

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
May 8, 2024

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, May 8, 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
Paul Jerzy, Secretary
Roman Nestorowicz, Vice-Chairman
Charles Perry, Assistant Secretary
Charles Anglin
Anthony Sieracki, Jr.
Michael Sylvester

Members of the Board absent:

Kevin Higgins

Also present:

Jennifer Pierce, City Attorney
Brian Schuman, Zoning Inspector
Mary Kamp, 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, Board Member Kevin Higgins was absent with notice.

Motion:

Board Member Jerzy made a motion to excuse the absent member. Board Member Anglin supported the motion.

Voice Vote:

A voice vote was taken. The motion carried (7– 0).

4. ADOPTION OF THE AGENDA

Motion:

Board Member 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 (7 – 0).

5. APPROVAL OF THE MINUTES of the Regular Meetings of April 24, 2024.

Motion:

Secretary Jerzy made a motion to approve the regular meeting minutes of April 24, 2024. Supported by Board Member Perry.

Voice Vote:

A voice vote was taken. The motion carried (6 – 0). Board Member Nestorowicz abstained.

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|---------------------------|------------------------------------|
| 6. PUBLIC HEARING: | APPLICANT: Felicia Sullivan |
| REPRESENTATIVE: | John Aziwar |
| COMMON DESCRIPTION: | 14451 Peck |
| LEGAL DESCRIPTION: | 13-01-201-006 |
| ZONE: | R-1-C |

VARIANCES REQUESTED: Permission to

Erect a deck no less than 27 ft. from the rear property line.

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.

Chairman Sophia invited anyone here for item 6, to please approach.

Aziwar John appeared before the board and stated he was here representing applicant Felicia Sullivan.

Chairman Sophia asked the representative to state his address, please.

Aziwar John answered property address, 14451 Peck.

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

Aziwar John explained he's requesting to allow the deck to extend eight (8) feet into the rear, past the zoning line.

Chairman Sophia asked him if there is anything else he would like to add.

Aziwar John replied no.

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?

No response.

Chairman Sophia closed the public portion of the meeting and turned it over to the board for

discussion.

Board Member Anglin has no objections to decks in this situation. The only thing he would like to make known, he would like to have a better sketch exactly where that deck is going to sit on the property. He doesn't have that in his folder.

Chairman Sophiaea said there is this one.

(Inaudible)

Chairman Sophiaea said it's kind of hard to read, but...

(Inaudible)

Board Member Anglin asked the x is where it's going to be. He thought the x is where the applicant buried his gold, but ok.

(Laughter)

Board Member Anglin gets it.

(Inaudible)

Board Member Anglin said oh, the black square. He has no objections to it.

Chairman Sophiaea asked what is the black x.

Aziwar John explained that was a shed.

Chairman Sophiaea asked if the shed is still there.

Aziwar John replied no. It was old and tearing apart. He got rid of it.

Board Member Anglin said the x stands for the removal of, but again he would like a little better detail, even if its hand drawn on a piece of paper without this background on it. Just for further reference, so the board can actually see where it's going to be at and know how many feet it is, should've been. He has no objections to it.

Board Member Sylvester has a question to the petitioner. He asked if he's going to be the one building the deck.

Aziwar John answered yep.

Board Member Sylvester said ok. It says a deck in their yard would not be a detriment to any one of the many neighbors who also enjoy their deck as well. He's looking at an overhead view right here, and there's five (5) houses. He doesn't see any of them with a deck.

Aziwar John explained if he's facing the fence, the neighbor on the right has a deck.

Board Member Sylvester asked if it's within the confines and measurements that he's asking for, for a variance.

Aziwar John answered yes.

Board Member Anglin asked the petitioner if he's a licensed contractor.

Aziwar John replied no. He's actually the applicant's son-in-law.

Board Member Anglin asked if he knows that there still has to be permits pulled.

Aziwar John answered yes.

Board Member Anglin stated he can build it as a son-in-law. The owner of the property has to do the improvements, but they can pull their own permits at that point. They cannot pull permits and have outside somebody else to build it. He just wanted to make sure to verify that because he didn't want to get caught in the middle of building it and they come up and say something.

Aziwar John said they're going to pull permits before they do anything.

Board Member Anglin thanked him.

Board Member Sylvester asked the Chair who their representative from zoning is tonight. The gentleman?

Chairman Sophiea said Brian.

Board Member Sylvester said he knows. Who is it? What is his name?

Board Member Anglin said Brian.

Board Member Sylvester asked Brian to come up to the podium, please. They get a lot of requests. Obviously, they're the Zoning Board of Appeals. But there's always in the packet something that comes from Brian's department that says it's not allowed. What is his specific reason that this deck should not be allowed?

Brian Schuman explained there should be a thirty-five (35) foot setback in the rear yard. The deck is going to encroach on that.

Board Member Sylvester asked if that's a end all, be all... He means, it's written, but...

Brian Schuman replied no, there's a six (6) foot easement in the rear of the yard and it's still not going to encroach on that.

Board Member Sylvester asked if he took a look at this property, or another inspector look at it.

Brian Schuman did not look at the property, he just reviewed the documents.

Board Member Sylvester stated what Brian see's and that's all the board is seeing too. Does he have any objections to this?

Brian Shuman does not.

Board Member Sylvester thanked him.

Chairman Sophia personally doesn't have any problem with the deck. It looks like it's going to be built with the side of the house, in line with the deck. It looks like a nice improvement to him.

Secretary Jerzy stated 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 erect a deck no less than 27 ft. from the rear property line.

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

Board Member Anglin supported the motion.

Chairman Sophia 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 (7 – 0).

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Anglin	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 Sophia	Yes, for the reasons stated in the motion.

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

7. PUBLIC HEARING:	APPLICANT: St. Anne Catholic Community
REPRESENTATIVE:	Rev. John Kopson
COMMON DESCRIPTION:	32000 Mound
LEGAL DESCRIPTION:	13-04-151-001
ZONE:	R-1-C

VARIANCES REQUESTED: Permission to

Conduct an annual parish festival on the church property during the following:

- 1) September 20, 2024 (Friday) from 5:00 p.m. to 11:00 p.m.
- 2) September 21, 2024 (Saturday) from noon to 11:00 p.m.
- 3) September 22, 2024 (Sunday) from noon to 10:00 p.m.

ORDINANCES and REQUIREMENTS:

Section 4.35: Festivals require the approval of the Zoning Board of Appeals.

Chairman Sophiea said good evening to the petitioner and asked for his name and address for the record.

Father John Kopson appeared before the board stating he is the Pastor at St. Anne Parish and School. 32000 Mound Road.

Chairman Sophiea thanked him and stated this looks like their routine request.

Father John Kopson answered yes. Mr. Kevin Daily is the head of their finance counsel, also festival committee, and Mr. Ken Matte in charge of the festival committee.

Chairman Sophiea thanked him. Is there any other comments he would like to add?

Father John Kopson answered no.

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

No response.

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

Board Member Anglin stated this is a pretty standard thing the board voted on time and time again. He lived on Ardent here for forty (40) something years and it was there forty (40) something years ago. So, he doesn't know of any problems they've had there. If no other board member has...

Secretary Jerzy said the only thing he was concerned about is the music being shut off after ten.

Board Member Anglin said he was automatically going to put that in if he allows him to make a motion.

Secretary Jerzy said sure.

Board Member Anglin would like to make a motion of no other board members have any questions.

Motion:

Board Member Anglin made a motion to give permission to:

Conduct an annual parish festival on the church property during the following:

- 1) September 20, 2024 (Friday) from 5:00 p.m. to 11:00 p.m.
- 2) September 21, 2024 (Saturday) from noon to 11:00 p.m.
- 3) September 22, 2024 (Sunday) from noon to 10:00 p.m.

With the stipulation that music should be shut off by 10:00 p.m.

Board Member Sieracki supported the motion.

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

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

Roll Call:

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

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

The petitioner's request was **APPROVED** with the previous mentioned stipulation.

8. PUBLIC HEARING: **APPLICANT: Metro Detroit Signs -USE-**
REPRESENTATIVE: Kevin Deters
COMMON DESCRIPTION: 14220 Eleven Mile
LEGAL DESCRIPTION: 13-24-126-037
ZONE: MZ, M-3, R-1-P

VARIANCES REQUESTED: Permission to -USE-

- 1) Erect an off-premise monument sign.
- 2) Erect a monument sign in an R-1-P zone.

ORDINANCES and REQUIREMENTS:

Section 4A.14 – Prohibited Signs. The following signs are prohibited in all districts: (J) Off-premise signs other than billboards, election and special events or activities signs as regulated in this ordinance.

Section 8.01: Uses permitted. A monument sign is not allowed in an R-1-P zone.

Chairman Sophiea said good evening.

Paul Deters appeared before the board stating good evening and that he is with Metro Signs and Lighting, 11444 Kaltz Avenue.

Chairman Sophiea thanked him.

Paul Deters thanked the board for their consideration this evening. It's sort of an unusual case here. They're asking for an off-premise sign. The reason for their request is, if the board has had an opportunity to get by the location, they'll see there are two (2) buildings separated by a relatively narrow entrance drive. Then the client's building is several hundred feet back from the east bound service drive. It's just proven to be a tremendous challenge for their cliental to find them, because the building is not visible from the road. If they do happen to pass it, as the board knows, it's difficult to turn around from the service drive to get all the way back there. Especially if they turn right to head south on Bunert, so see there is no rear entrance to get in there. So, they worked with the

landlord and the property management from Dirks Management that has agreed to allow them to have a very understated, non-illuminated small monument sign. It's nothing more than to enable them to act as an identification for their business. They're hoping for the board's approval this evening. The board can see the sign will be set back twelve (12) feet and it's angled a little bit. It's only single sided, just for the east bound traffic there. With him here this evening, if the board has any questions regarding the operations and the difficulty MGC has had for their clientele, Kelly Jones, the general manager of the facility is here, and so is Bob from Dirks Management, he's the property manager.

(Inaudible)

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?

No response.

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

Board Member Sylvester asked the petitioner. Looking at this overhead on the web map the board has, the building sits in back of the other two (2). It looks like the front of the building is in between the access to the building to west and the building to the east. Correct?

Paul Deters answered yes, that is correct.

Board Member Sylvester asked if there is any sign out there now to... anybody know where they're at?

Paul Deters answered along the road, no, sir, there is not.

Board Member Sylvester asked how they've been able to conduct business with...

Paul Deters explained they've been scratching by. This sign is critical for them, as he can imagine. Especially as they're trying to promote the showroom, which is such an important part of people being able to get in and see the granite that's there, to look and get the feel for it. It's critical that people can find them. So, that's the reason for the...

Board Member Sylvester asked how long they have been there.

Paul Deters responded fourteen (14) years.

Board Member Sylvester asked and they're just now putting up a sign.

Kelly Jones appeared before the board stating she is with MGC Granite and Design, she's the actual general manager there. The store address of the store is 14230 East Eleven Mile. They had a sign previous to her working there and the City of Warren did pull it, which Bob from Dirks Management can explain that to the board. Due to covid, it was right before covid, and they have not been able to get the mix of it going again trying to figure how to get the sign back up.

Board Member Sylvester asked if they haven't had a sign up there for about three (3) years or so.

Kelly Jones answered correct. It's been...

Board Member Sylvester interrupted asking that they did have a sign what their building was, address and everything else.

Kelly Jones answered yes, but it has impacted their business so much. They have customers that won't even come back. If they do the wrap around and miss them, they don't even come back, because they can't see them.

Board Member Sylvester asked if there was a reason for a sign not being able or getting approval to put one up for the last three (3) years.

Kelly Jones replied that would be a question for Bob.

Bob stated they never applied again.

Board Member Sylvester said oh, they never applied.

Chairman Sophia asked him to please approach, name and address for the record, and then he can answer Mr. Sylvester's question.

Robert Southwell appeared before the board explaining he's the property manager for Dirks Properties, which is all those properties including one further down at 14400. When the first sign was there, the sign three (3) years ago it was helping their business, the structure of the sign was not compliant. That's why it had to be taken down. Since then, it's trying to get it back and today they're trying to help the business and get the sign variance.

Board Member Sylvester said three (3) years it wasn't compliant, and it was just out of sight out of mind, right?

Robert Southwell laughed and said he would like to introduce the board to Kelly. It was never out of his mind, because Kelly is... no, no. They needed somebody to carry the job for them and that was this company.

Kelly Jones explained unfortunately they tried to do it themselves and they were not doing it properly, that's when they called Metro Signs in to help them with it. They were not filling out proper documentation and they were not getting to where they needed to be to this point. So, they called Metro Signs in about four (4) months ago, five (5) months ago, trying to help them with the situation.

Board Member Sylvester asked for Brian again.

Chairman Sophia asked for his last name.

Brian Shuman stated his name.

Board Member Sylvester said they had a sign up over there and then through Covid and everything

it had to come down. They had one for about eight (8) years, nine (9) years. Does he have the story there?

Brian Shuman is unaware of the previous sign, that was previous to him.

Board Member Sylvester asked if there is any reason a sign couldn't be put up now to describe where their facility is?

Brian Schuman replied no.

Board Member Sylvester thanked him.

Secretary Jerzy thinks they're doing too big of a deep dive into this. This business sits right up the exit ramp of 696. He doesn't personally see a problem it being in an R-1-P, it's a modest sign, it's a modest request. They're not looking to have some huge pole sign that they're going to see from the freeway. They're just looking for some kind of identification for their business. Whether it took them four (4) years, five (5) years, six (6) years, twenty (20) years. They're here now. So, honestly, it's affecting their business or else they wouldn't be here. So, he doesn't see a problem with it. It's modest. They've obviously been in the city doing business here for a long time. The property is up kept, and he doesn't see a problem with this. He thinks they're doing too big of a deep dive into this, personally. There's hardly any traffic there on the service, it's all industrial. They're not going to lose any visibility trying to turn in and out of that place, because the sign is only five (5) feet. He thinks they're kind of going above and beyond what they should be, just kind of (inaudible) and letting them have their sign. That's all he has.

Board Member Anglin stated if no other board members have any questions, he would like to make a motion.

Chairman Sophiea said please do.

Motion:

Board Member Anglin made a motion to give permission to:

- 1) Erect an off-premise monument sign.
- 2) Erect a monument sign in an R-1-P zone.

Reasons being: Understands the dilemma when they went to try to apply for this themselves, he had a friend of his that had to have something done and he'll have to abstain from voting on it, but it's probably the first time he's had one come up in front of this board and he got a headache over it, so he understands that. Size and shape of the lot; Not a detriment to the area.

Secretary Jerzy supported the motion.

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

Roll Call:

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

Board Member Anglin	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	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 Sophia	Yes, for the reasons stated in the motion.

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

9. PUBLIC HEARING:	APPLICANT: Nabil Baiz
REPRESENTATIVE:	Brian Stakley
COMMON DESCRIPTION:	14328 Nine Mile
LEGAL DESCRIPTION:	13-36-201-001
ZONE:	C-2

VARIANCES REQUESTED: Permission to

- 1) Erect the following signage on a 174' x 3' = 522 square ft. gas canopy:
 - a. Front (north elevation) 105 square ft., "Marathon" logo, 139" x 25" = 24.13 square ft., remaining 80.87 square ft. of decorative design.
 - b. Rear (south elevation) 105 square ft., no verbiage decorative design: 105 square ft.
 - c. Side (east elevation) 156 square ft., "M-Marathon logo", 52.375" x 42" = 15.28 square ft., remaining 140.72 square ft. of decorative design.
 - d. Side (west elevation) 156 square ft. "M-Marathon logo", 52.375" x 42" = 15.28 square ft., remaining 140.72 square ft. of decorative design.Total canopy signage: 54.69 square ft., 467.31 square ft. of decorative design.
- 2) Erect a wall sign: 4.5' x 20' = 90 square ft.
Total wall signage: 144.69 square ft., with 467.31 square ft. of decorative design.

ORDINANCES and REQUIREMENTS:

Section 4A.35 – Signs Permitted in Commercial Business and Industrial Districts (C-1, C-2, C-3, M-1 and M-2): C) Total wall signage of a size not to exceed forty (40) square feet shall be allowed for each business in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.

Chairman Sophia said good evening.

Brian Stakley appeared before the board introducing his colleague Chris Karate.

Chris Karate appeared before the board stating his name.

Brian Stakley stated they're representing (inaudible) the property at 14328 Nine Mile.

Chairman Sophia thanked him.

Brian Stakley explained it's a Marathon gas station, service station. Their request is for a standard Marathon branding image. It's pretty much just an update of what's already there. Like consideration has been granted to some of the properties in the area. This was not self-imposed; the ordinance has changed over the years. Variance is necessary in order to operate the property as intended.

Like he said, it's a gas station, has a see store and a service station. The current branding is over outdated. Image improvements would enhance the aesthetics of the property and the overall area. In order for the owner to operate as a gas station, see store, service station the image update is necessary. It's set by Marathon. Granting the request of the canopy image is necessary to remain equally competitive in the area. Proper image allows the property to safely advertise products, prices, services. Failure to grant a variance would place undue burden on the property owner. He believes the request strikes a fair balance between the needs of the owner and the greater needs of the community. He thanked the board for their time and ask for their support.

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. His initial comment on this, it looks like a routine re-signage package for a gas station. Are there any other comments from the board?

Board Member Anglin stated if there are no other comments from the board, he would like to make a motion.

No response.

Motion:

Board Member Anglin made a motion to give permission to:

1)Erect the following signage on a 174' x 3' = 522 square ft. gas canopy:

a.Front (north elevation) 105 square ft., "Marathon" logo, 139" x 25" = 24.13 square ft., remaining 80.87 square ft. of decorative design.

b.Rear (south elevation) 105 square ft., no verbiage decorative design: 105 square ft.

c.Side (east elevation) 156 square ft., "M-Marathon logo", 52.375" x 42" = 15.28 square ft., remaining 140.72 square ft. of decorative design.

d.Side (west elevation) 156 square ft. "M-Marathon logo", 52.375" x 42" = 15.28 square ft., remaining 140.72 square ft. of decorative design.

Total canopy signage: 54.69 square ft., 467.31 square ft. of decorative design.

2)Erect a wall sign: 4.5' x 20' = 90 square ft.

Total wall signage: 144.69 square ft., with 467.31 square ft. of decorative design.

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

Board Member Nestorowicz supported the motion.

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

Roll Call:

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

Board Member Anglin

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.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Sophia	Yes, for the reasons stated in the motion.

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

9. NEW BUSINESS

Secretary Jerzy welcomed their newest member, Mr. Brian Shuman, to the department. He doesn't know how long he's been working there, but this is the first time they've seen him. So, may as well say welcome.

Board Member Anglin asked if he enjoyed himself.

(Laughter)

Secretary Jerzy said he likes his hairstyle, too.

Chairman Sophia stated he got assigned to the right meeting tonight. This was a quick one.

11. ADJOURNMENT

Motion:

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

Voice Vote:

A voice vote was taken. The motion carried (7 – 0).

The meeting adjourned at 7:59 p.m.

Paul Jerzy
Secretary of the Board