

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
AUGUST 28, 2024

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, August 28, 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
Shaun Lindsey
Anthony Sieracki, Jr.

Members of the Board absent:

Kevin Higgins

Also present:

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

1. CALL TO ORDER

Chairman Sophiea called the meeting to order at 7:32 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 did say last meeting he was not going to be in attendance 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 as written; Board Member Anglin 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 July 24, 2024.

Motion:

Secretary Jerzy made a motion to approve the minutes of July 24, 2024; Supported by Board Member Nestorowicz.

Voice Vote:

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

APPROVAL OF THE MINUTES of the Regular Meeting of August 14, 2024.

Motion:

Secretary Jerzy made a motion to approve the minutes of August 14, 2024; Supported by Board Member Perry.

Voice Vote:

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

6. PUBLIC HEARING:

APPLICANT: Domino's Pizza

(Rescheduled from 8/14/2024)

REPRESENTATIVE:

Kal Mansour – Sign Emporium Inc

COMMON DESCRIPTION:

13734 Twelve Mile

LEGAL DESCRIPTION:

13-13-101-002

ZONE:

MZ, C-1, P

VARIANCES REQUESTED: Permission to

Erect a 2nd wall sign 18.06 square ft. in addition to a 40 square ft. wall sign that has previously been approved, for a total of 58.06 square ft. of total wall signage.

ORDINANCES and REQUIREMENTS:

Section 4A.37(C) – Shopping Centers: One (1) wall sign of a size not to exceed forty (40) square feet shall be allowed for each business located in the shopping center.

Chairman Sophiae asked if the petitioner is present for item 6.

No response.

Board Member Anglin would be willing to set this back to be item 9a or b, however he wants to handle that, at the end of the meeting.

Motion:

Board Member Anglin made a motion to move the item to 9a; Supported by Board Member Perry.

Voice Vote:

Board Member Nestorowicz asked if he heard about that.

Mark Fowler said yep. They said they could make it a forty (40) by twenty (20) building. So, the forty (40) by twenty (20) takes away, he thinks somebody had a problem with it being too close to covering the side door or something. The forty (40) by twenty (20) takes it back, he thinks, two (2) or three (3) feet before that door. So, all that clearance is there for that door.

Board Member Anglin said they discussed this a previous meeting. They tabled to allow for coming up with a smaller size than the thousand square foot. He asked for any documentation or drawings or anything where the smaller size is going to be.

Chairman Sophia doesn't see anything in the packet. He does see a lengthy enforcement file though.

Board Member Anglin said his thing, is he trying to petition again to keep the thousand square foot or is he...

Secretary Jerzy thinks he's good at eight hundred (800).

Board Member Anglin said eight hundred (800) he's going to come down to, but it doesn't give them a layout of where the eight hundred (800) is going to fit and how it's going to fit on there. He thinks the board should have gotten a redrawing of this.

Mark Fowler explained it's the same except it's ten (10) feet shorter, still the forty (40) by twenty (20). The drawing just goes back ten (10) feet.

Board Member Anglin explained normally when somebody comes back to the board with a different type of setup or layout, they should get a drawing of what they're actually talking about. With them saying ten (10) feet less or four (4) less, does not really tell the board where this project is actually going to sit at. Other words if the board votes on this today for that, and he's still not happy with an eight hundred (800) square foot himself with that size lot, but it could be put anywhere on the lot. Because the board is not defining where the site plan, and for them to do a site plan for residential is really easy to do. Scratch it on the back of a bar napkin half the time might work. He just can't go with not having documentation showing what they're approving.

Mark Fowler explained he wasn't informed that he needed to resubmit another drawing. They talked about the eight hundred (800) square feet at the last meeting, but somebody said they wanted to postpone it, so he thinks everybody besides one (1) person was ok.

(Inaudible)

Secretary Jerzy said to the petitioner's defense Mr. Anglin, the board didn't really spell that out. For people that have never come before them aren't familiar with the process. He could see it being one of those things that falls through the cracks. He thinks he didn't need to submit a new plan. He understands what Mr. Anglin is saying, but he's also understanding.

Board Member Anglin understands that. Again, at this point is the board going to be following the guidelines of being within three (3) feet of the fence, but then he wanted to see where that

door comes out of the house on the drawing.

(Inaudible)

Board Member Anglin said sir, it's up to the board right now.

(Inaudible)

Secretary Jerzy said right, he said he's going to move it over.

Board Member Anglin doesn't know if that's going to be ten (10) feet or more.

Secretary Jerzy said feet within the rear wall.

Board Member Anglin doesn't like the idea of that doorway, which is only two (2) foot six (6) inch space.

Secretary Jerzy said that was their initial problem, too. He's taking it over... Maybe Steve can...

Board Member Anglin wants to see it, he doesn't just want to vote on this without seeing exactly where that building is going to be sitting at.

(Inaudible)

Mark Fowler said it's forty-nine (49) feet from the fence to the beginning of that door, so it takes it back seven (7) clearance. Forty (40) feet takes it approximately two (2) feet before the door.

Steve Watirpont explained the calculations show that doorway is at forty-nine (49) feet from the rear, with the seven (7) foot setback, and it being forty (40) foot, he's going to have a two (2) foot clearance to the doorway. So, the door should be able to swing, might hit the garage open fully, but it should swing fully open though.

Mark Fowler said it will swing past the access.

Board Member Anglin said the overall point of everything is if they had some type of site plan to kind of fit this. He would be able to see where the edge of the house is to the garage, because at this point he's only going to have a two (2) foot six (6) inch opening to get to the backyard. He doesn't think that's code.

Mark Fowler said two (2) foot six (6) opening to get to the backyard.

Steve Watirpont said walkway where this grass is here.

Mark Fowler explained on the other side there will be a door on the side of the garage to get through that fence. On the other side there is a gate on the other side of the house to access the backyard also.

Steve Watirpont informed him to tell the board on the record.

Mark Fowler explained on the garage there will be one (1) door to access the garage, backyard through the garage, and then on the other side of the garage there is a gate for accessing the backyard also.

Board Member Anglin said he can take that. He can take that to see in a mental picture to see how that's going to fit. He's still not happy with that size lot being eight hundred (800) square foot. That wasn't his reasoning when he brought it up to settle eight hundred (800). So, he wanted to make that very clear. So, he was never happy with an eight hundred (800) square foot garage sitting on that property. So, he understands the depth he wants on it now. He understands the placement it's going to be. He addressed the situation with the door, with the opening between the house and the garage. But he wants him to understand he still thinks the building is too big for that property. That's all he's got on it.

Board Member Nestorowicz wants to verify. His existing garage is going to be replaced by this, correct?

Mark Fowler answered yes.

Board Member Nestorowicz explained the ordinance would allow seven hundred (700) square feet. So, his personal opinion agreeing to eight hundred (800), he would be in favor of that because it is larger than seven hundred (700) but it's not the thousand. That's just his opinion.

Secretary Jerzy said if nobody else has any other comments, he's kind of in agreement with the compromise at eight hundred (800) as well. He honestly doesn't think the gentleman understood that he needed to bring another drawing back. He thinks he's being truthful with that. He does understand what he's saying though. It would be nice to see it in front of them, but since he's came back a second time, he has come back with a compromise and to him he thinks it's still slightly bigger, but him being on a crawl space and having no basement. That little bit of extra square footage is going to help him. Plus, he doesn't have much of a yard. So, he can't really put a shed or nothing else on that property. So, if no board members have 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 ~~4,000~~ **800** square ft. garage, to within 3' of the south lot line and within 10' of the rear wall of the principal building.

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

Board Member Nestorowicz supported the motion.

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

Roll Call:

A roll call was taken on the motion. The motion failed (4 – 3).

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	Yes, for the reasons stated in the motion.
Board Member Anglin	No.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Lindsey	No.
Board Member Sieracki	No.
Chairman Sophia	Yes, for the reasons stated in the motion.

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

Secretary Jerzy said they need five (4).

(Inaudible)

Chairman Sophia apologized and said the item was denied.

(Inaudible)

Chairman Sophia asked the Secretary to recite the vote.

Secretary Jerzy recited the roll call.

Chairman Sophia said the item was denied.

8. PUBLIC HEARING: **APPLICANT: Kareem Amr, Skilken Gold**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 5920 Twelve Mile
LEGAL DESCRIPTION: 13-16-101-024
ZONE: C-2

VARIANCES REQUESTED: Permission to

Erect an 8' high dumpster screen wall 36' wide x 18' deep.

ORDINANCES and REQUIREMENTS:

Section 4D.40: Refuse, recycling container screening. Containers for refuse and recycling uses shall be screened from view from any adjacent residential use or public right-of-way, excluding alleys. Screening may consist of a six (6) foot high opaque wall constructed of masonry material which matches the primary masonry of the principal structure on the site. Standard concrete blocks are prohibited. Poured or precise concrete walls are permitted provided that they are installed on a continuous concrete footing and are eight (8) inches thick. Live landscape material located so it does not interfere with the function of the refuse container is encouraged in addition to the opaque screen.

David Bruckle appeared before the board. He thanked the board for having have them here tonight. Long story short, they were recently approved for their site plan at Twelve and Mound, and they're asking to build an eight (8) foot dumpster height in order to cover fully the size of their dumpster, the height of the dumpster, and side of the dumpster enclosure so it can't be seen from the outside. That's the basis of the application. They want to build a taller dumpster so they can't see the actual dumpster, dumpster enclosure, so they can't see the actual physical

dumpster inside. That would include the fence height, gates being raised, as well as the masonry surrounding it. Happy to answer any questions the board has. It's a fairly straight forward request.

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 Anglin said to give them just a minute, Mr. Chairman.

Chairman Sophiea said sure.

Board Member Anglin asked what page the screening is on.

David Bruckle apologized. He does not have that full packet in front of him.

Board Member Anglin asked what page is the screening showing.

David Bruckle thinks it should be on the elevation of the dumpster enclosure. He's not sure what staff has in front him at the moment. There should be an architectural elevation.

Board Member Anglin asked that dumpster area is in the south east corner of the property.

David Bruckle said that is correct, yes. It will be as far away (inaudible) as possible.

Board Member Anglin asked at the very east of their property, what business is in that property. Does he know?

David Bruckey thinks it's a Coney Island.

Board Member Anglin stated in other words that screening their going to have eight (8) foot high is to be covering the Coney Island from having to view of that dumpster.

David Bruckle said yes, customers over there would be screened from that. Also, so when you look at the site from Twelve Mile that pull onto the site, they wouldn't be able to see the dumpster because the gates and masonry would be covering it as well. It's also to shield their customers from seeing their dumpsters, from Twelve Mile Road. He relinquishes the floor.

Board Member Nestorowicz wants to understand. Basically, their dumpsters are in a brick enclosure that they're in?

David Bruckle said that's correct. It's a full masonry enclosure with metal frame gates and composite board decking on the front. If they look at that last page of the submission, it's the architectural elevations.

Board Member Nestorowicz likes the idea that their doing brick masonry and it is going to be enclosed. So, basically, whether you're at the Coney next door or pulling in to buy gas, the dumpster themselves are going to be hidden from view in a decorative manner. He knows it's two (2) feet higher than normal, but he thinks it will actually look good on the property. He knows he's in favor of it, personally.

Chairman Sophiea would have to agree with that. He does have a question. Is this their first time in front of the Zoning Board for this project their working on?

David Bruckle said that's correct, yes, it is.

Chairman Sophiea said it's a pretty substantial project and this is the only requested variance. He personally doesn't have a problem with it. He almost prefers the enclosure being higher. It's more decorative in a sense. Are there any other comments from the board?

Board Member Anglin asked what his main reason was for wanting that eight (8) foot again.

David Bruckle said the dumpster gates, they want them eight (8) foot as well. Also, the masonry and the gates that would open for the dumpster enclosure would be eight (8) feet because the actual physical trash dumpster that the trash company will come and dump is taller than six (6) feet. The ordinance allows for a six (6) foot height on the walls and the dumpster gates. They're requesting to take that to eight (8) feet so they can completely cover trash dumpster inside of the enclosure.

Board Member Anglin said ok, that's going to be walls outside all the way around will be eight (8) foot, including the gates will be eight (8) foot.

David Bruckle said that is correct, yes.

Board Member Anglin has no objection to that. Matter of fact, it would be nice if they could... Especially in the location it's in. The Coney place, he's there at least once a week, so he knows exactly what he's talking about in that corner.

Chairman Sophiea said it makes good sense.

Board Member Anglin said it will keep the trash down. They get a lot of complaints for trash from people, for instance he won't mention names that end up on their commercial property because of people throwing stuff over the dumpsters and stuff like that. He has no objection to that.

Chairman Sophiea thinks it makes good sense to have the dumpster fully enclosed. It would look funky having the dumpster stick out two (2) feet over the top.

Board Member Anglin said they did a very nice job at design work.

Chairman Sophiea asked for any other comments or possible motions.

Board Member Nestorowicz said if there's no other questions or comments he would like to

make a motion.

Chairman Sophiea said please do.

Board Member Nestorowicz wants to ask one question to the petitioner very quickly. He sees their package; they're not going to need any other variances for the signage or stuff later on? Everything else is covered?

David Bruckle said they've done all their due diligence. They worked through all of their plans. In fact, their in final engineering now. This was the only thing they identified and really it's more about wanting to make a bigger investment and make sure they don't have dumpsters sticking out that are visible.

Board Member Nestorowicz would like to make a motion after hearing that.

Motion:

Board Member Nestorowicz made a motion to approve the petitioner's request to erect an 8' high dumpster screen wall 36' wide x 18' deep.

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

Board Member Anglin supported the motion.

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

Roll Call:

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

Board Member Nestorowicz	Yes, for the reasons stated in the motion.
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 Sieracki	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.

9. PUBLIC HEARING: **APPLICANT: Ivanovic Construction Inc. -USE-**
REPRESENTATIVE: Dan Ivanovic
COMMON DESCRIPTION: 30130 Van Dyke
LEGAL DESCRIPTION: 13-10-152-009
ZONE: UN

VARIANCES REQUESTED: Permission to -USE-

- 1) Waive all of the required dwelling units.
- 2) Allow a building with a .227 far (building floor ratio), when the minimum required is 1 far.

3) Allow a one (1) level dwelling when two (2) levels are required.

ORDINANCES and REQUIREMENTS:

Section 21B.21 – Mixed Use Standards: Densities (B): Urban Neighborhood: 2. Residential uses are permissible only at densities not less than eighteen (18) dwelling units per acre.

Section 21B.30 – Mass and Height Standards: Building mass is determined by the building floor area ration and building height. These standards seek to balance higher density development with the need for access to air and light, views to and from the downtown, safe pedestrian access and the vehicular carrying capacity of the street network. (B) Urban Neighborhood standards: 1. Building floor area ratio for all development within the Urban Neighborhood must fall within 1.0-5.0 far. 2. Minimum building height of two (2) levels (not less than twenty-four (24) feet) along all rights-of-way is required.

Chairman Sophiea said good evening.

Cecil St. Pierre appeared on behalf of Nick Lavdas the owner, along with Mr. Ivanovic in regards to the three (3) items they want to have a variance on. If he may.

Chairman Sophiea said please.

Cecil St. Pierre will take one at a time. Regards to waiving all the required dwelling units. Number one, in this particular situation is that they have run into a situation where this building use to be the old Vic Tanny's. Some of them know, in fact he used to work out there. He had the same name as his father so he just went. He was a member there and never went, so he went and did it. So, he remembers running on the track on the top level. This building actually has two (2) levels. If they notice it, drive by it, it's a fairly tall level. It's because it in fact has two (2) levels. Well, it turned out because of the soil conditions and the foundation walls, this particular building had a pool, a swimming pool. As a result of that swimming pool, there's certain foundational issues as a result of that. Also, in regards to the soil. So, that foundation on the building, because of the walls for the swimming pool. As well as the type of building that it is that the foundation walls in the pool area about eight (8) feet deep. They cannot put any piers or build any higher on this property. This property is not going to be changed. So, they're basically not going to change the property and that might come down to when he talks about 2 and 3. But in regards to this property, because of these walls and the soil. The soil does not have the baring capacity to put on top of these two (2) levels that they have. So, it made it impossible for Mr. Lavdas to do the residential that he initially intended to do. In fact, he was sitting there when Ms. Pierce is sitting and he remembers Mr. Lavdas came here and talked about putting the residential in. He remembers the concern of the board because there was a drive-thru right there. That would be bothering the people at these nice apartments up above. So, after going through it and doing the architectural and engineering, they found out they can't put anything on top of the existing level. So, this is one of the reasons why they're waiving the required dwelling units. For them to do anything further in regards to this building, because the second item talks about allowing a building with a .227 far. That's the foot area ratio.

(Inaudible)

Cecil St. Pierre explained when the minimum requirement is one (1) far. In essence, they're basically telling them they have to do it four (4) times larger. He can tell them, they cannot make this building any larger. Number 1, they can't go up because of the foundation and because of the soil capacity. Number 2, this particular building shares with the Caren building to the south.

It has a shared access with them for traffic purposes. Any extension of the building on the ground, if they were to try to increase it, would cause problems with the shared access and traffic flow. So, they cannot make this building any bigger than what it is now, because of actually the size and shape of the lot. The things they always grant variances on based on the size and shape of the lot. So, this building cannot be made any bigger because of the shared access and because of the traffic flow. So, they can't do anything more in regards to making it any bigger than it is. Here's the unusual situation, they had a little discussion about this outside. This is a situation where they want less. Everybody is looking for more. Bigger garages, bigger this, bigger that. They can't do it. They're just going to do with what they have and make it a commercial property out of it. It says allow a one (1) level dwelling when two (2) levels are required. Technically, there are two (2) levels here. There is a stairway. If anybody does remember the old Vic Tanny's, that was the track. It was a track that went there along with a few other things back there, a few other work out areas, but there is two (2) levels here. That's why it can be made into a successful commercial operation, because of the two (2) levels. So, it has the height. This is why in regards to, of course if there's a variance then they waive all the required dwelling units, that's great. He's not even going to get into what he was going to say. They're requesting to waive all dwelling units, because he doesn't even know if they're not going to do dwelling units, they don't have to get there. None the less, they're asking to waive all required dwelling units. He doesn't even know if it matters if they say allow a one (1) level dwelling when two (2) levels are required. They're just going to use the building as it is. If they just say use less than two (2) levels, then their fine. On number 2, allow a building with less than the required one (1) far with the area ratio. That's all the board would have to say in order for them to comply with what their intending to do. He brought Mr. Ivanovic here in regards for him to address. He's the one that went down there and literally saw the soil capacity issues, saw the foundation walls, and knows more about this shared access agreement with (inaudible), which allows for the traffic flow around there. If they do anything they're in violation with the shared access agreement. The only place they can actually move this building is backwards. If they move it backwards then they run into the shared access agreement and then they have all kinds of problems. So, actually for once, not for once, for once when he has a client, this is a hardship because of the size and shape of the lot and the building. The building is not going anywhere.. They're just going to keep the building.

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 Nestorowicz has a question for Steve. While he's walking up, he has a comment. This came up to the board before being the urban neighborhood designation that area is, the requirement originally would've been eighteen (18) residential units. They actually did give a big waiver when they said they didn't need to have four (4).

Steve Watrion said Mr. Nestorowicz, if he may. The requirement was twenty-five (25) and they allowed ten (10), so they waived fifteen (15) originally.

Board Member Nestorowicz thanked him. He always hates doing variances like this because being the urban neighborhood, if the city wants to have that area developed a certain way, if they start giving variances that people don't have to build the way the city and administration wants to see that area developed, those properties will never change. So, that's why he doesn't like the waiving of the dwelling units. As is, it's not a question. The question is for Steve. If they didn't waive and give these variances, can the petitioner still use that building for anything.

Steve Watripont said no, it's a change of use. They lose the non-conformity. If they made it a Vic Tanny's or Planet Fitness. Planet Fitness could go in there and use that building as is, because it would be the same use that it was previously used as.

Board Member Nestrowoicz asked that it could be used as a health club but not commercial space.

Steve Watripont said correct.

Board Member Nestorowicz said that's the only clarification he wanted.

Board Member Anglin is always for trying to get something used with these commercial pieces of property that they've had sitting around and vacant for numerous years. But he would like to stay within some type of guidelines. Now, he saying that if that property is supposed to have dwellings put on it.

Steve Watripont said yes. The requirement is because of the size of the land, the entire land with the parking and all, the requirement is twenty-five (25) dwelling units on that property. The variance that was granted on June 14, 2023 was to allow ten (10) dwelling units.

Board Member Anglin said the way he remembers it is they were building these in that second story set up and going up in height. So, if the engineering of that property can't do that because of the foundation or the soil set up. That's his understanding the way it was explained, that there's some type of structural that will not allow them to put apartments on a second story there. Or go up any higher. That was his understanding of what was said. So, the only thing, again, he's not into seeing buildings torn down, because the fact of the matter sits right now they have vacant property over there already that's been sitting there since they tore down the original city hall and still has not been improved on. So, they're just going to tear this down and sit on it longer. He doesn't think so. So, lets find something to do with it. He's in favor of not dealing with the dwellings, because of structural problems with the building. In other words, they can't build on it and he thinks the petitioner should've had that found out when they first presented it to make sure they could build on it. One (1) level building when two (2) levels are required. He doesn't understand that. It's a one (1) level building, but two (2) levels are required. You can only put two (2) story buildings on that property?

Steve Watripont said minimum of two (2) levels are required.

Board Member Anglin asked because of the zoning of that area.

Steve Watripont explained because of how it was rezoned in 2000... There was the downtown center area and then that got redeveloped into three (3) units. The urban neighborhood, the...

he can't remember.

Cecil St. Pierre said gateway neighborhood and city square neighborhood.

Steve Watripont explained three (3) neighborhoods were made into the downtown city district. With that, these requirements all came in at that time. Basically, before that, anything that was in the downtown city area required City Council approval and avoided the Zoning Board of Appeals.

Board Member Anglin said he's overall thought on this, anything dealing with the downtown authority setup, they have had ten (10) years, fifteen (15) years or whatever to develop this and do something with it. Apparently, nobody wants to get involved in doing something in that area for whatever restrictions have been put on them. He would like them to relieve some of those pressures put on individuals so they can start getting that area built up with something. It might not be the master plan they have pictured up, but it's not working. At some point they have to pivot and say it didn't work. There's was no money backers coming in wanting to do anything here. This is too strict, go to another direction. So, he's in favor of going to another direction. So, this stuff that they have here for variance requests, he's will to override it. That's his vote on it.

Board Member Nestorowicz wanted to add. When the administration of the city developed their plans they have a direction they want to see a section of the city to go in, without them actually saying they have a direction but it's open for discussion, he has a hard time going against some of that stuff. Especially, to give an example, once did some research and saw out in San Jose. They actually had an area of the city that they put certain restrictions similar to this kind of stuff, and it's taking a long time. Now, that area is developing, because they wanted to get rid of fast food restaurants and all this other stuff. Again, it looked like a Van Dyke corridor. It took a while, but by sticking to what the plan is that neighborhood slowly started to change. If they start giving a waiver here, then somebody will want to do a fast food restaurant in that area. He knows it's a tough one because it sounds like this building, other than being a health club, can't be used. They would have to tear it down and build new construction there. He doesn't know.

Chairman Sophia will throw his two (2) cents in. It never sat right with him, this property that they granted a drive-thru and had residential apartments upstairs. Just the traffic flow, the safety aspect of people walking to their apartment and cars zipping in and out of two (2) drive-thru's. Right, he thinks there was a drive-thru on each end. What also bothered him... There was just one (1) drive-thru on the north end, right? What also bothered him was not only the idea being below a drive-thru in residential. They're on Van Dyke Road. They're not the city square apartments and the other condo's in that area are off of Van Dyke. They're further off the road. They all know how busy Van Dyke is, especially in rush hour. He understands the city had some type of master plan for that Van Dyke corridor, but they have to take into account that it's across the street from the GM Tech Center, which doesn't get anymore industrial than that. Not to mention there's the car dealership and the banks and the other industrial buildings. He has a hard time following the master plan of the city for this upscale residential community when they're basically on a freeway. So, reluctantly, he's in favor of foregoing the dwelling units. He thinks it just comes down to a safety issue and a practicality standard that people aren't going to, even if it was possible, to build apartments above. He doesn't think there's going to be a demand for it.

Secretary Jerzy said they also have the shared alley space between the two (2) properties. Even

if somebody did want to come in and construct new, they still have that shared access to deal with. It just seems there's a lot of moving parts with that property as is. He was initially never in favor of having units above a drive-thru, too. Refresh my memory, that was supposed to just be one (1) business initially, right? It was still going to be four (4) no matter what, right?

Chairman Sophia said four (4) businesses, one (1) of which a drive-thru on the north cap.

Secretary Jerzy said that didn't change. It just poses a lot more traffic and if they can't build on that property as is, they're talking major engineering changes to that property to make it a residential at some point. Pipes, sewage, everything. So, somebody would have to dump a ton of money into that property to make it something different. So, he also is in favor of kind of waiving the required dwelling units at this point as well. With that he'll yield the floor.

Board Member Anglin promises he'll make this his last comment. When dealing with older structures in the older part of the city, especially when dealing with being right across the street from GM. If they go look at Henry Ford's main building, they don't see houses sitting right across the street from them. Look at some of the big industrial complexes, they're not necessarily houses or upscale apartments sitting right next to them. He believes by not approving this they're putting an undue hardship on the development of that property or any property that's in that area that cannot be used for something else other than tearing it down. Now, if no other board members have a comment he would like to make a motion.

Chairman Sophia said please do. Before making the motion, he just wanted to point out to the petitioner this is a use variance and they are down one (1) member tonight. A use variance as they probably know takes six (6) yes votes. Would they like to continue?

Cecil St. Pierre wants to proceed anyways. He instructed everybody to that fact right when he knew that person was absent. You can, but they're ready to go forward with it.

Chairman Sophia thanked him.

Motion:

Board Member Anglin made a motion to give permission to:

- 1) Waive all of the required dwelling units.
- 2) Allow a building with a .227 far (building floor ratio), when the minimum required is 1 far.
- 3) Allow a one (1) level dwelling when two (2) levels are required.

Reasons being: Size and shape of the lot; Hardship of not following this would create for that; Not a detriment to the area.

Secretary Jerzy supported the motion.

Chairman Sophia 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 (6 – 1).

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	No, thinks it's a detriment.
Board Member Lindsey	Yes, for the reasons stated in the motion.
Board Member Sieracki	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.

Cecil St. Pierre thanked the board. Hopefully, they can get a nice building put up there and maybe Caren will do something. Are we still on TV? (Laughing)

Motion:

Secretary Jerzy made the motion to recess for five (5) minutes at 8:21 p.m., Supported by Board Member Perry.

Voice Vote:

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

Meeting resumed at 8:28 p.m.

Chairman Sophia stated at this time he would like to call 9a, if the petitioner is present.

No response.

Chairman Sophia is not seeing the petitioner present for item 9a.

Board Member Nestorowicz asked if they want to vote on it anyway.

Secretary Jerzy is open to denying this instead of tabling it to the 11th.

Chairman Sophia asked if they know if the petitioner was absent the last time it was rescheduled. Was there no call, no show the first time?

Secretary Jerzy informed they requested this.

Chairman Sophia said ok. That's strange.

Secretary Jerzy is going to see how this goes but is going to make a motion. Let him read it first.

9a. PUBLIC HEARING:

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

APPLICANT: Domino's Pizza

(Rescheduled from 8/14/2024)

Kal Mansour – Sign Emporium Inc

13734 Twelve Mile

13-13-101-002

ZONE: MZ, C-1, P

VARIANCES REQUESTED: Permission to

Erect a 2nd wall sign 18.06 square ft. in addition to a 40 square ft. wall sign that has previously been approved, for a total of 58.06 square ft. of total wall signage.

ORDINANCES and REQUIREMENTS:

Section 4A.37(C) – Shopping Centers: One (1) wall sign of a size not to exceed forty (40) square feet shall be allowed for each business located in the shopping center.

Motion:

Secretary Jerzy made a motion to deny the petitioner permission to erect a 2nd wall sign 18.06 square ft. in addition to a 40 square ft. wall sign that has previously been approved, for a total of 58.06 square ft. of total wall signage.

Reasons being: Size and shape of the lot; It is a detriment to the area; The sign he wants to put on the building is four (4) businesses down from the sign that is currently on his business.

Board Member Anglin supported the motion.

Chairman Sophia said they have a motion by Secretary Jerzy to deny with support by Mr. Anglin. A yes vote is to deny. Roll call.

Roll Call:

A roll call was taken on the motion. The motion carried (6 – 1).

Secretary Jerzy	Yes, to deny.
Board Member Anglin	Yes, to deny.
Board Member Perry	Yes, to deny.
Board Member Lindsay	Yes, to deny.
Board Member Sieracki	Yes, to deny.
Board Member Nesorowicz	Yes, to deny.
Chairman Sophia	Yes, to deny.

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

10. NEW BUSINESS

Chairman Sophia would like to re-open item 7 for reconsideration.

Motion:

Secretary Jerzy made the motion to re-open item 7, Supported by Board Member Perry.

Voice Vote:

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

Motion:

Secretary Jerzy made the motion to table item 7 to the September 11, 2024 meeting and ask for the petitioner to bring a plot plan to that meeting of his plan for his garage based on the fact they don't have a full board and he wasn't notified and aware they didn't have a full board tonight, Supported by Board Member Perry.

Voice Vote:

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

Item 7 was **TABLED** to September 11, 2024.

Board Member Nestorowicz asked if they wanted to tell the petitioner what the board wants to see so that way he can run it by Steve. He just wants to make sure.

Chairman Sophiea asked Mr. Anglin if he wouldn't mind.

(Inaudible)

Board Member Anglin asked if he wants him to run down there.

(Laughter)

Chairman Sophiea asked for any other new business.

Secretary Jerzy questioned no other new business.

Chairman Sophiea said none for him.

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 8:32 p.m.

Paul Jerzy
Secretary of the Board