

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
JULY 24, 2024

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, July 24, 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
Shaun Lindsey

Members of the Board absent:

Anthony Sieracki, Jr.

Also present:

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

Motion:

Secretary Jerzy made a motion to excuse Board Member Sieracki, he said he wasn't going to be here today; 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 adopt the agenda; 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 June 26, 2024.**

Motion:

Secretary Jerzy made a motion to approve the minutes of June 26, 2024; Supported by Board Member Perry.

Voice Vote:

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

6. PUBLIC HEARING:	APPLICANT: Mark Sykes
REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	11542 Short
LEGAL DESCRIPTION:	13-03-231-003
ZONE:	R-1-A

VARIANCES REQUESTED: Permission to

- 1) Petitioner seeks to construct an additional 624 square ft. (24' x 26') onto an existing 374 square ft. (17' x 22') attached garage in addition to an existing 75 square ft. (7 ½' x 10') shed for a total of 1,073 square ft. of accessory structure floor area.
- 2) Petitioner seeks new garage addition to be within 6' of the (west) side lot line.

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 5.07: In R-1-A Districts, the width of the side yard abutting upon a street shall be not less than thirty (30) feet when rear yards abut side yards.

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

Mark Sykes, 11542 Short Drive, appeared before the board.

Chairman Sophia thanked him. Tell the board about the request, please.

Mark Sykes explained Henry Braza put something together here to explain everything they're looking to do.

Secretary Jerzy asked him to speak into the mic.

Chairman Sophia asked him to start with his name and address, too, for the record.

Henry Braza, 28361 Newland, appeared before the board. The item before the board is kind of a unique property that's on the corner adjacent to Chicago Road on Short Court. This is an opportunity for an upgrade that will have a positive impact on the neighborhood. The proposed change will improve the curb appeal and align with the existing house lines. He thinks that's important that the roof line is going to be the current roof line, the rear wall and front wall to the additional garage is going to align with the house, so it's not going to stick out in any way. The

existing driveway is where the new driveway is going to be, or he should say where the new garage is going to align up. What they're trying to do is have a garage that is a straight drive in, current garage they have to go and turn right into it. So, that's really what they're trying to do here. Once they've put the new garage on the existing garage would most likely be used for storage for things like lawn equipment, sporting equipment, bikes and things, and for storage during the winter time for all the things from the pool, accessories and things that they need. If the board looks at the numbers, the additional garage and existing shed, total 699 feet, so it's just under the total they would have for without a variance. As far as the setbacks are concerned, this property is surrounded by a six (6) foot fence all the way around. It's on Chicago Road, it won't be observable by anyone that's going by. The neighbor is really obscured by many trees on their property, as well as the owners property. So, that's kind of the description of it. He'll turn it over to the board if they want to address any questions they might have.

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

No response.

Chairman Sophiea closed the public portion of the meeting. He believes there is one (1) email to read into the record.

Secretary Jerzy said yes, Mr. Chair. There is an email from a Chris Nurnberg from 11584 Chicago Road, he writes:

"I received a notice of public hearing for a variance requested by Mark Sykes at 11542 Short Dr for a new garage addition.

My property, 11584 Chicago, is adjacent to 11542 Short Dr.

Please let it be known that I have no issues or concerns with the variance requested."

Chairman Sophiea thanked him for reading that into the record. At this point, he'll turn it over to the board for discussion.

Board Member Anglin asked Steve to step up to the podium, please.

Steve Watripont said it takes him little while now.

Board Member Anglin stated to take his time, he's here all night.

Steve Watripont asked yes, sir.

Board Member Anglin stated that setback is actually coming off of Chicago Road, correct?

Steve Watripont explained it's a side yard setback.

Board Member Anglin said within six (6) feet of Chicago Road.

Steve Watriont stated within (6) feet of the property line that's along Chicago Road. So, it's within six (6) feet of where his current fence and bushes are. So, it's inside of where that current shrubbery is if looking from the front.

(Inaudible)

Board Member Anglin said he didn't see that. There's still a green belt going to be between the fence and that?

Steve Watriont replied yes.

Board Member Anglin said they're actually building within six (6) feet of the fence.

Mark Sykes and Steve Watriont stated correct.

Board Member Anglin said it's still the maintain of it looks about twenty (20) feet, eighteen (18) to twenty (20) feet from the road.

Steve Watriont said the right-of-way, yes. He doesn't know what that...

Board Member Anglin said they still have the right-of-way sitting there. He has no objections to this as long as it's maintained with that easement from the fence to the road. If anybody wants to look at the picture on it. It looks fairly reasonable.

Secretary Jerzy said to Mr. Anglin's point. He drove by the property as well. He thinks it's a really good addition to that property. Trying to turn into that garage is kind of crazy and he's taking into consideration the privacy portion of it, too. He thinks it's going to enhance that house and make it much more valuable property, in his opinion. If no other board members have anything else they want to add or subtract, he would like to make a motion.

Motion:

Secretary Jerzy made a motion to grant the petitioner to:

- 1) Petitioner seeks to construct an additional 624 square ft. (24' x 26') onto an existing 374 square ft. (17' x 22') attached garage in addition to an existing 75 square ft. (7 1/2' x 10') shed for a total of 1,073 square ft. of accessory structure floor area.
- 2) Petitioner seeks new garage addition to be within 6' of the (west) side lot line.

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 written.

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 Higgins	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Lindsey	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	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.

7. PUBLIC HEARING:	APPLICANT: William McDaniel
REPRESENTATIVE:	Same as above.
COMMON DESCRIPTION:	26523 Wexford
LEGAL DESCRIPTION:	13-19-226-034
ZONE:	R-1-C

VARIANCES REQUESTED: Permission to

- 1) Retain an existing 100 square ft. (10' x 10') shed to within 6" of rear easement and 27' from existing detached garage.
- 2) Erect a shed greater than 120 square ft. (12' x 24' = 288 square ft.) in addition to and 31' foot from an existing (20.1' x 24.1' = 484 square ft.) detached garage for a total of 872 square ft. of accessory structures.

ORDINANCES and REQUIREMENTS:

Section 4.20 Paragraph (a): ... the existing side building lines of the principal building in the lot and shall be one (1) foot from the edge of any easement.

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.

Section 4.20 Paragraph (a.5): That all accessory structures, excluding garages, will not exceed a total of 120 square feet.

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

Chairman Sophiaea said good evening.

William McDaniel, 26523 Wexford, appeared before the board saying good evening.

Chairman Sophiaea asked him to tell the board about his request.

William McDaniel explained he's just requesting a shed for his wife's tents for her catering business. Her tables, chairs, and things of that sort. Right now, in their neighborhood they have a real bad problem with rodents and skunks and everything. He doesn't want to just leave them outside where the animals can crawl in them and just sit there. So, he actually wanted to get a shed so he can put them inside of the shed and everything would be secure and everything, because he had a storage unit but it got kind of pricey where \$500 a month is kind of a lot for him to have to pay for a storage

unit they don't have business for that month. So, he's just trying to get something where he can pretty much store the tables, the tents, the chairs, miscellaneous items as far as dealing with the business that she has.

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.

Secretary Jerzy stated real quick to the petitioner, good evening, Mr. McDaniel. He drove by the property and first thing that stuck out was the privacy fence that was not put up right, should be the other way around, but that's neither here nor there, but the trailer that's in the backyard, does that have the said equipment that would be going into the shed?

William McDaniel explained it has some but not all of it. That's not even his, that's his friends. Technically, he just puts it there because he doesn't have a driveway.

Secretary Jerzy asked if he's storing it there for him.

William McDaniel said he's not storing it for him, but it's there typically some of the time.

Secretary Jerzy asked if they run a business out of their house at all.

William McDaniel replied no.

Secretary Jerzy doesn't see anything really that sticks out with the request other than the two (2) concerns he had when he drove by the property. Just the storage trailer and fence that was up.

William McDaniel explained the privacy fence that was up he will eventually get that done, but he bought the house like that.

Secretary Jerzy was going to ask if that was existing.

William McDaniel said it was already existing. Along with the other shed that he has to take care of because evidently they didn't get permits for anything that they did at the house. So, now it falls on him.

Secretary Jerzy said that makes sense. So that being said the shed is kind of out of sight out of line, which is kind of the boards criteria up here. He doesn't think that it's anything unreasonable from what the board has passed in the past. Other than that, he'll leave it up to some other members.

Board Member Anglin asked how far from the shed to the house. The shed he wants to build, there's no markings on here that he can see that shows the distance.

William McDaniel said it should be approximately eight (8) feet from the house. Directly behind the, he wants to say, the south wall.

Board Member Anglin asked Steve what code says for building something up close to the house. Does it have to have a firewall between the two (2)? Or do they have to have a certain setback for a shed? He's assuming this is a store bought set in shed.

Steve Watripont explained the building requirements are if it's less than five (5) feet it's a building requirement. The fire rating and all that, he doesn't know the specifics of that, but that's a five (5) foot setback.

Board Member Anglin asked if it's five (5) foot. Ok.

Steve Watripont explained if there's storage or gasoline within the shed it must be ten (10) feet from the dwelling.

Board Member Anglin asked the petitioner if he has any objections to pushing that back to ten (10) feet, two (2) feet further back.

William McDaniel answered no, he doesn't.

Board Member Anglin explained that way it would meet anything that might happen to come up in the future, especially for their insurance if something happens to that shed and happen to be gas in it.

William McDaniel said that's fine.

Board Member Anglin said his insurance isn't going to cover it because he's inside that realm. He would make a suggestion that he put the ten (10) foot back. If he reads it he's not going to read it into the words, he'll take his word that it's going to be built on the ten (10) foot back. That's all his questions.

Chairman Sophia asked if there are any comments or motions.

Board Member Anglin said he'll be happy to make a motion.

Motion:

Board Member Anglin made a motion to give permission to:

- 1) Retain an existing 100 square ft. (10' x 10') shed to within 6" of rear easement and 27' from existing detached garage.
- 2) Erect a shed greater than 120 square ft. (12' x 24' = 288 square ft.) in addition to and 31' foot from an existing (20.1' x 24.1' = 484 square ft.) detached garage for a total of 872 square ft. of accessory structures.

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

Board Member Perry supported the motion.

Chairman Sophia said they have a motion by Mr. Anglin, 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).

Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Lindsey	Yes, for the reasons stated in the motion.
Board Member Higgins	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** as written.

8. PUBLIC HEARING: **APPLICANT: John Giannini**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 23816 Marlin Ave
LEGAL DESCRIPTION: 13-30-305-021
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

- 1) Retain an existing 144 square ft. (12’ x 12’) shed to within 1’ of the south lot line that projects beyond the side building lines of principal building in addition to a 672 square ft. (24’ x 28’) detached garage for a total of 816 square ft. of accessory structure area.
- 2) Retain a “modified” clear vision zone for an existing privacy fence with a rolling gate to provide the clear vision zone on the south property line of their vacant adjoining lot.

ORDINANCES and REQUIREMENTS:

Section 4.20 Paragraph (a): Such buildings shall conform to, and shall not project beyond, the existing side building lines of the principal building on the lot and shall be one (1) foot from the edge of any easement.

Section 4.20 Paragraph (a.5): That all accessory structures, excluding garages, will not exceed a total of 120 square feet.

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

Section 4D.33 (b): Corner lots. A privacy fence 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 exiting the driveway.

Chairman Sophiea said good evening.

John Giannini, 23816 Marlin Avenue, appeared before the board.

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

John Giannini explained his request for the shed is to addition for putting in his lawn mower equipment, which includes blowers and trimmers, along with edgers. Materials like that that he can no longer put in his garage.

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

John Giannini said the fence itself, he took the privacy fence, because he thought he was entitled to a privacy fence because he's adjacent to commercial buildings, but then he has to go from clear view from the driveway and still give them ten (10) feet on each side of his driveway for clear view. He talked to Everett and tried to get fencing material, which when it's closed it's by the concrete so they can still see through it when it's open. If he doesn't open it all the way there's still a clear view, ten (10) foot on each side for any occupant or person that needs to go by.

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. Before he turns it over to the board he would like Mr. Jerzy to read this correspondence into the record.

Secretary Jerzy said they have correspondence from a neighbor.

"We are apposed to this variance. John has 12 cars in his backyard, driveway, and street. He drives recklessly at night with these vehicles. He also has a trailer for cars in the street and at times in his yard. This does not look good for those who want to sell their house.

David and Barb Johnson, 23900 Marlin

Thank you."

Chairman Sophiea turned it over to the board for discussion.

Board Member Anglin explained he's not in favor of not having that ten (10) foot clear view. He thinks he understands what he's trying to say about having the gate when it retracts. But that doesn't give clear view off the sides with the fencing. That's supposed to be a forty-five (45) degree angle from the sidewalk, ten (10) foot back, up the driveway ten (10) foot back. By him having this fence up with the gates, that doesn't prevent that from happening. So, for that reason he wouldn't be in favor of that. Now the other one is, he knows it's not part of their preview on this issue here, but he's assuming that these are the two (2) lot numbers.

(Inaudible)

Board Member Anglin can't understand, and again there's nothing the board can do other than say something to the city, but he's got automobiles sitting on the grass, or on dirt, which is against city

code.

John Giannini stated they're constantly moved, sir.

Board Member Anglin said ok. He asked if he said that they're constantly moved.

John Giannini replied yes. He moves them in and out from the night, day to night, for security reasons.

Board Member Anglin understands that, but they can't sit on the grass. He's just telling him that.

Secretary Jerzy begs to differ with that story. Some of the cars are covered. Unless he drives them every night after he covers them.

Board Member Anglin said it's still sitting on dirt. So, he's not in favor of the fencing the way he wants to set it up. He has to, in his opinion, put the ten (10) foot setbacks for the viewing of somebody walking down that sidewalk when somebody is pulling out. For that reason, he's going to object to this.

John Giannini asked if he could talk.

(Inaudible)

John Giannini said no.

Chairman Sophiea said a question hasn't been asked.

Board Member Nestorowicz has a question or comment that might actually be related to what he thinks the petitioner was at. So, because he drove by his property today and the gate was open. He was trying to understand. When the gates closed, according to the photo here because he saw it with the gate open. That wooden part of the fence is part of the gate that goes in and out?

John Giannini replied yes. When it's open that wooden slides into the other wooden fence, projecting the ten (10) foot clear view of the chain link fence once it's open.

Board Member Anglin said that's unique.

Board Member Nestorowicz explained that's why he got confused when he saw it. Fortunately, it was open.

John Giannini said Everett was asking him too about that and he tried to explain it to him that once it's open to move a car out, that chain link fence goes over, the closed one goes into the other fence, now it leaves the ten (10) foot clear zone anytime he pulls a vehicle out. Ten (10) foot away from the driveway and inside.

Board Member Nestorowicz said that's a unique thing, solution in his opinion. To him, it sounds like to him it fulfills the clear view of it because it's got the added...

Secretary Jerzy said the one thing he would beg to differ the clear view is the boat and truck sitting in front of the said fence to have a clear view.

Board Member Nestorowicz said currently the boat is blocking the driveway.

Secretary Jerzy said it's kind of a moot point if that vehicle is there all the time.

Board Member Nestorowicz knows it's not part of the variance request. He was actually very surprised by the amount of vehicles and items inside that backyard that the fence is hiding it. That's his only comments.

Chairman Sophiea said this request did bother him a little bit. There's an extensive zoning and building complaint enforcement log that goes along with a lot of stuff being stored against code in the yard. That always bothers him when the petitioner comes with an extensive log of different things here. He agrees with Mr. Anglin's reasoning about the fence and having the clear vision zone. He asked if there are any other comments from the board.

Board Member Lindsey has some concerns about how he has the gate right now. He drove by the property and when he was coming down the street he almost missed his house. So, he's really concerned about the clear view if someone is exiting his property that they might not see oncoming traffic.

John Giannini asked if he could answer.

Chairman Sophiea said he would allow it.

John Giannini explained that's why he has that rolling fence where when you open to pull a vehicle out it gives the ten (10) foot on that side and the other side. So, he does have clear view when pulling out for any kind of kids walking around the driveway or sidewalk, anybody coming by.

Board Member Lindsey asked how he has the wooden secured to the moving gate.

John Giannini replied it's on the rolling fence. Secured on the rolling fence. So, when that other ten (10) feet that's on the other side when it's open for him to drive through that fencing goes into the other fencing with the rolling gate.

Board Member Lindsey understands, but what's securing the wood to the chain link fence.

John Giannini explained the wood is adhered with bolts onto the metal structure.

Board Member Lindsey said it's bolted into it.

John Giannini said the metal structure.

Board Member Lindsey thanked him.

Board Member Anglin stated his view on a project like this, by the way that was a very innovative

way of having that ten (10) foot clear view, but he's not so much in favor of granting variances when there's so much other stuff. He knows that's not in the boards preview to go over, but when there's so much other things like the cars parking on the grass, he has a hard time voting something else in. It almost looks like a used car lot. He's not in favor of that. It's a very innovative idea about the gate, but he's still going to vote no on it.

Chairman Sophia explained one other thing he noticed, piggy backing off what Mr. Anglin said, the car storage, he knows it's not the issue in front of the board here, but the petitioner is aware of the ordinance because there's been countless violations for it. There were tickets issued just as late as December 2023. There's a comment in here, pictures taken, petitioner has not followed up or complied in over a year. That bothers him.

John Giannini asked if he could answer that.

Chairman Sophia replied no. He asked if there are any other comments from the board.

Board Member Anglin replied no, he'll make a motion if nobody else has a comment. This would be, how would he phrase this? Motion to deny. Then they vote yes when it comes time around.

Board Member Anglin went to make a motion to deny... he wants to make sure he has it right. Do they have an aerial view with the shed?

(Inaudible)

Board Member Anglin asked if the shed is in front of his garage facing... that unit. He has no objections to the shed.

Board Member Nestorowicz mentioned to separate the two (2) items.

Board Member Anglin would like to separate the two (2) items. With the petitioner's permission, he would like to separate the two (2) items.

John Giannini replies yes, sir.

Board Member Anglin was about to make a motion to give permission... yes, Steve?

Steve Watripont stated in doing his quick math, he believes that shed goes over onto the other parcel. So, the shed probably needs to be reposted anyways. It would be on a parcel without a dwelling and they can't have any accessory structure on that. Unless, the petitioner is going to combine these lots and it would be one (1) lot, then they can move forward, but twelve (12) feet and twenty-four (24) feet is thirty-six (36) and then it says five (5) feet from the side setback, sideline. That would be forty-one (41) at a minimum and it's a thirty-eight (38) foot lot.

Board Member Anglin said he needs to combine them in order to have the shed. Well then, sir, are you going to be combining these two (2) lots into one (1)?

John Giannini replied no, sir. He can move the shed a little bit closer if he needs to. He thought he

was within one (1) foot off the lot line. If not, when he talked to Everett he said if he did move it a little bit about one (1) foot to that lot line it might approve. Is that ok?

Steve Watripont said the shed is twelve (12) by twelve (12). So, that's twelve (12) feet. The garage is twenty-four (24) feet. So that's thirty-six (36) feet. The lot is thirty-eight (38) feet. The garage is five (5) feet from the property line. That puts it at forty-one (41) feet if it's all together.

Board Member Anglin said it's not going to fit.

Steve Watripont said it won't fit with these numbers.

Board Member Anglin asked if they deny the shed does he still have the right to come back to the board with a new location with a new shed.

Steve Watripont believes the shed probably should be taken off till they know exactly where it is, because he doesn't think it should be heard because of that reason. He'll defer to the attorney because right now it's impossible to be on that parcel. It says it's one (1) foot from the property line, so it can't be.

Board Member Anglin thinks they should remove it from the docket.

Steve Watripont explained then he can come back whenever. If he goes for a smaller shed or whatever into that location.

Board Member Anglin would like to give him the option to be able to do something else.

Steve Watripont said that would give him that option with removal. He doesn't think it should be heard because it's on a vacant lot.

Board Member Anglin agrees.

(Inaudible)

Board Member Anglin said if the petitioner is ok he'll make separate motions.

John Giannini asked if he can comment.

Board Member Anglin said he asked a question, go ahead.

John Giannini explained the intention is to take that spare lot and start building permit for it. He had talked to Everett about it. He's allowed under a thousand square foot house on it with a slab and also allowed to put a twenty-four (24) by twenty-six (26) of garage on it. He wanted to see if he could keep the shed first before he started this. Is there anyway he could incorporate that shed to bring it over into that garage area once he starts the building of the house?

Board Member Anglin said correct him if he's wrong, they have two (2) years, or what's the time that they have.

Steve Watripont said two (2) years is a site plan issue, commercial. He doesn't know what the enforcement is. He didn't look through all that. They will work with him if the project gets started for the house and everything else. They will work with him to relocate that shed if that happens. But that probably quicker than he probably wanted.

Board Member Anglin thinks his best bet is for the board to take his opinion and to take it off the docket and leave it up him having some room to do something with the city with it.

John Giannini would appreciate that.

Steve Watripont told him to go talk to Everett tomorrow.

Board Member Anglin will go ahead and read the motion. Number one will be removed from the docket with the petitioner's approval.

Jennifer Pierce replied yes.

Motion:

Board Member Anglin made a motion remove item 1 and to deny:

- 2) Retain a "modified" clear vision zone for an existing privacy fence with a rolling gate to provide the clear vision zone on the south property line of their vacant adjoining lot.

Jennifer Pierce said if you want to deny you would vote yes, if you want don't want to deny vote no.

Reasons being: It doesn't maintain the line of sight on a permanent basis; Self imposed.

Board Member Higgins supported the motion.

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

Roll Call:

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

Board Member Anglin	Yes, to deny.
Board Member Higgins	Yes, to deny.
Board Member Perry	Yes, to deny.
Board Member Lindsey	Yes, to deny.
Board Member Nestorowicz	Yes, to deny.
Secretary Jerzy	Yes, to deny.
Chairman Sophiea	Yes, to deny.

The petitioner's request for item 1 was **REMOVED** and request for number 2 was **DENIED** as written.

Chairman Sophia explained they will work with him on the first item.

John Giannini appreciates that. He'll still lose ten (10) feet of his driveway. Thank you.

9. PUBLIC HEARING: **APPLICANT: Kemp Building and Development**
REPRESENTATIVE: Adam Stier
COMMON DESCRIPTION: 7177 Miller and 7243 Miller
LEGAL DESCRIPTION: 13-04-427-009 / 13-04-427-008
ZONE: M-2 / M-2

VARIANCES REQUESTED: Permission to

Permission to waive thirty-eight (38) required parking spaces.

ORDINANCES and REQUIREMENTS:

Section 4.32 Item (23): Industrial establishments ... One (1) parking space for each twelve hundred (1,200) square feet of floor space.

Chairman Sophia said good evening.

Tom Kemp appeared before the board stating he is from Kemp Building and Development. Adam is not here today, but Rick Rank is here.

Chairman Sophia asked him for his address.

Tom Kemp, 275 West Girard, is here as the applicant.

Rick Rank appeared before the board stating his business and title.

Chairman Sophia asked them to tell the board about the request, please.

Tom Kemp explained the Jo Dumar company has an existing 46,000 square foot building. They purchased the land adjacent to them with an older office type building on it, with a big parking lot. They've got site plan approval and they're working on a 70,000 square foot addition for them. During their design phase, they were getting kind of tight on the amount of parking required per the ordinance, but it far exceeds what they need for the operation. They actually ended up requesting a larger variance than they really would have had to do. Some of that came out of the planning and design. They wanted them to reduce some of the parking spaces since they didn't need them for storm water management, to get a little more green space, and do some things like that. That's it.

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 asked how many employees would the facility be holding at max.

Rick Rank replied thirty-six (36) on a daily basis. However, they do have a hybrid remote schedule. So, they're at one third of that three (3) days a week.

Board Member Anglin said thirty-six (36) would be the maximum ever there if they ever had that opportunity.

Rick Rank replied correct. All employees in attendance, yes.

Board Member Anglin asked how many parking spaces would they end up with after they get the waiver for the...

Tom Kemp believes it's sixty-two (62). He doesn't have a site plan in front of them.

Board Member Anglin said it's almost two (2) to one (1) of what you really need. He has no objections to that.

Tom Kemp said sixty-nine (69).

Board Member Anglin said that's even more. He has no objections to that.

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

Motion:

Secretary Jerzy made a motion to grant the petitioner permission to waive thirty-eight (38) required parking spaces.

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

Board Member Perry supported the motion.

Chairman Sophia said 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 Lindsey	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.
Chairman Sophia	Yes, for the reasons stated in the motion.

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

Secretary Jerzy said hopefully they can get that road paved on Miller. That road is horrible.

Tom Kemp explained that started today.

Secretary Jerzy said thank God.

Chairman Sophiea said finally.

10. NEW BUSINESS

Secretary Jerzy would like to officially welcome Mr. Shaun Lindsey to the board.

Board Member Lindsey thanked him very much.

Secretary Jerzy said welcome. He hopes he finds it as an enjoyable experience.

Steve Watripont just wanted to say he's glad to be back too, guys.

Secretary Jerzy said welcome back.

Board Member Perry said glad to have you back.

Board Member Anglin said he's walking very well.

Secretary Jerzy asked if he wanted his five (5) seconds of fame.

Board Member Anglin said he didn't end up that well with his replacement.

Secretary Jerzy welcomed him back. He appreciates his input and is glad to have him back.

Board Member Anglin said to let him park his motor home.

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 8:11 p.m.

Paul Jerzy
Secretary of the Board