is going to look at that to refresh his memory. It's been a long time since he's been over in that area. There's a lot of history on there.

Chairman Nestorowicz said there's a lot of history on that property.

Everett Murphy said there was previous approvals.

Board Member Green said when he was on the DDA there was a big pissing match going on about it. The bottom line at some point people can't just be sticking temporary signs up on the sidewalk below a brick and mortar sign. If he had a business in there he doesn't think he would be real happy about it.

Everett Murphy explained with the seasonal sales and the outdoor sales are generally allowed one (1) sign. It goes with the sale.

Board Member Green said it surely can't be put on a piece of grass this big with the base bent to make it fit.

Chairman Nestorowicz said they still need to come to the board to get approval for...

Board Member Green said anyways that's his point.

Everett Murphy said they do and it sounds like they need to go over there and take a look

anyway.

Board Member Green said his second. This is only his second meeting. He knows Home Depot came to the board. At some point did Lowe's come to the board. If you take a look at Thirteen Mile and Van Dyke Lowes, it's growing.

Chairman Nestorowicz said if it's growing that could be a concern.

Board Member Green said it's growing daily.

Chairman Nestorowicz explained when they built that location, they got permanent outdoor sales. They never have to come to the board, but it was limited to an area. They don't have to come to the board.

Board Member Green said the problem is on the Thirteen Mile side, they've got wood stock fences stocked up now, they've got trailers. He's been watching. He drives by there all the time. So, they had the storage on the south side of the building behind the building. Now they have sheds and their mulch has worked it's way to the gas station. Three (3) rows. Now it's come down, now it's come all the way to Thirteen Mile. As of today it's working it's way down Van Dyke.

Chairman Nestorowicz thinks that's where it needs to be referred to the Building Department. He knows they have permanent...

Board Member Green said he's just bringing it up.

Chairman Nestorowicz continued if it's been growing. They would remember the original area because they should grow outside of the original.

Board Member Green asked if that would be a site plan then.

Chairman Nestorowicz said there would be a site plan. That's one of the reasons why when other folks say they come every year give them a permanent. That's why he doesn't like doing that, because they lose the control of what's going on there. They're getting too much stuff. He was actually happy with how the Home Depot is doing now because they have less material outside than they use to. Corporate is probably shipping everything out there for spring.

(Inaudible)

Chairman Nestorowicz said they should be able to kick it back to corporate and say they don't have room for this. Or just put it inside the store.

Board Member Green said those are two (2) items if someone could see what's going on.

Everett Murphy said they'll ask for it to make sure they have the current copy of the approved site plan and they'll send somebody out there to make sure they're staying within their approval.

Board Member Green thanked him.

Chairman Nestorowicz said you would think that any business that has outdoor sales. He thinks the Building Department should actually go out there sometime and take the spray can and actually outline.

Board Member Green said if they get a chance drive by it. It's crazy what they're doing.

Secretary Clift asked that the ordinance doesn't provide for that to mark where the outside storage is going to be on a permanent basis.

Everett Murphy doesn't think it's specific like that where it has to be physically marked on the ground.

Chairman Nestorowicz said it would be nice if it was.

Secretary Clift said something to be added into the ordinance he thinks it would make everybody's life a little bit easier.

Board Member Green is assuming they also have outdoor sales, too.

Everett Murphy said permanent outdoor sales.

Board Member Green appreciates that and thanked him.

Board Member Watts has one more question before he runs away. It kinds of goes back to the first item they had tonight. Obviously, he has a real problem with people paving their front yards. They have a problem in this city with people putting multi families in a house they're parking cars, filling up the backyards with cars, it's a mess. There's a lot of places that are a mess that will have to be dealt with. Now, in this particular situation, what if they find out on one of these that they weren't truthful with them and they're running a business. How do they deal with that.

Everett Murphy answered code enforcement. Then it's on them to establish that it is happening. Board Member Watts asked if they can revoke and make them pull the concrete out.

Everett Murphy replied no. Once they grant that variance, it runs with the land.

Board Member Watts said okay.

Board Member Green asked that these permanent variances that they've granted they're there.

Chairman Nestorowicz explained anything they grant stays forever.

Board Member Green said even if they violate the site plan.

Everett Murphy said that's why it's such an important decision and have to come before this body.

Board Member Green gets it. That's why they have the discussion. Even if they violated what

they came up here for approval for. He's just thinking out loud.

Everett Murphy said if they gave false statements or something. He guess he needs to look into the legality, but once that variance is issued. As far as he is concerned, now it's just a matter of enforcing it.

Board Member Watts received some information from a resident while it was going on. He didn't see it until it was done, but now he has a real concern about what was approved.

Board Member Green didn't mean to put him on the spot.

Everett Murphy said he can always turn those into him to investigate as well.

Secretary Cliff said they grant them, its up to somebody else to make sure that people aren't abusing it or going outside of what was granted or what the purpose is or how it's being constructed.

Board Member Watts said if he turned in all the problems he's seen he would need another 100 inspectors.

Everett Murphy believes he's right.

Board Member Watts thanked him.

Everett Murphy will never turn down more inspectors. He'll just say that.

Chairman Nestorowicz noticed those properties in the city that have the string LED lights, like a certain property today. How are they doing that enforcing that around the city.

Everett Murphy asked if they're talking about the car wash.

Chairman Nestorowicz said yes.

Everett Murphy said those lights have been removed

Chairman Nestorowicz said okay. He hasn't driven by lately.

Everett Murphy asked Brian if that report made it in. Code enforcement report that's in there, at least the copy they have now, is updated to say they got rid of the feather flags, but they didn't get rid of the LED lights. Went back and talk to them. Sent another inspector back, they removed them.

Chairman Nestorowicz said good.

15. ADJOURNMENT

Motion:

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

Voice Vote:

A voice vote was taken. The motion carried (6 – 0).

The meeting adjourned at 9:25 p.m.

William Clift
Acting Secretary of the Board

APPROVED