

WARREN ZONING BOARD OF APPEALS  
REGULAR MEETING  
MAY 22, 2024

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, May 22, 2024 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  
Charles Anglin  
Kevin Higgins  
Anthony Sieracki, Jr.  
Michael Sylvester

**Members of the Board absent:**

None

**Also present:**

Jennifer Pierce, City Attorney  
Everett Murphy, Chief 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 all Board Members were present.

**4. ADOPTION OF THE AGENDA**

**Motion:**

Secretary Jerzy made a motion to adopt the agenda as written; Board Member Perry supported the motion.

**Voice Vote:**

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

**5. APPROVAL OF THE MINUTES of the Regular Meeting of May 8, 2024.**

**Motion:**

Secretary Jerzy made a motion to table the minutes of May 8, 2024 to June 12, 2024 meeting; Supported by Board Member Anglin.

**Voice Vote:**

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

6. PUBLIC HEARING: **APPLICANT: Andrew Green**  
REPRESENTATIVE: Same as above.  
COMMON DESCRIPTION: 25813 Lila Ct  
LEGAL DESCRIPTION: 13-19-403-011  
ZONE: R-1-C

**VARIANCES REQUESTED: Permission to**

Allow:

- 1) A 6 ft. high privacy fence to extend approximately 60 ft. past the front building line along the north property line.
- 2) A 6 ft. high privacy fence to extend 17.6 ft. past the front building line along the south property line.
- 3) A privacy fence to be constructed within the 10 ft. clear vision zone of the neighboring driveway to the west at 25850 Virginia.
- 4) A 4 ft. high privacy fence past the front building line in the northwest corner of the property (adjacent to the public sidewalk from Lila Ct. to Frazho) to extend approximately 24.9 ft. from 1 ft. in from the public sidewalk on Lila Ct. to 1 ft. from the public sidewalk on Frazho.

**ORDINANCES and REQUIREMENTS:**

**Section 4D.08 – Fences, Walls and Landscape Screens in Front Yard Between Building Line**

**and Front Property Line:** No fence, wall or landscape screen shall be constructed between the established building line and the front property line, except as follows: B. Cul-de-sac. When a lot at the closed end of a cul-de-sac street and the side yard is adjacent to a street, fences or walls may be extended beyond the front building line up to one (1) foot from the sidewalk and shall not exceed the height of four (4) feet along the side yard property line adjacent to the street.

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

Chairman Sophiea said good evening and asked the applicant to start with their name and address for the record.

Andrew Green appeared before the board stating he is the owner of 25813 Lila Court.

Chairman Sophiea thanked him and asked him to please take the board through his request.

Andrew Green explained he's here today to request a few variances for the privacy fence he's putting on his property. He would like to start with some corrections to the requested variances and provide some additional dialogue. For variance 1, the variance requested is to allow a twenty (20) foot section of five (5) feet fencing from the gate line to the end of the house, which is being considered the garage

at this point. Where it will connect to the remaining four (4) feet of fence that connects to variance 4. This will allow coverage of his waste bins, as well as to add to the curb appeal to his home and the neighbors that are viewing the fence from the Frazho side. Variance 2, he's not sure how it made it on, but it's not something that is being requested. In his original sketch submitted to the city, that was actually a question if he could continue a four (4) fence passed the front corner of his house, but it's not something he is doing at this time. Variance 3 is as requested and the owners support the variance. He's provided that yesterday to Ms. Jones. For variance 4, the variance requested is to allow replacement of a twenty-five (25) foot fence to slope with a starting height of four (4) feet to an ending height of two (2) feet six (6) inches, as written in the original submission. The redrawn proposal by the zoning office would deprive him of the right and privileges currently enjoyed on his property and by other property owners in the same zoning district. Moreover, the heavily trafficked Frazho Road presents for current issues of loose trash, as well as view of neighbor's houses across Frazho that are unsightly. The existing fencing is on all sides of the property line and a restrictive boundary pedestrian traffic coming onto the property. There was a point where he had taken the fence down to get some weeds, pretty heavily rooted trees on the fence line, and within forty (40) minutes he had kids biking across his yard coming across the sidewalk. The condition was not created by him or the previous owner of the property. It was not recently discovered by him. The fence was installed in 1967 when the subdivision was built. The property does have unique physical features and characteristics. Specifically, the smaller fence opening Lila Court to Frazho. It's not something he has seen in other areas. The variance request is not primarily related to personal or economic hardship and he believes the request is the minimum necessary. The variance is being requested to allow the full use of his yard, continue to update and modernize his property, while also improving the overall look of the community. It will also help with combatting road noise, containing trash that is blown or thrown into his yard, and blocking the view of seasonal displays or unsightly yards. He did provide some additional documents in support from both owners abutting his property. He does know there are several neighbors who have written support of the variance requested and a couple are here today.

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

(Inaudible)

Chairman Sophia asked them to tell the board their name and address for the record, please.

Peggy Rode, 25821 Lila Ct, appeared before the board stating she is a sixty (60) year resident of Warren. She's calling because of the unique situation that they are on a cul-de-sac, but there is the opening access that goes out to Frazho. She doesn't see many of these that are going out to half miles or whatnot throughout the city. He's changing some things from what they've been given. They've got nothing on that. Her question is, they're going out to a cul-de-sac to the main half mile. He puts up any fence that's considered privacy, they can't see if there's people coming, dogs coming, children on bikes. They have children going out on bikes. They've got a fence coming like this, anybody going out, coming from the west, they're not going to be able to see. What he considers obscured things that he needs to cover up or block is a personal thing, not necessarily an opinion of the rest of them on the street. She thinks this should be tabled until they get all new items, what he wants to do. They've gotten things... He's already taken down fences, put fences back up. He's already at this point taken down the fence along the walkway going out. She needs to find out who they contact the barriers that come up. Those are supposed to be either reflective or yellow. He's not

got them painted black. They can be seen from her side, but when coming in at night to come into theirs they're black. You can't see what's there. There's going to be an accident. There's going to be somebody hurt one way or another. So, she's asking this to be talked about or seen at a later date when the rest of them can get all information that he's presenting today that they never saw.

Chairman Sophia thanked her for those comments. The board will address her concerns during their discussion. This is a public hearing. Is there anyone else in the audience that would like to speak on this item?

Mary MacFarlane, 25805 Lila Ct, appeared before the board stating she lives two (2) doors down from Andrew. Since he's moved in, she wants to let the board know that...

Chairman Sophia asked her to speak up, they're having a hard time hearing her.

Mary MacFarlane repeated her name and address. Since Andrew has moved in, he has nothing but made some very visual improvements to the exterior to enhance the appearance and curb appeal. This in turn has inspired surrounding houses to beautify their homes as well. She knows this is off the grid, but she just has to share this. As far as a privacy fence, this will act as a sound barrier and a great screen for blocking out views that you don't want to see from another yard. Finally, it's a theft deterrent. She thinks everything that Andrew has in play that the board has seen is totally within his rights and hopefully the board will go for what he's asking for. Thank you.

Chairman Sophia thanked her for those comments. This is a public hearing. Next person approach.

Greg Rode, 25821 Lila, appeared before the board stating he's been living in this house for over thirty (30) years. Ok. First of all, his comments about noise abatement because he needs a privacy fence. He had two (2) large trees on the city easement cut down, which absorbed quite a bit of sound for the rest of them on the street. They're down to almost nothing left in there. So, he doesn't agree with this for sound. He's also cutting off vision onto Frazho, so they can't see. The other problem he has, too, is the board checking to see if this is ADA approved. Does this meet the disability act? They're going to be hearing this, because from what he heard, Warren is getting a million dollars from the federal government to enact this stuff. He personally has problems.

Chairman Sophia thanked him for those comments. The board will address that in their discussion. This is a public hearing.

Rachel Colavecchia, 25775 Thomas, appeared before the board stating she's on the corner of Thomas and Lila, just a few doors down from Ande. She wanted to publicly express she has no issue with him building this fence. She doesn't see it being an issue for their neighborhood in any way. It would improve his noise cancelation of the very busy Frazho Road. It would prevent anyone from coming into his yard, which is very much in a public corner that could be easily cut into if there was not a way to easily prevent that, such as a fence. She thinks it's a great update to his home and he should absolutely be able to complete these fence updates.

Chairman Sophia thanked her for those comments. Would you like to approach and give comments?

Gina Jenkins, 26003 Thomas, appeared before the board stating she is on the corner of Frazho and

Thomas, across the street to the north from Andrew. She introduced her husband, Ron. First of all, with some of the changes that are made on here, she too, like this lady, would appreciate an accurate description of what he's actually doing. But she has an issue also, she pretty much said everything that she was going to say. The safety issue she thinks is paramount. There are a lot of bikers, a lot of walkers, a lot of people with little ones in strollers that go up and down Frazho on both sides anytime of the day and throughout the evening, and late into the evening in the summertime. Her first thought was what's going to happen when somebody is coming this way down Frazho walking along, east or west, walking along that six (6) foot high fence that he wants to put up and someone comes out of the cul-de-sac on a bike or one of those minibikes that have become much more prevalent in the neighborhood lately the past couple years? They're never going to be scene; they're never going to be able to stop in time. Lots of times they have parents with their little one in a stroller and then they have a toddler or so running ten (10), fifteen (15) feet ahead of them. They're not going to be seen. They're not going to be able to stop their child in time to possibly be hit with somebody coming out of the cul-de-sac. As far as it adding appeal to the neighborhood. She believes a six (6) foot high fence for that amount of feet, from the back corner of the property to the sidewalk, to that crosswalk, actually will take away from the flow and look of the neighborhood, the openness of the neighborhood, and the nice look that cul-de-sac gives. So, she doesn't see where that adds anything. To want to put something all around the house like that. He knew he was buying in a cul-de-sac, he knew Frazho Road was there. If he wanted to surround his house with a six (6) foot high fence, maybe he should have purchased a home out in the woods. It just kind of seems like, for lack of a better term, he wants his cake and eat it too. It just seems like... He knew where the house was located, he knew it was within the city limits, he knew it was in a cul-de-sac. Yes, she was also noticing, her husband and her both, the pillars that he painted black, she doesn't know if that's allowed. She wouldn't think that it would be, and she thought they were supposed to be reflective material for safety reasons. Both her husband and her noticed they can't be seen at night. There is no way anybody, if they don't know they're there, is going to see those before they're on top of them. That brings her to her question of what color would this fence be he's putting up since he painted those pillars black. He just installed black windows in his house. Is this sixty (60) foot long six (6) foot high fence going to be painted black? In no way shape or form is that going to add to the aesthetic of the neighborhood. It's going to take away from the aesthetic of the neighborhood. As far as having things thrown on the lawn, here again, he knew where he bought the house. They've had stuff thrown on... They're on the corner and get it from both sides. That's what happens. Sure, you don't like it, but that is where the home was purchased. Just because they put up a fence, doesn't mean someone can't throw something over it. So, that doesn't prevent that issue from happening either. She also believes if the board allows that, it sets a precedent to other people that want to start doing that in the neighborhood, then before long all they have is a bunch of houses surrounded by wooden boxes. She thinks that takes away a lot of the look of the neighborhood. That's pretty much how they feel about it. As far as him being allowed to have a fence to protect things, well there is a fence there. There is a four (4) foot fence there. They don't believe that if he wants the six (6) foot at the back of the house, but when getting past the front of the building, they believe it should be back to four (4) feet, which is the same height of the fence that's already there. The one that goes down the crosswalk believes should be angled just like the fence on the other side, so aesthetically they may be made of two (2) different materials, but at least the fence height starts and stops at the same level. So, it actually has a continuity going into the cul-de-sac. For that reason, she thinks there should be some changes made. She also wants to say if the fence is going to be painted, she would request the homeowner not do what he did last year, which was paint his brick house white with the sprayer. The overspray ended up on her vehicles, her house window, her mailbox. Let's just say they won't let it pass should it happen again. Don't paint

the house when the wind is blowing with a sprayer up on a ladder at nine (9) o'clock at night. If they drive by the house, they'll see the white overspray all over his brown roof. So, caution needs to be had in that regard as well. She thinks that pretty much sums it up.

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

No response.

Chairman Sophiea stated they do have a couple emails they're going to read into the record. Secretary Jerzy said there is quite a few of them, so bear with him. The first one is from the applicant Mr. Green. He sent an email to Ms. Jones saying:

"Thank you for taking the time to speak with me today. Attached are the city's proposed changes (drawn in red on the sketch), my corrections to the Variance(s) requested and detailed in the public hearing notice, and supporting documents. I kindly ask that you provide this to the ZBA members for review prior to Wednesday's meeting.

Note, Variance 2 is not needed as it was a question of where the building line ended, not an intended extension of the privacy fence into the front yard -- the privacy fence will end at the abutting fence line and connect to the house.

Thanks so much, Andrew Green"

Secretary Jerzy stated he provided a whole bunch of pictures and backup material that every board member has. He also have an email here from Paulette Vallad:

"I am a neighbor of Andrew (Ande) Green. I reside at the corner of Thomas & Frazho, on the east side of Thomas.

Ande has done an AMAZING job of beautifying and updating his property. I almost don't recognize it when I look at it from my property. Night and day from the previous owner.

I am writing in support of his variance request with the following:

Items #1 & #2 6ft fence beyond the front building line. During the Christmas season, we have a neighbor who puts up an ENORMOUS holiday display that encompasses both their front and back yards - complete with multiple sound effects that face Mr Green's property. There is much noise that comes not only from the display itself but also from the

EXTRAORDINARY amount of traffic that it draws along Frazho, which Mr. Green's property abuts. The extended privacy fence can help abate the noise from the traffic and display.

Item #3 privacy fence in the clear vision zone for 25850 Virginia. The residents of this property do not use this driveway. The gate is padlocked. Their main driveway is off the front of their house on Virginia.

Thank you,

Paulette Vallad"

Secretary Jerzy said the next one is from Debbie Frizzell:

"I am writing in support of Andrew Green and his asking for variances in his privacy fence.

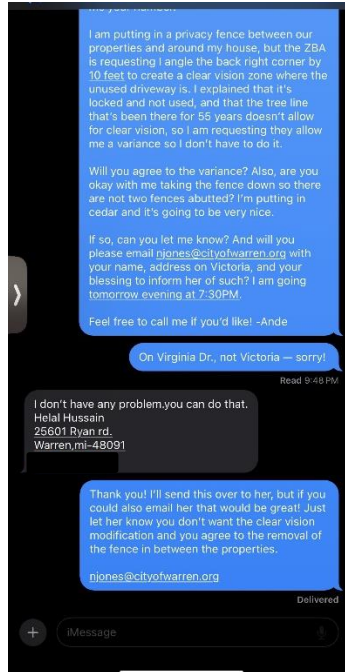
I am a residence of the subdivision and since Andy has purchased the house in November 2022 he has done such an amazing transformation to his home and is still doing more each day. I believe the privacy fence will enhance the property look and help him enjoy his home even more. One of the things that will help him enjoy his home even more will be blocking some of the noise from traffic on Frazho road.

Andy had been an amazing neighbor to all around him and only wants this house to feel like a home.

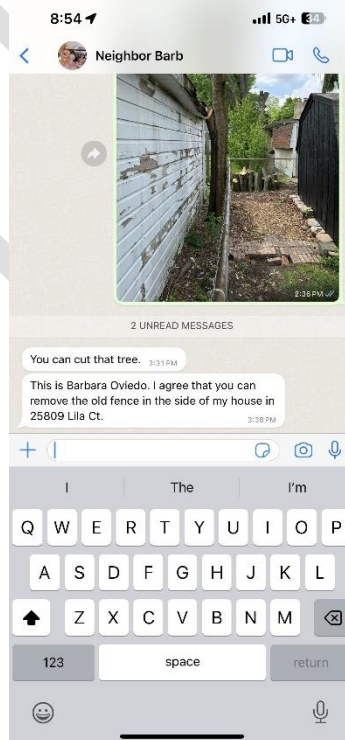
Thank you for considering his application and wishing for the boards approval on this matter.

Debbie Frizzell"

Secretary Jerzy stated unfortunately these people don't in these emails providing their address. That's why he's not giving the address, he apologizes. No address is given, they're just neighbors. He does have two (2) text messages that were screenshot and sent in from Mr. Green. This one is from Helal Hussein: "the owner of the Virginia property abutting mine agreed to the variance request as well as removal of the fencing separating the properties and replacing with the new fence. Attached!"



Secretary Jerzy said the next one is another screenshot of another text from Barb Oviedo, there is an address, 25809 Lila Ct: "owns that house but is in the Dominican Republic. She is unable to get the form notarized, but gave her blessing to do so via WhatsApp." She provided her phone and it sounds like she is in agreement with the variances requested by the petitioner. That's all he has.



Chairman Sophia thanked him for reading that into the record. At this time he's going to close the

public portion of the meeting and turn it over to the board for discussion.

Board Member Anglin said he never was much of an advocate, and there's a reason the city codes require they don't go pass the line of site on the front of a house. So, that one he doesn't agree on. So, this will not get his vote with that part of it. The chain link fence is going down that he wants... He wanted to put a privacy fence that he thinks is on the north side, his side of the sidewalk, that goes between the cul-de-sac and Frazho.

Andrew Green said yes.

Board Member Anglin stated if it's the same height as the one right across from it, chain link, he would have no problems doing that, but he has a chain link fence that sits on the Frazho Road side that would have to stay a chain link fence in order for him to vote for this. The way this sits, he doesn't think they actually need to vote to put that privacy fence around the house as long as he doesn't come out past the line of site. With the way his house is sitting on an angle, that gives him a little bit more line of site, that's the way he calculated it with that seventeen (17) foot, he's assuming, because if they follow the line of site, yes, and that's the angle of the house.

Andrew Green stated the reason it came into question...

Board Member Anglin said sir, it doesn't matter the reason on it. At this time, this is a board decision and he's just telling him that's his feelings. When he makes a vote, he wants the person that he's making a vote on know why he made that vote the way he did it.

Andrew Green appreciates it. He would just like to provide some additional dialogue on the shorter fence.

Board Member Anglin said that is up to the Chairman.

Chairman Sophiea allowed it.

Andrew Green thanked him. The reason that came into question is because the gentleman that came out to the property told him if the fence was removed, it would not be allowed to be replaced. So, it became a variance request because they were telling him he couldn't take it out. If he did, it couldn't go back in because of the cul-de-sac code. He didn't agree with that, and he wanted it to mirror the fence that it was opposing the neighbors across the street have it. It would be put in the same fashion. That is why he provided the additional documents supporting the changes.

Board Member Anglin said ok, that's his reasoning. Line of site is fine, backyard is fine. He doesn't think they even need to vote on that unless it's in a...

Andrew Green explained it's also the twenty (20) feet. They were telling him that the privacy fence needed to end at the door that's on the side of his garage. They did not consider the end of his garage to be the end of the structure, they considered where the door is to be the end of the structure. So, what he was asking for was an additional twenty (20) feet so he could cover his bins, so they weren't viewed on the Frazho side and from an aesthetic perspective, dropping from six (6) to four (4), he liked the idea of a twenty (20) foot run of five (5) feet so it was tiered. He did

provide some photos and sketches of that for the board.

(Inaudible)

Chairman Sophiea said he does have to say his thoughts on this. Usually he agrees with Mr. Anglin, almost verbatim, this one he has a different view. He's been admiring the holiday display across the street since he was a little kid and from Thanksgiving until New Years, that street is so busy. In fact, when he was there last year, he was looking around. It's a nice neighborhood. He was kind of shocked that there was no fence or privacy between the cul-de-sac there, because of the heavy traffic on the street. He knows usually they're not in favor of the fence extending past the front of the build line, but he thinks this is an unusual circumstance and the property is unique enough to justify.

Unknown from the audience saying Mr. Chairman.

Chairman Sophiea said no, the public portion has been closed.

Unknown from the audience asked why is he allowed to talk and he's not.

Chairman Sophiea explained it's because he's the petitioner; that's why.

Andrew Green asked if he may.

Chairman Sophiea explained unless there is a question addressed to him by the board.

Andrew Green said he doesn't have a question. He was just going to add to his sentiment about traffic. A lot of times people do not understand that...

Chairman Sophiea understands about the traffic.

Board Member Nestorowicz said it's funny that he mentions that. He remembers since he was a kid seeing that Christmas display on that corner. It's been there for as long as he can remember. But, the thing is, he truly feels that the privacy fence should not go past the front of the building. So, his yard area would be covered and he would have the privacy and the sound buffering and all that for his backyard. Along the front, the chain link fence that's along Frazho, is seen very common with most cul-de-sacs. It allows the visibility from the cul-de-sac out, back into it. He thinks putting a privacy fence there would be a negative. Now, he could have sworn when he was younger that there was a chain link fence along the sidewalk. If there isn't...

Unknown said it's been there fifty (50) years.

Board Member Nestorowicz said yeah. He's got a question for Mr. Murphy. Could he approach for a second? If he had to replace the chain link fence there that's existing. Would he need the board's approval for that if there is one?

Everett Murphy replied no. That's actually allowed.

Andrew Green said he was told...

Everett Murphy said four (4) foot, he can.

Board Member Nestorowicz asked as long as it's a chain link fence he doesn't need it.

Everett Murphy explained he was reading that when they changed the ordinance in 2013. It says that the fences or walls may be extended beyond the front building line, but they shall not exceed four (4) feet along the side property line adjacent to the street. They didn't specify chain link. So, he could potentially put up a four (4) foot privacy fence, but not a six (6) foot.

(Inaudible)

Everett Murphy said they might need the city attorney to look at that, but the wording does not specify chain link. It says if they have a fence, they can extend it. It just can't be greater than four (4) feet.

Chairman Sophiea asked what is the definition of fence. If it's privacy fence or chain link.

Jennifer Pearce would agree that with the wording of the ordinance as is, it does not specify, which would lead her to believe it could be privacy.

Everett Murphy stated it also says walls could extend. A wall isn't chain link either.

Jennifer Pearce said no, and that was the exception for the side yard on a cul-de-sac, or special.

Board Member Nestorowicz had a second question for Mr. Murphy. The sidewalk that leads to Frazho. So, if he understands, those pillars there are now black.

Everett Murphy said he'll have to check with Engineering on that to see what they say about it.

Board Member Nestorowicz asked the petitioner if he painted them or knows who painted them.

Andrew Green said he did not paint them.

(Inaudible yelling from the audience.)

Chairman Sophiea hit the gavel saying excuse me. Thank you.

Board Member Nestorowicz sees those pillars elsewhere, because actually where his mom lives not far away, those are gray.

Everett Murphy put a note to check with Engineering to see, you know, if they're in control of them and if they are then they can decide.

Board Member Nestorowicz stated his comment still is he's not in favor of a privacy fence going in front of the persons property, that's just his two cents on it.

Board Member Anglin said the way he's phrasing it, this one is new on him, so he guesses you learn something new every day. The way it's phrased is that if he can put up a four (4) foot privacy fence then, then why is it in front of the board. It doesn't need a variance.

Everett Murphy explained he's asking for six (6).

Board Member Anglin said it's four (4) foot. Let him get his glasses on to make sure he's reading this correct. Four (4) foot high privacy fence past the front of the building in line in the northwest corner of the property. He's assuming that's the northwest corner. No, that would not. That's the south.

Everett Murphy said northwest would be...

(Inaudible yelling from the audience.)

Jennifer Pearce said northeast.

(Inaudible)

Everett Murphy asked if this is an amended drawing.

Board Member Anglin stated if they look at the drawing he did here, handed here, should've looked a little closer. He's got maximum four (4) foot on his drawing.

(Inaudible)

Andrew Green said a twenty (20) foot section here of five (5) feet and then it drops to four (4). He told him here, see his notes, no fence here is permitted.

Everett Murphy said if this isn't in the original request it wasn't posted publicly, so he doesn't think the board would be able to hear that part of it tonight, coming here with a five (5) foot fence. The four (4) foot here, he would not need a variance, if he did it four (4) feet. Coming out this way, he does not believe he can come out this way anymore.

Andrew Green stated that's the fence in question. It goes from four (4) feet to two and half feet.

Everett Murphy said right, but he doesn't know if he can replace it because the ordinance doesn't say he can.

Andrew Green said that's why they're here.

(Inaudible)

Board Member Anglin asked if they're ready for him to weigh in here. His question would be why is it here in front of the board if him putting up the fence he's wanting to put up meets code.

Everett Murphy asked to see the drawing.

Board Member Anglin is against the privacy fence running across the front, but it also being a body of the city likes this, he has to follow code. So, if it is code this should not be in front of the board.

Everett Murphy wants to look at his wording. It says right here, the purpose of his request, this is his application signed by him. Allow a six (6) foot high privacy fence to extend past the front building line of the dwelling along east and west to the end of the property line Frazho side. So, he's asking for six (6) feet all the way. He can go six (6) feet up to the (inaudible) building line. After that it has to be four (4) foot.

Board Member Anglin said what he's saying is, this document shows four (4) foot, but his wording says six (6) foot. They can't pay any attention to this document because it came after the fact. This is not part of what they should reviewed part of.

Everett Murphy asked this one that was brought up with all the drawing and everything.

(Inaudible from Ms. Jones.)

Everett Murphy explained they weren't given this information.

Andrew Green explained that is in his department. The gentleman that came to his house, that's his drawing.

Everett Murphy explained they gave him an example of how he could do it without requiring a variance. They weren't proposing anything.

Andrew Green said this was submitted in the application with his drawing. This is what was given back to him, and this is what...

Board Member Anglin thinks it's at a point to where this should be tabled. He thinks the city should find out exactly what's happening with this piece of property, whether he needs permits to put this in, and whether he actually is in code or out of code. If what he wants is in code, he doesn't need to come back in front of the board. If what he wants is out of code, then he needs to come back in front of the board to get a variance. Between what he's showing right here and what is on their documentation here, doesn't match. So, now he's easily confused.

Everett Murphy explained this updated drawing does not match the drawing that was submitted with the application.

Board Member Anglin said correct.

Andrew Green said it's not updated, that's his drawing.

Everett Murphy explained that's not what he (inaudible) of his.

Board Member Anglin claimed to have a motion on the floor.

Andrew Green explained this came from the city office. This was his inspector's drawing, he brought this to his house.

Board Member Higgins will support Mr. Anglin's motion.

(Inaudible)

**Motion:**

Board Member Anglin made a motion to reschedule this item to June 12, 2024. He doesn't need to come back if he's within code on everything, but if somethings coming up in front of the board that is, then they have it spelt out what he's wanting to have done. Support by Mr. Higgins.

**Voice Vote:**

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

Chairman Sophiea asked if June 12<sup>th</sup> will be enough time to submit the new information.

(Inaudible)

Chairman Sophiea asked Mr. Green if June 12<sup>th</sup> is going to be enough time to submit.

Andrew Green explained he can be in the city's office tomorrow morning. He doesn't need that much time. Yes, that's fine.

- |                     |                                    |
|---------------------|------------------------------------|
| 7. PUBLIC HEARING:  | <b>APPLICANT: Douglas Myers II</b> |
| REPRESENTATIVE:     | Same as above.                     |
| COMMON DESCRIPTION: | 29506 Moulin                       |
| LEGAL DESCRIPTION:  | 13-11-429-021                      |
| ZONE:               | R-1-C                              |

**VARIANCES REQUESTED: Permission to**

- 1) Retain a 14' x 16' = 224 square ft. roof over a patio.
- 2) Allow 923 square ft. of accessory structures in rear yard (699 square ft. detached garage & a 224 square ft. patio roof).

**ORDINANCES and REQUIREMENTS:**

**Section 4.20 – Detached Accessory Buildings:** The construction of all such accessory structures shall be subject to the following conditions: 3. That the accessory building be placed against any other accessory structure, such as a detached garage, that may exist in the yard. Only one (1) detached accessory structure shall be permitted in the yard. 5. That all accessory structures, excluding garages, will not exceed a total of 120 square feet.

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

Chairman Sophiea said good evening.

Douglas Myers, 29506 Moulin, appeared before the board saying good evening. He's just looking as the variance requested to add a patio cover for a couple family members that have a sun problem;

can't be out in the sun very often. So, he framed it across his back patio. It's fourteen (14) by sixteen (16), approximately 224 square feet.

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

No response.

Chairman Sophia closed the public portion of the meeting and turned it over to the board for discussion. There is one item to read into the record first.

Secretary Jerzy said they have an email here from a Vince Sadzinski. He says, "29506 Moulin only has 2 adjacent homes that see his backyard being a corner lot it can also be seen by road traffic, this structure has meet all city building codes and definitely has my approval we are lucky to have great Doug and his family as new neighbors....the photo is taken from my backyard. Vince Sadzinski"



Chairman Sophia thanked him for that.

Board Member Anglin asked if he had an attached garage and an external, or is it just an external garage.

Douglas Myers answered just a detached.

Board Member Anglin doesn't have a problem with this whatsoever. It's an improvement to the house. He understands people want some shade in their backyard in the middle of the sun. He doesn't see any trees providing that. It's not a detriment to the area. So, he's one hundred percent behind this.

Chairman Sophia thinks it's done very nicely.

Board Member Anglin said yes, it is.

Board Member Anglin is a builder and doesn't know if he can do it any better.

Douglas Myers laughed saying he's just an electrician trying.

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

Chairman Sophiea said please do.

**Motion:**

Secretary Jerzy made a motion to grant the petitioner:

- 1) Retain a 14' x 16' = 224 square ft. roof over a patio.
- 2) Allow 923 square ft. of accessory structures in rear yard (699 square ft. detached garage & a 224 square ft. patio roof).

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

Board Member Anglin supported the motion.

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

**Roll Call:**

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

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Higgins	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.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Sylvester	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.

- |                     |                                      |
|---------------------|--------------------------------------|
| 8. PUBLIC HEARING:  | <b>APPLICANT: WLI Properties LLC</b> |
| REPRESENTATIVE:     | John D. Dinka                        |
| COMMON DESCRIPTION: | 11875 Stephens                       |
| LEGAL DESCRIPTION:  | 13-26-151-018                        |
| ZONE:               | M-2                                  |

**VARIANCES REQUESTED: Permission to**  
Retain fabric attached to chain link fence.

**ORDINANCES and REQUIREMENTS:**

**Section 4D.10 – Materials:** All fences or wall shall be constructed of materials in compliance with the state construction code and shall be of sufficient quality with property maintenance to withstand rusting, rotting and other weather-related deterioration for a period of not less than ten (10) years.

Board Member Anglin needed to abstain from voting here because he knows the gentleman.

(Board Member Anglin exited the stage.)

Chairman Sophiea asked the applicant to start with his name and address for the record.

John Dinka, 37279 Fiore Trail, appeared before the board stating he is the owner of 11875 Stephens Road, the property requesting the variance. As stated in the application, there is currently a mesh around the chain link fence at the rear of the building. This is for the purpose of privacy and security. There are occasionally some of his vehicles, he's a car collector. Some things get put back there and they are licensed and registered vehicles, but found that when things aren't advertised then there's less attention drawn to the property and the potential for less to perhaps happen. That is the reason for the application for the variance. As the application states, there is the providing of security. It is not self-imposed item. The corner lot that they have there at Stephens and Gibson, does leave the rear of the building in full view from both Stephens and Hoover Roads, as there is a parking lot on an adjacent property and there is no tree line or anything there. There are no detriments, impairments, or cause of public safety concerns. There's no personal or economic hardship. The necessity for the preservation and enjoyment of privacy and security.

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.

Board Member Nestorowicz was going to say, taking a look at this property, he means, the amount of screening is not that much, but it does actually provide that privacy, because otherwise being on that corner lot that stored there is very visible. So, he personally thinks this is not a detriment to the area and is actually fine.

Secretary Jerzy noticed the mesh extended past the property line to the second building, his neighbors.

John Dinka replied no. It extends to the property line on the fence, on his fence. It doesn't extend between himself and his neighbors fence.

Secretary Jerzy said alright. He doesn't necessarily have a problem with it. He does have one disagreement with the petitioner, because he does think it's self-imposed because he's adding something to something that's currently there. So, they are self-imposing himself to put that there. With that being said, the only thing if they grant this, he would like to see a stipulation making sure

that the fabric stays attached by the land owner, business owner. If it becomes ripped or torn that it gets replaced within thirty (30) days or a reasonable amount of time. His concern is, working in the city, they see a lot of tarps that mechanical shops try to do the same thing to keep visibility down from cars they're working on. They get torn, they get ripped, and they're just flapping around in the breeze. It ends up becoming a blight situation. So, he's going to hold him to his word that he's going to take care of that and if anything becomes... Even if vandals come and try to rip it, got to replace it. He would like to make sure that it stays aesthetically pleasing and provides as much as possible. That's the only thing he would request for whoever makes the motion they include that.

Chairman Sophiea explained the fabric from the pictures appears to be intact.

John Dinka explained it is. If he may, over the course of the time the fabrics been there, it's actually been replaced three (3) times already.

Chairman Sophiea asked how this came up to the board.

John Dinka stated for reasons he's not entirely clear on, there was an inspection of the property and it was included.

Chairman Sophiea asked for a license or something.

John Dinka answered yeah.

Chairman Sophiea said no problem. It's been there for a long time and it's in good shape. He doesn't have a problem with it.

Board Member Sylvester visited the property and if all the properties in the City of Warren looked like this gentleman's property, the board would be out of a job.

Secretary Jerzy agrees with that.

Board Member Sylvester said it was his understanding, there was somebody there when he visited the property. The parking lot did not even have a cigarette but on it. Ok. The privacy fence, if the fabric he has in there, he believes he replaced it three (3) times, because it looked brand new. What he's trying to make sure that is secure is in the backyard. When he went back there, there was no junk. There were three (3) trailers and they were all clean. The inside was being worked on, because he doesn't know how it happened, but the city inspector was there and said he had to upgrade some electrical and some heating. There was a unit heater being installed. Like he said, he sees no... If they had businesses like this throughout the City of Warren, again, he's going to reiterate, the board would not be here. So, his support for this gentleman.

Secretary Jerzy said if nobody else has anything else to say he would like to make a motion.

**Motion:**

Secretary Jerzy made a motion to grant the petitioner permission to retain fabric attached to chain link fence. **With the one stipulation that the material remains intact and if it becomes tattered or cut or destroyed in some way the business owner must replace**

**that within a reasonable time; reasonable time being within thirty (30) days.**

Board Member Perry supported the motion.

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

**Roll Call:**

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

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Sylvester	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Chairman Sophiea	Yes, for the reasons stated in the motion.

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

**9. NEW BUSINESS**

None.

**10. ADJOURNMENT**

**Motion:**

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

**Voice Vote:**

A voice vote was taken. The motion carried (7 – 0). Board Member Anglin did not return to the stage.

The meeting adjourned at 8:19 p.m.

Paul Jerzy  
Secretary of the Board