

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
JUNE 12, 2024

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, June 12, 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
Anthony Sieracki, Jr.
Michael Sylvester

Members of the Board absent:

Kevin Higgins

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 Board Member Higgins was absent.

Motion:

Secretary Jerzy made a motion to excuse Mr. Higgins, he messaged that he couldn't make it to this meeting; Board Member Anglin supported the motion.

Voice Vote:

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

4. ADOPTION OF THE AGENDA

Motion:

Secretary Jerzy made a motion to move item #6 to June 26, 2024 due to unforeseen circumstances the applicant could not make it to the meeting tonight; 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 Meeting of May 8, 2024 and May 22, 2024.

Motion:

Board Member Nestorowicz made a motion to approve the minutes of May 8, 2024; Supported by Board Member Anglin.

Voice Vote:

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

Motion:

Secretary Jerzy made a motion to table the minutes of May 22, 2024; Supported by Board Member Perry.

Voice Vote:

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

6. PUBLIC HEARING:

APPLICANT: Andrew Green

(Rescheduled from May 22, 2024)

REPRESENTATIVE:

Same as above.

COMMON DESCRIPTION:

25813 Lila Ct

LEGAL DESCRIPTION:

13-19-403-011

ZONE:

R-1-C

VARIANCES REQUESTED: Permission to

PREVIOUS REQUEST:

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.

UPDATED REQUEST:

Allow:

- 1) A privacy fence to be constructed within the 10 ft. clear vision zone of the neighboring driveway to the west at 25850 Virginia.
- 2) Allow a 4 ft. high privacy fence past the front building line the northeast 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, with the section of fence (adjacent to the public sidewalk from Lila Ct. to Frazho) tapering from 4 ft. down to 2 ft. 6 in. from north to south.

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.

(Item #6 was rescheduled to June 26, 2024 during the adoption of the agenda.)

7. PUBLIC HEARING:	APPLICANT: Milton Davis
REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	23616 Audrey
LEGAL DESCRIPTION:	13-29-402-010
ZONE:	R-1-C

VARIANCES REQUESTED: Permission to

Construct a 12' x 16' gazebo (192 square ft.) in the rear yard in addition to a 20' x 30' (600 square ft.) attached garage, and an 8' x 10' (80 square ft.) shed, for a total of 872 square feet of accessory structure.

ORDINANCES and REQUIREMENTS:

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

Section 4.20 – Paragraph (a)(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.

Chairman Sophiea said good evening. If he could please start with name and address for the record.

Milton J. Davis, 23616 Audrey, appeared before the board.

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

Milton J. Davis explained his request is to construct a gazebo in his backyard. He understands that this is a variance, and it's not outrageously different. He has, if the board would like to see, photos of the front of his house. It's beautifully manicured. He has pictures of the gazebo he wants to construct. If the board would like to see that also. He's a retired operating engineer, he's seventy-four (74) years old and he just wants to relax. The grandkids are at his house now. They have a brand new patio with new patio furniture. They're just waiting to enjoy this gazebo that he wants to construct for his family and friends. He's been a resident of the City of Warren for four (4) years. He's a member of the club here and the library, and other things that he enjoys. He assures the board that this is his city and he

will not do anything to disturb his neighbors, as far as being an eyesore or any of the such. The neighbor to the north of him has tall pine trees, the neighbor to the south of him has tall pine trees, and he's sitting in the sun while they're in the shade. They would like to have this constructed for the family, if you will. He asked if he needed to have counsel represent him.

Chairman Sophiea answered no, it's ok that he's here.
Milton J. Davis said he's scared, his knees are about to buckle now.

(Laughter)

Chairman Sophiea thanked him for those comments. This is a public hearing, is there...

Board Member Nestorowicz asked if he could the photos.

Chairman Sophiea asked Mr. Davis to pass them to Ms. Jones and she'll bring them up here for them.

Milton J. Davis explained he has two (2) of the house. He tried to print photos of the new patio in the backyard, but he guesses he wasn't computer savvy enough to get it to print. The patio furniture is covered up so the elements don't ruin it.

Chairman Sophiea thanked him. He thanked him for those comments before they go any further. 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 Sylvester has one question. He seems like a nice guy, and he's a pipefitter so they're both... He's an operating engineer?

Milton J. Davis answered yes.

Board Member Sylvester said he's a pipefitter.

Milton J. Davis said oh, a pipefitter, ok.

Board Member Sylvester asked him if he said he lived there for four (4) years.

Milton J. Davis answered yes, they moved here in July of 2020.

Board Member Sylvester asked the neighbors to the south and to the north, and he would imagine in the backyard, too. Has he discussed it, they have a relationship with them that they know that this is what they want to do?

Milton J. Davis explained he has a relationship with both of them. He talked with both of them. They're like "hello, Manuel" to the north of him and "hello, Barb" to the south of him, who takes care of her

ninety (90) year old mother. The neighbor in back of him is a renter and the one kitty-corner of him is also a renter.

Board Member Sylvester said ok, but the neighbors directly around him don't have a problem with this?

Milton J. Davis replied no. As a matter of fact...

Board Member Sylvester asked if they're looking forward to him putting it up.

Milton J. Davis answered yes. The gentleman across the street didn't understand the letter he got and he rung his doorbell, saw him a couple of times, and he was able to catch him. He asked what it meant, it had his address on it. He explained it to the gentleman and he told him to enjoy his gazebo.

Board Member Sylvester thanked him.

Secretary Jerzy doesn't think this is anything out of the realm of what the board has approved in the past. The gazebo is one of the key things this board is that it's out of site. They had that discussion many times, it can't be seen from the road, that's a big no-no when it comes to this board. So, he likes the drawing. He loves to see where that sunset is though in Warren on that picture. It looks like something out of the Caribbean. He knows they get some good sunsets here, but that's a pretty amazing sunset. Maybe he might need to move to Audrey.

Milton J. Davis laughed and said it's a promotional photo to sell him the gazebo.

Secretary Jerzy said it looks like a really nice project. Obviously, he keeps his property up very nice, too. So, to him, this is a yes vote. He thinks this is kind of a no brainer to him, unless somebody can sway him otherwise.

Board Member Anglin said if nobody else has an issue at this, he would like to make a motion. Be a suggestion, maybe he'll invite the board down there for the next sunset that looks like that and watch it. So, with that, he'll get his glasses on so he can read it properly.

Motion:

Board Member Anglin made a motion to give permission to construct a 12' x 16' gazebo (192 square ft.) in the rear yard in addition to a 20' x 30' (600 square ft.) attached garage, and an 8' x 10' (80 square ft.) shed, for a total of 872 square feet of accessory structure.

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

Board Member Nestorowicz supported the motion.

Chairman Sophiea said they have a motion by 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 Sophiaea	Yes, for the reasons stated in the motion.

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

8. NEW BUSINESS

Secretary Jerzy stated he has one item he wants to discuss with the board real quick. He drove by the fireworks tent that is up by Ten and Hoover that the board approved. It has no water barrels. Last year they added water barrels a couple days after, so maybe give them a little bit of leeway, but it doesn't seem to make sense to put up a tent if they're not going through the whole process right out of the gate. Thirteen and Hoover, he apologized, thank you Mr. Sieracki. He asked the board to kind of drive around town. He thinks they approved one at Dequindre, just kind of take a drive by and see if they're doing everything the right way, but this is the reason he voted no and will continue to vote no on that item, because they just don't want to follow the rules.

Board Member Sylvester asked once the board gives an approval, one way or the other, who is supposed to go there and inspect it.

Secretary Jerzy said the city.

Board Member Sylvester said well, should...

Secretary Jerzy said shoulda, woulda, coulda. They could also take work off their plate and just deny it. Other than that, that's all he's got.

Board Member Nestorowicz asked the Chair to add on to Mr. Jerzy's comments. Because he actually sees a very valid need of that. He recently was working on an event in downtown Detroit where it was a very windy day. The tents they had were actually weighed down by the water barrels and the wind still actually picked up one of those tents up, destroyed it, and it almost flipped two (2) others over, because it was a very windy day and those water barrels weren't enough. He thought if that was one of the fireworks tents, that would not be a good thing. So, he does see the need to make sure they are properly weighed down, even more so.

Board Member Anglin said as a point of discussion then, can the board ask the city Building Department or something or somebody to come up with a viable ordinance that when the board authorizes it that this has to be done. Right now, they're taking everybody's word that water barrels are the best, blocks are the best, but the board has no concrete evidence of any sort saying that this is what it takes.

Secretary Jerzy said there is no ordinance to begin with for firework tents. So, there is no groundwork to even work off of.

Board Member Anglin said any tent that goes up. They've got the churches and that that have carnivals and that, there's tents put up. But they have nothing stating that this is to building code of some sort. So, the Building Department, he thinks or somebody, he's not sure who, should be involved saying when it's a tent they have to have this much structural weight for every square foot or size.

Chairman Sophia said some type of formula.

Board Member Anglin said if they have a ten (10) by ten (10) they have to have a thousand square feet, if they get a ten (10) by twenty (20) they have to have two thousand pounds of weight.

Secretary Jerzy said right.

Board Member Anglin stated or something along that line. Give the board guidelines, which then if they have these guidelines then when they explain it to these people that want to put these tents up and that, then they can issue a ticket if it's not or make them take it down. At this point, they don't really have, other than they went against their rulings, but how much pull does their rulings have on things like that.

Chairman Sophia doesn't know what the recourse is, if there's any right now, for not having or following what the approved motion is. Going back to the one at Thirteen and Hoover, they mandated that they have the barrels. So, the tent is only up for a couple weeks now.

Secretary Jerzy said that's the other sticking point is that it's there a couple weeks and where's that enforcement within that couple of weeks.

Chairman Sophia said it will be down before they could...

Secretary Jerzy said right. Correct.

Jennifer Pearce honestly thinks they could be issued something based on the fact that they haven't complied with the variance, because they haven't complied with what the board told them to do. It's all or nothing.

Board Member Anglin asked who they contact to get that issued. Would that be one of the members that's actually (inaudible) should be able to call in and say it.

Board Member Sylvester asked if they should get some information from the tent companies. These people doing the fireworks, it's not them putting up the tent, it's the tent companies. Shouldn't they have something to say up to thirty (30) miles per hour they need this much weight on the tent or some sort of engineering information.

Board Member Anglin said that's what he was just asking for. To have some sort of state guidelines for these type of tents. He wouldn't take the word of the people who put up the tents.

Secretary Jerzy said no.

Board Member Anglin would like to have a state facility of some sort saying this is the safety factors or the tent manufactures saying this is the safety factors for their tents.

Board Member Sylvester said right, their tent won't blow away if they have this many pounds on it, and when wind isn't higher than thirty-five (35) miles per hour.

Board Member Anglin stated so they have the option to implement or state they have to follow these guidelines or if one of the members sees it they need to know who to call. He would not know who to call.

Secretary Jerzy just wanted to bring that up to the board. Didn't mean to extend the night any longer.

Board Member Anglin asked if they need a motion or something to request the city attorney to ask and find out exactly who they need to call and follow through with these questions.

Jennifer Pearce can certainly research that and get back to the board, and see if there is any state law on the matter.

Board Member Anglin said they also need to have something, who they contact if they have an applicant that doesn't follow the rulings that the board sets for them to follow.

Secretary Jerzy thinks that would be zoning. He asked Everett if he wants to weigh in on this from a city standpoint.

Everett Murphy said does he want to weigh in on it, not really. So, they take notes when the board talks, right. So they have a note to actually ask the building inspectors, right, to see what they have to say about that. It's not really a zoning issue, it's more of a building issue. He knows that, he won't specify the location, but it was a tent for flowers one time that was really bad and one of the building inspectors saw it. He drove down the street and could see it was that bad. So, he stopped in and bottom line is the guy had to do a lot of repairs to get that opened back up. So, they're going to ask them, because like they said, the state might have rules for those tents. He doesn't know that. So, they're just going to check with the building inspectors tomorrow just to see what they have to say. If they send him an email he'll let them know what they said.

Board Member Anglin asked when he follows up with, he asked if he'll email the rest of the board or put a copy of that in their jacket and not just bring it up to the next board meeting.

Jennifer Pearce said absolutely. She asked if she could just send it to Nicole to send to everyone. Thank you, Nicole.

Board Member Anglin said thank you, he's done.

Everett Murphy asked to be cc'd on the email. Thank you, Nicole.

Chairman Sophia and Secretary Jerzy said thank you.

Chairman Sophia asked for any other new business.

9. ADJOURNMENT

Motion:

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

Voice Vote:

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

The meeting adjourned at 7:47 p.m.

Paul Jerzy
Secretary of the Board