

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
MAY 28, 2025

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, May 28, 2025 at 7:30 p.m. at the Warren Community Center Auditorium, 5460 Arden Avenue, Warren, Michigan 48092.

Members of the Board present:

David Sophiea, Chairman
Paul Jerzy, Secretary
Charles Perry, Assistant Secretary
Roman Nestorowicz, Vice-Chairman
Shaun Lindsey
William Clift
Michael Assessor
Jon Green

Members of the Board absent:

Garry Watts

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 Watts was absent.

Motion:

Secretary Jerzy made a motion to excuse Mr. Watts; Supported by Board Member Assessor.

Voice Vote:

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

4. ADOPTION OF THE AGENDA

Motion:

Secretary Jerzy made a motion to adopt the agenda; Supported by Board Member Nestorowicz.

Voice Vote:

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

5. APPROVAL OF THE MINUTES of the Regular Meetings of April 23, 2025 and May 14, 2025.

Motion:

Secretary Jerzy made a motion to table the minutes of April 23, 2025 and May 14, 2025 to June 11th; Supported by Board Member Assessor.

Voice Vote:

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

6. PUBLIC HEARING:

REPRESENTATIVE:

COMMON DESCRIPTION:

LEGAL DESCRIPTION:

ZONE:

APPLICANT: James Ebaugh

Aaron Cook – Clement Construction LLC

23140 Bolam

13-25-454-011

R-1-C

VARIANCES REQUESTED: Permission to

Construct an 8' x 10' (80 square ft.) deck entirely within the rear setback to within 9' of the rear property line.

ORDINANCES and REQUIREMENTS:

Section 7.08 – Rear Yards: Each lot in R-1-C districts shall have a rear yard depth of not less than thirty-five (35) feet.

Chairman Sophia asked if the petitioner is present for item 6. Before he starts he wants to make an announcement to the audience. They are down one (1) member tonight. A traditional variance requires five (5) yes votes. A use variance, which is item 9, requires six (6) yes votes. Being down one (1) member tonight puts them a slight disadvantage. He's going to give anyone the opportunity at this time to reschedule to a future date with a full board. Would anyone like to reschedule or table for a full board?

No response.

Chairman Sophia said to please proceed with name and address for the record. They'll move on with item 6.

Aaron Cook, 23140 Bolam, appeared before the board stating he is a representative from Clement Construction.

Chairman Sophia thanked him. Please tell the board about the request.

Aaron Cook would like to build a structure that is only going to be roughly eight (8) inches off the ground. It will not be visible by any other neighbor, anyone else in the surrounding area, and is only going to be eighty (80) square feet right up next to Mr. Ebaugh's garage. This is going to be used for grilling, entertainment purposes, things like that.

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.

Secretary Jerzy said looking at this proposed project. He doesn't really see anything that sticks out. It looks like the shed is going to be out of the line of sight, it's behind the building line. It doesn't seem like it's over imposing for the size of the property either. Just like most of the board members up here, they like seeing people being able to do what they want with their property to some extent within reason. To him, he feels like this is within reason. He thinks it's a thought through plan. Pretty amazing it's only going to be eight (8) inches from the ground. He doesn't think he's ever heard of something like that come before the board. This is something he can get behind. Unless somebody else can sway him otherwise.

Chairman Sophia thanked him. He asked if Mr. Watripont had a comment.

Steve Watripont clarified what Mr. Jerzy said. It's only a deck.

Secretary Jerzy said oh it's a deck.

Steve Watripont said only a deck.

Secretary Jerzy apologized for misspeaking. Yes, it is a deck.

(Inaudible)

Secretary Jerzy said if no other board members have anything else to say he'd like to make a motion.

Motion:

Secretary Jerzy made a motion to grant the petitioner permission to construct an 8' x 10' (80 square ft.) deck entirely within the rear setback to within 9' of the rear property line.

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

Board Member Clift supported the motion.

Chairman Sophia said they have a motion by Secretary Jerzy, supported by Mr. Clift to approve the request as read.

Roll Call:

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

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Clift	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 Green	Yes, for the reasons stated in the motion.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Lindsey	Yes, for the reasons stated in the motion.
Chairman Sophia	Yes, for the reasons stated in the motion.

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

7. PUBLIC HEARING: **APPLICANT: Felix Washington**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 32523 Cambridge
LEGAL DESCRIPTION: 13-02-131-011
ZONE: R-1-B

VARIANCES REQUESTED: Permission to

- 1) Install a 5' x 10' (50 square ft.) shed and waive requirement of a rat wall. Shed to be placed on concrete patio.
- 2) Retain a 10' x 10' (100 square ft.) gazebo that is not placed against another accessory structure and waive requirement of a rat wall. Gazebo is installed concrete patio.

Accessory structures listed above would be in addition to a 440 square ft. attached garage and 286 square ft. covered rear porch for a total of 876 square ft. of accessory structure floor area.

ORDINANCES and REQUIREMENTS:

Section 4.20 – Detached Accessory Buildings: (a) All detached accessory buildings shall not exceed one (1) story or ten (10) feet in height measured to the eaves and shall not occupy more than thirty (30) percent of the rear yard. 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. The construction of all such accessory structures shall be subject to the following conditions:

2. That the building be fixed to a permanent foundation of the type required for detached garages in the Building Code.
3. That the accessory building be placed against any other accessory structure, such as a detached garage, that may exist in the yard. Only one (1) detached accessory structure shall be permitted in the yard.
5. That all accessory structures, excluding garages, will not exceed a total of 120 square ft.

Chairman Sophia asked them to start with name and address.

Felix Washington, 32523 Cambridge, appeared before the board.

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

Felix Washington is requesting a five (5) by ten (10) shed on the concrete pad behind the garage and waive the rat wall due to storage for his pool equipment. He has an inground pool. The reason for waiving the rat wall is because it's going to be a metal shed, and as the pictures shows around it is all concrete.

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

Board Member Clift asked what the floor of the shed is going to be comprised of. That concrete pad, just metal walls.

Felix Washington said metal walls, metal flooring with wood flooring on top of the metal. And anchored to the concrete.

Board Member Clift can't get behind something like that with a wood floor. That's inviting and harborage of rats.

Felix Washington said he could put something different down.

Board Member Clift said he could get something behind that if he was putting the shed walls up and leaving the floor concrete and open so there's nothing they can crawl underneath.

Felix Washinton said he could just put the metal down.

Board Member Clift could get behind putting a shed down on a concrete pad, walls with a concrete floor.

Felix Washington said he can do that.

Board Member Clift works in the code enforcement business. What he's talking about he sees time and time again. If they're going to get in there they're going to get in there and they're going to harbor between the wood floor and metal floor. That usually comes with those things.

Felix Washington can just leave the metal floor down without the wood.

Board Member Clift explained if he doesn't give them anywhere to hide in there then he shouldn't have a problem with them. He has to keep a close eye just to make sure they don't sneak in somewhere and take up harborage. Ninety (90) percent of the cases he investigated with rat harborage with sheds that do not have a rat wall, they're between that either whatever the thing is sitting on. Be it wood or metal and the wood floor they usually go in the shed. He just wanted to point that out. He has nothing further Mr. Chairman.

Chairman Sophiea asked if there's any other comments from the board.

Secretary Jerzy thinks Mr. Clift brings up a good point. He thinks if they did make a motion maybe make a motion to something to that degree.

Board Member Clift said they would have to amend the motion to reflect that walls with the concrete floor. Whatever he's mounting that shed on should be the floor. That should be the floor.

Secretary Jerzy stated to make sure it's not a wood composite and make sure it's concrete.

Board Member Clift wants to talk for a second if he can retain the floor for just a second. The gazebo, is the gazebo one of those metal framed gazebos with cloth sides.

Felix Washington answered yes, just a metal gazebo and anchored in on a concrete slab.

Board Member Clift asked if it's enclosed or open.

Felix Washington said no and yes.

Board Member Clift said they've talked about these a dozen times so far this year also. Those things mounted on a concrete pad he never had experience with animal harborage underneath one of those. Birds like to steal the stuffing out of the cushions every now and then, that's about the most he's seen worst, but he'll yield the floor now sir.

Chairman Sophia asked for any other comments from the board.

No response.

Board Member Nestorowicz said not seeing any other comments he would like to make a motion.

Chairman Sophia said please do.

Motion:

Board Member Nestorowicz made a motion to allow the petitioner to:

- 1) Install a 5' x 10' (50 square ft.) shed and waive requirement of a rat wall. Shed to be placed on concrete patio. **Shed to be placed on concrete patio and flooring of the shed should also be concrete.**
- 2) Retain a 10' x 10' (100 square ft.) gazebo that is not placed against another accessory structure and waive requirement of a rat wall. Gazebo is installed concrete patio.

Accessory structures listed above would be in addition to a 440 square ft. attached garage and 286 square ft. covered rear porch for a total of 876 square ft. of accessory structure floor area.

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

Board Member Clift supported the motion.

Chairman Sophia said they have a motion by Mr. Nestorowicz, support by Mr. Clift to approve the modified request.

Roll Call:

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

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

Board Member Lindsey	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Assessor	Yes, for the reasons stated in the motion.
Secretary Jerzy	Yes, for the reasons stated in the motion.
Chairman Sophia	Yes, for the reasons stated in the motion.

The petitioner's request was **APPROVED** with the modification.

8. PUBLIC HEARING: **APPLICANT: Strictly 2SP dba
2SP Sports Performance**

REPRESENTATIVE: Kirk Neal
COMMON DESCRIPTION: 7001 Chicago
LEGAL DESCRIPTION: 13-04-402-006
ZONE: M-1

VARIANCES REQUESTED: Permission to

Retain 100% sign coverage on 14 panes of translucent window siding on the south elevation of the building for 480.46 square ft. of window signage.

ORDINANCES and REQUIREMENTS:

Section 4A.28 – Window Signs: In addition to other applicable Zoning requirements, a responsible party shall comply with all of the following requirements:

- i. Total non-illuminated window signage shall not exceed 50% of the window where it is placed.
- (c) Total window signage shall not exceed fifty (50) percent of the window where it is placed.

Chairman Sophia asked them to start with name and address.

Kirk Neal, 7001 Chicago, appeared before the board.

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

Kirk Neal has the windows that are not clear. They are clear panes of fiberglass and when they moved into the building it was very bright in the winter time with the southern sun. You can't see in that end of the building. Originally, that building was one of the ice arenas and all the equipment was in there. So the windows were just lighting the equipment area. Now they light the whole thing. They went over it with signage and that signage is not clear but it does deflect the sun during the winter. That's why they did that. Then they found out they were in violation, which they want to be without violations in their buildings.

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.

Secretary Jerzy has a question for Steve. He knows it's considered signage, but it almost looks like a design element type thing, too. The question to him is would this be granted going forward with

the property forever more or is it just for... he knows most variances are granted goes along with the property, but he knows it's a different thing with design elements, like the Harbor Freight they did and stuff like that.

Steve Watrion answered it would go with it. If for some reason he sold it and someone else went in there and got rid of those translucent window and made it a wall, they would lose that signage because it's written as window signage here. It's one of the reasons they did that to make it a little more strict incase there is any work done to get rid of those there.

Secretary Jerzy said he knows the old Pic-A-Nut had signage there, too, and things of that nature too.

Steve Watrion couldn't find any variances for anything there.

Secretary Jerzy laughed saying really. Shocker. Thanks Steve.

Chairman Sophiea asked for any other comments from the board. He personally doesn't have a problem with it. He thinks it's tastefully done. Not to mention they can have fifty (50) percent of the window covered anyway.

Board Member Clift said the drawing that was included, that was for half right?

Kirk Neal replied it's the same on either side. He just didn't have room in the drawing to put it in there.

Board Member Clift asked that it's a total of 480.46 square feet of window signage.

Kirk Neal informed there's fourteen (14) panes in there.

Board Member Clift gets it.

Kirk Neal said fourteen (14) pieces of plastic and that's what they covered.

Board Member Clift personally doesn't have an issue with it either. Whoever comes in behind them decides to kind of do the same thing.

Kirk Neal said hopefully nobody is going to come in behind them anytime soon.

(Laughter)

Board Member Clift didn't mean anything. You know what he means. Again, when they grant something like this it stays forever.

Kirk Neal said they're not painted, those are decals.

Board Member Clift explained it allows the next person to own the building or buys the building to come...

Kirk Neal said if they bought the building he would block. They lease the building so he's not blocking it. It would be ridiculous, but he could save a lot of heat doing that as well.

Board Member Clift is going along with the Chair. He doesn't see an issue with this thing either. He'll yield the floor.

Chairman Sophiea said this drawing brings you back to geometry class.

Secretary Jerzy said very well done, too.

Kirk Neal said fifty (50) years ago.

Chairman Sophiea asked for any other comments or possible motions.

Secretary Jerzy said the other one thing driving by the property. He knows he's still in compliance with doing so. Between the pole sign and this sign, it sounds like they might probably granting... maybe try to remove some of the signs around the front of the building. The little ones.

Kirk Neal informed they already made the permit and changed the signs to fifty (50) percent in the front where it can be seen.

Secretary Jerzy said his personal opinion it would be zero. He's free to do with his property what he wish. He does understand he's still in compliance with that. That's just his two cents, but if nobody else has anything else to say he would like to make a motion.

No response.

Motion:

Secretary Jerzy made a motion to grant the petitioner permission to retain 100% sign coverage on 14 panes of translucent window siding on the south elevation of the building for 480.46 square ft. of window signage.

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

Board Member Clift supported the motion.

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

Roll Call:

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

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Clift	Yes, for the reasons stated in the motion.
Board Member Green	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 Assessor	Yes, for the reasons stated in the motion.

Board Member Nestorowicz
Chairman Sophiea

Yes, for the reasons stated in the motion.
Yes, for the reasons stated in the motion.

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

9. PUBLIC HEARING: **APPLICANT: Timothy Wise -USE-**
REPRESENTATIVE: Alicia Karacson
COMMON DESCRIPTION: 4129 Kendall
LEGAL DESCRIPTION: 13-29-301-020
ZONE: MZ, M-1, R-1-P

VARIANCES REQUESTED: Permission to -USE-

Allow an 8' x 20' (160 square ft.) storage container and an 8' x 22' (176 square ft.) dumpster for a total of 336 square ft. of open storage in an R-1-P zoning district and to waive screening wall around the dumpster.

ORDINANCES and REQUIREMENTS:

Section 8.01 – Uses Permitted: Open storage is not a permitted use in R-1-P zoning districts.

Section 4D.40 – Refuse, Recycling Container Screening: Containers for refuse and recycling uses shall be screening 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.

Timothy Wise, 4129 Kendall, appeared before the board stating that it came to his attention that the pictures that were supposed to go to the board have not gone to them. He brought one (1) set with him, thank goodness. Can he give the pictures to the board?

Chairman Sophiea said to give them to Nicole.

Timothy Wise apologized. He said Alicia is normally much better than he is. What they'll see is that he's got a metal structure, which is very clean. He's a service manager for fire and flood mitigation contractor. He just bought a building in Warren. Happily looking to grow within Warren. In this building, they'll see in the first picture that's up there. This structure is only for fire damaged furniture or trinkets that are going to be replaced by the insurance company. He can't throw out until they give him the approval. They also put moldy contents in there as well. They're just a health hazard to bring into his building. It's a sealed unit, so once they put them in there no smells are getting out. There's no issues with that. What he would like to do is take that unit, as they can see on the plans, that box will sit and cover the northwest view. They won't see it from the road at all. He believes it's the northwest view, he might have them mixed up, but his neighbor you can see all the dumpsters and such. That's what will be exposed to the view of his dumpster. That box will block the view of the other side, the road side, Kendall Street if you will. Make it easy on him. It's basically a wall. With the other side to build a six (6) foot tall wall, it's hard to throw anything away in the dumpster. When they dropped the dumpster in, the opening door. The way these trucks work they put it against the back wall. So he can't get to the door. They just have to drive up with their trucks. Unload the garbage and then take off with the truck. The dumpster is changed out pretty much

every other week. Has anyone drove by to see that. Anyone came by to look at the property at all.

Secretary Jerzy said oh yeah.

Timothy Wise said good. Again, that building is what he's using as a wall to hide the dumpster from the Kendall Street.

Chairman Sophiea thanked him. Any other comments before?

Timothy Wise replied no, any questions they have for him.. Anything he can do. Like he said, he definitely needs help. He didn't know this when he bought the building. Of course the realtor doesn't want to express anything that might be a problem. He knows he can move the dumpster up closer to his building. Which would be more towards the road side. He can still build the six (6) foot walls. Having that dumpster close to his front door wouldn't be a good idea. That's all.

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 Green asked if the dumpster is there already.

Timothy Wise replied yes.

Board Member Green asked if the container is there already.

Timothy Wise replied yes.

Board Member Green asked what he puts in the dumpster.

Timothy Wise stated drywall, carpeting, standard furniture.

Board Member Green asked some stuff from fire removal.

Timothy Wise stated fire removal, water damage removal.

Board Member Green said his concern, as he looks at this backup. It says to handle contents that are compromised or biologically hazardous.

Timothy Wise explained that means mold.

Board Member Green said many of these materials pose health risk due to mold spores, smoke, residue and water contaminates. Then he goes on to say that at the time he got the property he was unaware of the restrictions. Well, that's not on the board, that's on him.

Timothy Wise understands.

Board Member Green said making steps to minimize. So, the purpose is to make... He's just reading his backup. It says they understand the proximity to residential neighbors and it's right there. It's right up against the wall. Right by the house. Taking steps to minimize the visual impact, the odor and any disruption. Specifically, items effected by mold, fire and water damage pose potential health and safety risk. Then it goes onto say that this exposure includes mold, fire and sewage all of which pose serious health risk. So that leads him to his first question. So he's putting these items that he refers to serious health risk, some of them, into a dumpster that it's a serious health risk just for his employees. It must be a serious health risk for peoples whose houses back up to there. Previous to this... state and federal regulations. How often is that stuff picked up.

Timothy Wise replied weekly.

Board Member Green has a concern that if it's a health hazard for people who work in there, how can it not be a health hazard for the people that live five (5) feet from where these things are stored.

Timothy Wise would like to interject. He thinks he overstated a little bit crazy to be honest with him.

Board Member Green said he is reading his backup that he gave them.

Timothy Wise said Alicia wrote that up for her.

Board Member Green said that's on him.

Timothy Wise understands. There's a water damaged home, mold spores can occur. Mold is really a thing where it can affect you but not affect him. Again, those spores are in the air of the environment of where they live. When they walk out that door it's all right there, it's breathable. It just depends on susceptibility. When it comes to the dumpster, there is no state law prohibiting anything throwing out any of that waste. The idea is that it's not asbestos, it's not toxic as far as any kind of toxicity. Its only fire and water moldy contents. The idea of the building is because of the smell he put it in a sealed unit. That sealed unit, no smells come out. He wants to make sure he has happy neighbors, which he has been there for about six (6) months now. Not one complaint. Everyone is very happy. When they get the approval, the dumpster is getting picked up. They drop everything into that dumpster, the dumpster gets picked up and taken away.

Board Member Green wanted to remind what his board member colleague said. If he read his backup in three (3) specific places it says these materials pose health risk and that's why they don't want them inside their building. Keep that in mind when he...

Timothy Wise appreciates that. He wants him to understand that if he needs to rewrite it he will. She was being a little bit overzealous. These are standard everyday water, fire and flood damages. This isn't people such as state Jarvis, Service Masters, ServPro. This is going on every day in Michigan and there's nothing state law wise he can't throw that out into a dumpster with any problem whatsoever.

Board Member Green asked if he's saying that state and federal regulations allow him to do this.

Timothy Wise replied yes. He's a franchise. He doesn't do anything that's not by the book.

Board Member Green said that's interesting. He asked his board members to look at this closely. Thank you.

Chairman Sophia would like to hear from Mr. Watripont. He's just curious if there is some type of enforcement or how that would work if the neighbors complain of some type of odor.

Steve Watripont explained they do have obnoxious odor ordinance. If that was there, it would get inspected on that and go from there.

Chairman Sophia asked just due to an unpleasant smell, not necessarily something that's toxic or contaminant.

Steve Watripont answered yeah. If it was toxic or something like that they would probably call the Fire Department and have hazmat take a look at it first before they do anything. They've done a couple times.

Chairman Sophia thanked him for clarifying.

Board Member Green asked if he was there to inspect.

Steve Watripont was not.

Board Member Green asked who came to that location.

Steve Watripont explained during the COC it was noticed and that's where they started the enforcement on it, because it was noticed. Had no complaint or anything that brought it to them. It was during going through his Certificate of Compliance.

Board Member Green asked if the dumpster was there. But not an odor?

Steve Watripont explained no odors were noted on anything he saw.

Chairman Sophia thanked him for clarifying.

Board Member Nestorowicz said one of the problems he has about things not for dumpsters being open and not enclosed, because, you know, there's residential homes behind, next to this property. Even though their screen wall is not that tall so they can see right over it. That back area it goes into a chain link fence, which again you can see right through the chain link fence. He doesn't think, if he was a neighbor he would not want to be looking at an open dumpster. That's not enclosed. That's just his comment.

Timothy Wise asked if he saw the pictures.

Board Member Nestorowicz replied yes.

Timothy Wise asked if he saw the neighbor.

Board Member Nestorowicz said the business neighbor next to him is another story. That's also,

in his opinion, not acceptable.

Timothy Wise is just saying when they put that building up they will not see that dumpster from any residential area. He would like to meet someone on site and be happy to, but they're not going to see that dumpster. It's blocked from Kendall Road. When they first came over that was the idea. He can still move the dumpster up next to the building. It's actually going to be closer to the residential area. He'll put up a chain link fence that has the blocking of the view of it, but it's going to be closer to residential if he moves it to where can legally move it. He'd rather not do that. He'd rather work with the city and do something that's much more comparable situation to work together to do something a little more convenient for the neighbors as well as for himself.

Board Member Clift thought he had a question but he's going to retract his request for floor time at this time, sir.

Board Member Lindsey said when he looks at this, he's not sure about the actual biological health risks. Obviously, if this carpet and stuff was left in your house, obviously that would be a health detriment. When it's outside he doesn't know if the particles floating in the air are going to be super dangerous. He doesn't know enough about it. He would assume probably not. He's still leaning towards not approving this at least for his vote. He doesn't like the open storage in the residential neighborhood. He doesn't think it's a good fit. He definitely does think it's a detriment. He doesn't think it's a serious health hazard, but it's definitely a detriment to the surrounding neighborhood.

Timothy Wise asked if he moved the dumpster to where it would be its ok zoned.

Board Member Lindsey didn't have a question. That was a comment to the board.

Chairman Sophia asked Mr. Clift if he still had those photographs. He would like to look at them one more time.

Secretary Jerzy asked about the storage container that he has on site that sits right by Kendall. What is stored in there?

Timothy Wise said fire damaged contents. The insurance company has to give him the approval to throw them out. That means they have to pay the homeowner...

Secretary Jerzy asked that's where he's storing all the stuff.

Timothy Wise replied yes. He's been totally clear with the city. There will be no signage put on that structure.

Secretary Jerzy said a couple things that stick out to him. For a dumpster that he's throwing moldy stuff away, toxic materials according to the backup statement. If they were going to waive the screen wall, he would like to... Has he ever explored a covered dumpster or something that's covered in nature to where you just lift it up, flap it back down. Store it that way?

Timothy Wise said they don't make thirty (30) or forty (40) yard dumpsters in that style, no.

(Inaudible)

Chairman Sophiea said the storage container right now on the site...

Secretary Jerzy said it's basically in the landscaping area. Or basically right here. So, the wall tapers off there, too. There's a six (6) foot wall and it tapers to like four (4) foot towards the end of the property.

(Inaudible)

Timothy Wise said next to his building it will hide the dumpster. Move the dumpster up next to the building as well. Then what they'll have is open to that neighbors dumpster and everything else, but not to the residential area. The container, the storage container, blocks the view of the residential side of Kendall Road.

Secretary Jerzy would love to see that storage container moved to the back corner property line. Where it sits now, you have the wind blowing west to east, you know.

Timothy Wise said it's a sealed unit, too.

Secretary Jerzy continued saying it's going to go right through there. If it's back...

Chairman Sophiea doesn't like the storage container at all. He'd rather have it...

Secretary Jerzy saying it's going through there versus coming right through.

Chairman Sophiea said at least if they're going to have a storage container have it tucked in the back.

Secretary Jerzy said these things aren't super. He means, he's had experience with storage containers. They are permeable. They get cracks, they get leaks, they get things like that. To say that's a fool proof sealed system, it maybe currently. To say it's going to continue that way, he kind of has his doubts. Those are his concerns about it.

Timothy Wise one hundred percent agrees. What he would like to do, again, is move that up next to his building, get it away from the residential area and move that dumpster up next to his building. If looking at the site plan they'll see he's moving everything back away.

Board Member Green asked if he considered off site storage.

Timothy Wise said it's impossible because of the insurance company when they engage in the fire damage materials or water damage contents, they come and inspect everything at his office. They have inside storage as well for contents they're cleaning and holding onto. So, it gets to be really complicated. He's just where to does he take it?

Board Member Green thanked him.

Board Member Cliff said for the purposes of his understanding. His intent is to move both of these articles and they will remain in the confines of where they are located on the site plan he's seeing in front of him. Is that correct?

Timothy Wise replied yes, sir.

Board Member Clift asked if they're going to wander off or end up somewhere else. They're going to be there.

Timothy Wise replied no, sir. He's the owner of the company. They're staying there.

(Inaudible)

Timothy Wise said not that it matters, he went next door to the neighbor who has the other dumpsters, etc. Asked him if there would be any problem with what his thoughts are, he could care less. He went to the one neighbors around the corner. Asked them if he could take part of the tree down and if they have any issues with smells. To them no problem. Again, he would be moving that all the way away from them. To the far side away from them.

Board Member Clift asked for Mr. Watripont. He thinks he knows the answer, but he wants to hear it from him, sir. If they amend this motion to include the phrasing within the confines as outlined on the site plan dated whatever this thing is dated, that makes it enforceable for them if this stuff wanders off somewhere else into the lot eventually that they can do an enforcement on that to bring it back to where it needs to be.

Steve Watripont is unsure. He asked if he's talking about it being moved right now from what's on the site plan.

Board Member Clift explained the pictures show that these articles aren't anywhere close to where they're depicted on this site plan picture and he thinks that's where some of the confusion is coming in at. His question to the petitioner was if it was his intent if he was granted this variance if they're going to park and live in these two (2) little gray spots. The northeast corner of the building facing east. Right?

Steve Watripont explained to make it enforceable, he would just ask that he says as indicated on the site plan.

Board Member Clift said as indicated on the site plan.

Steve Watripont stated that would give them meat on the enforcement. He just wants to make sure they weren't moving it, because then it doesn't give them much meat at all.

Board Member Clift understands. In his some experience with this kind of stuff, too, and he understands the business he's in and what he's doing. The stuff is bagged for the most part in the dumpster and he likes to see that. The bigger balkier things, he gets it. They can't put a couch, you could but you can't, but for some of the smaller articles it looks like, incidentals, looks like there's bags in the dumpster. He understands having them in the sealed container until the insurance people do whatever it is they got to do with the modern marvels of technology. Why a picture just doesn't suffice, but he's not going to go into all that. He sees him shaking his head. He gets it.

Timothy Wise explained they pretty much do bag everything on the work site. Just so the board knows he's a franchise. He's inspected yearly by the franchise or he responsibilities to live up to. If

he doesn't, they cut him off. He's done.

Board Member Clift said the dumpster is emptied weekly, religiously.

Timothy Wise said yes.

Board Member Clift said they're not going to by there and find it four (4) feet sticking out of the top.

Timothy Wise replied gosh no. He implored the board to come by, please.

Board Member Clift wanted to hit some of the things to... He's on the fence about this also only because of the sheer closeness to the residential area abutting their property, but nobody showed up tonight in contest with this thing and he's doing the right thing by coming here and asking for what he needs to ask for to operate properly. It's a business that... It's the type of business that they have to have, and the stuff going in that dumpster is no different that 500 cubic yards of trash that was put out at the curbs during the floods when they had them here a number of years ago and just recently in Detroit. He likes the idea that it's picked up weekly. That doesn't allow it to sit around any longer than it needs to. They do understand there is a smell ordinance for better words. If there's a problem in the neighborhood, somebody can make the appropriate calls and that can be addressed from that standpoint. If they're willing to put assurances on that the phrase as indicated in the site plan is written into the motion, he doesn't have a problem really supporting this. He'll yield the floor.

Timothy Wise would like to guarantee it on record.

Chairman Sophia said great. It took him a second to understand this because the pictures were throwing him off because they don't match what's on the site plan.

Timothy Wise just wanted them to see the actual structures. He apologized.

Chairman Sophia gets it now. He's putting it as close as possible to his building, which is a good thing. It's pulling it away from the neighbors. He does just want to reiterate that he'll get behind this and support it if there's a motion for it. He doesn't want to see it coming back in a few months or years asking for another container or two (2). He's already on the line about the one (1), but he can see the need for it. Are there other comments from the board tonight?

Board Member Lindsey would like to make one more comment. He's really hung up on the open storage container. He doesn't have an issue, well not the open storage, the open dumpster. He doesn't really have an issue with the storage container. He has these things at his company and they get rain water and they snow melt. They keep metal lids on theirs to prevent that. They have roll off containers and they can get chemical spills and things like that. He's not so much concerned about any chemical spills from the dumpsters, but snow melt in these open dumpsters can be quite extensive in the amount of snow that melts and how much liquid. He's just really not happy about seeing that right up next to a residential home, despite how well he might intent to take care of it. The weather is going to be out of his control. He would really like to see this have a cover on it, and it's possible. They can get a hi-lo, they can get metal covers. They make them for these things. He's not in favor of the open storage right next to a house.

Chairman Sophiea wants to ask Mr. Watriont a question. What kind of dumpster is the petitioner entitled to if there was a screen around this open type dumpster. Would that be permitted?

Steve Watriont explained the major issue is it's in the R-1-P of his property. If he put it up and where that little L shape is, it would just be site plan and would not need a variance, because it would be allowed. It's less than fifty (50) percent of the building, this and that. Which is closer to where the actual house is along Kendall. So, the issue is just being in the R-1-P. The fact that it started to go through Planning. He thinks they sent it because it's a use variance for the R-1-P before they decided anything, it was suggested to ask for this this way and go from there. If there was an enclosure in there, it would be poured concrete enclosure. He thinks it still would need a pad even though it's a roll off dumpster. It still will need the six (6) or eight (8) inch pad there. Go from there. That's under Plannings purview though.

Chairman Sophiea said in other words, if he moved the dumpster out this way he would be allowed to have this dumpster in that designated L area. As long as there was a pad and proper screen around it.

Steve Watriont replied correct.

Chairman Sophiea asked Mr. Lindsey if that helps.

Timothy Wise interjected saying that is a lot closer to that residential area. That's why he's moving it all back.

Chairman Sophiea asked for any other comments from the board. He'll vote yes to approve this item. Personally, it's pulling it from the neighbors. If they don't approve the dumpster further away from the neighbors, he's still entitled to the dumpster. It'll just be closer to the neighbors and he'll have to put some type of screen wall around it. He thinks it's better to get it away as far as possible from the neighbors. That's just his thought.

Board Member Clift said if nobody else has anything he'll make this amended motion.

Chairman Sophiea said please do.

Motion:

Board Member Clift made a motion to grant permission to allow an 8' x 20' (160 square ft.) storage container and an 8' x 22' (176 square ft.) dumpster for a total of 336 square ft. of open storage in an R-1-P zoning district and to waive screening wall around the dumpster. **With placement as indicated on the site plan.**

Reasons being: Size and shape of the lot is unique; Not a detriment to the area; Keep the dumpster further away from the residential area.

Board Member Perry supported the motion.

Chairman Sophiea said they have a motion by Clift, support by Mr. Perry to approve the modified request as read.

Roll Call:

A roll call was taken on the motion. The motion failed (5 – 3).

Board Member Clift	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 Green	No, based on the backup and detriment to the neighborhood.
Board Member Assessor	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	No, likes the location, wants better screening, detriment.
Secretary Jerzy	No, lack of screening is a detriment to the area.
Chairman Sophia	Yes, for the reasons stated in the motion.

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

Timothy Wise asked if he can come back when they have another member and see if he can get through again.

Chairman Sophia said no.

Timothy Wise stated or just move it closer to the residential area. Ok.

Chairman Sophia explained he can submit a modified request or plan at any time.

Timothy Wise said no, no it's ok. If they want it closer to the residential, that's what they'll do.

10. NEW BUSINESS

Board Member Clift said perusing through the procedural manual over the weekend he noticed, if anybody has it with them. He would like them to refer to their manual of procedures article 2, section 2. He had the secretary double check, he means Nicole double check. He doesn't recall them holding elections in September. First meeting in September is when this board is supposed to elect it's officers. He doesn't believe that happened this past September. Anybody who wants to speak up and dispute on that he's welcoming it. He couldn't find it when he read through the minutes and he had another set of eyes on it as well. He kind of peruse through, he doesn't think they held elections in the appropriate time frame they were supposed to hold them. He thinks they need to come to a remedy on how to. He doesn't know if its worth while doing it for just a couple of more months left in the calendar year, but it's a little concerning because that makes this board operating outside of it's own procedures. He just wants them to be a board that's straight on everything that they're doing here. Not to leave any cracks or holes in things they don't need to be. He just wanted to bring that to the boards attention, to the Chair's attention. He'll yield the floor.

Chairman Sophia thanked him for bringing that to his attention. He didn't realize that. He'll seek the guidance of the council office and city attorney to see if they should do elections now and if they can keep that election cycle for a year, or if they'll have to redo it again. He doesn't know if she has the information now or if she wants to take a look at it and let the board know next week.

Jennifer Pierce believes its says if they're postponed for any reason the current officers shall remain in office until a successor is elected.

Board Member Clift said there wasn't a reason. It was just overlooked. In his estimation.

Jennifer Pierce would guess, yeah. If no one here has any objections she thinks they can wait until September. She asked when he was elected.

Secretary Jerzy said that's what they're trying to figure out.

Chairman Sophiea said its been over a year.

(Inaudible)

Chairman Sophiea asked Mr. Watripont if he had something he wanted to add.

Steve Watripont said no.

(Laughter)

Jennifer Pierce said they could certainly do it right now if they wanted to. If they want.

Chairman Sophiea asked what would be the result of that election. August or September?

Jennifer Pierce would say they would have to do it again in September.

Secretary Jerzy doesn't think that's fair because they don't have a full board today with Mr. Watts not being present. He thinks they should have a full board to do this.

Jennifer Pierce said that makes sense.

Board Member Clift thinks a vote from the board would be appropriate to let things remain as they are. Everybody agreeing to it until the next cycle comes up for the first meeting in September.

Chairman Sophiea asked if the cycle ends in August or September.

Board Member Clift stated first meeting in September is when they're supposed to hold elections. Normally nominations would go out the month before that so people can put their hat in the ring, talk about things, etc.

Chairman Sophiea said that makes sense.

Board Member Clift doesn't want something coming back on them because they're out of procedure. He wanted to acknowledge it on the record.

Steve Watripont suggested they make a motion to keep the same officers.

Board Member Clift said he'll absolutely present that to the board.

Motion:

Board Member Clift made a motion to acknowledge they had missed their due process of elections in September and make the motion to let the officers continue serving until the next election cycle, which would be the first meeting of September of 2025.

Board Member Green supported the motion.

Voice Vote:

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

Chairman Sophiea wanted to remind everyone of the special meeting next Wednesday at 7:30. That was called. They had a quorum for that with Nicole. He thinks that's it.

Secretary Jerzy would also like to personally thank Mr. Assessor for being the only one to represent the Zoning Board of Appeals at the Council of Commissions dinner. Thank you for getting their awards to them.

Board Member Assessor said you're so welcome.

Board Member Clift asked where his candy bar is.

Board Member Assessor said he needs to take that up with the Mayor's office.

(Laughter)

Chairman Sophiea said shame on him. That should've been the first order of new business. He wanted to express a heartfelt condolences to Mr. Watts for the passing of his daughter. He was just notified right before this meeting. Obviously, he has the boards thoughts and prayers. He wishes him strength during this difficult time. He hopes he's able to make peace. With that, there is no other new business tonight.

11. ADJOURNMENT

Motion:

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

Voice Vote:

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

The meeting adjourned at 8:25 p.m.

Paul Jerzy
Secretary of the Board