

WARREN ZONING BOARD OF APPEALS
REGULAR MEETING
JUNE 26, 2024

A Regular Meeting of the Warren Zoning Board of Appeals was called on Wednesday, June 26, 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
Anthony Sieracki, Jr.

Members of the Board absent:

None

Also present:

Jennifer Pierce, City Attorney
Brian Schuman, Zoning Inspector
Nicole Jones, Council Office

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

4. ADOPTION OF THE AGENDA

Motion:

Board Member Anglin made a motion to adopt the agenda; Secretary Jerzy supported the motion.

Voice Vote:

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

5. APPROVAL OF THE MINUTES of the Regular Meeting of May 22, 2024 and June 12, 2024.

Motion:

Board Member Nestorowicz made a motion to approve the minutes of June 12, 2024; Supported by Board Member Perry.

Voice Vote:

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

Motion:

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

Voice Vote:

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

6. PUBLIC HEARING:

APPLICANT: Andrew Green

(Rescheduled from May 22, 2024 and June 12, 2024)

REPRESENTATIVE:

Same as above.

COMMON DESCRIPTION:

25813 Lila Ct

LEGAL DESCRIPTION:

13-19-403-011

ZONE:

R-1-C

VARIANCES REQUESTED: Permission to

PREVIOUS REQUEST:

Allow:

- 1) A 6 ft. high privacy fence to extend approximately 60 ft. past the front building line along the north property line.
- 2) A 6 ft. high privacy fence to extend 17.6 ft. past the front building line along the south property line.
- 3) A privacy fence to be constructed within the 10 ft. clear vision zone of the neighboring driveway to the west at 25850 Virginia.
- 4) A 4 ft. high privacy fence past the front building line in the northwest corner of the property (adjacent to the public sidewalk from Lila Ct. to Frazho) to extend approximately 24.9 ft. from 1 ft. in from the public sidewalk on Lila Ct. to 1 ft. from the public sidewalk on Frazho.

UPDATED REQUEST:

Allow:

- 1) A privacy fence to be constructed within the 10 ft. clear vision zone of the neighboring driveway to the west at 25850 Virginia.
- 2) Allow a 4 ft. high privacy fence past the front building line the northeast corner of the property (adjacent to the public sidewalk from Lila Ct. to Frazho) to extend approximately 24.9 ft. from 1 ft. in from the public sidewalk on Lila Ct. to 1 ft. from the public sidewalk on Frazho, with the section of fence (adjacent to the public sidewalk from Lila Ct. to Frazho) tapering from 4 ft. down to 2 ft. 6 in. from north to south.

ORDINANCES and REQUIREMENTS:

Section 4D.08 – Fences, Walls and Landscape Screens in Front Yard Between Building Line and Front Property Line: No fence, wall or landscape screen shall be constructed between the established building line and the front property line, except as follows: B. Cul-de-sac. When a lot at the closed end of a cul-de-sac street and the side yard is adjacent to a street, fences or walls may be extended beyond the front building line up to one (1) foot from the sidewalk and shall not exceed the height of four (4) feet along the side yard property line adjacent to the street.

Section 4D.33 – Privacy Fences. B. Corner Lots: A privacy fences is permitted on corner lots

provided that if the fence abuts any driveway, including driveways on adjacent property, the fence shall be set back a minimum of ten (10) feet from the intersection of the property line and the driveway providing a clear vision zone area as depicted on the diagram below. The portion of the fence set back a minimum of ten (10) feet, may be angled away from the driveway or installed perpendicular to the driveway. The clear vision zone area is required to provide for the unobstructed vision of a driver existing the driveway.

Chairman Sophia explained the petitioner is not here tonight. He's going to open the public portion of the meeting first. This is the first time that the petitioner is not here. He would like to ask the city attorney if that's appropriate that it's ok they hear the item without the petitioner present. His concern is that often times they make a compromise on the items requested, and the petitioner has to consent to the compromise, so he's not sure how that is going to work tonight.

Jennifer Pierce believes the board can go ahead and hear it. She believes he submitted something to be read into the record in his place that he would have presented had he been here. By not being here, he's giving up the right to consent to any changes the board wishes to make, but that's up to him.

Chairman Sophia said ok, in other words they can move forward. It's either all or nothing then.

Secretary Jerzy asked the attorney if he should read this into the record.

Jennifer Pierce said she would read it into the record, yes.

Secretary Jerzy asked if he's going to start the public hearing before he reads all this or?

Chairman Sophia doesn't know. He asked the city attorney how they should handle that. Should they read the statement into the record before opening the public portion of the meeting.

Jennifer Pierce would do it normally as any other and pretend he's here. He's been called up to the podium and he's going to talk about his request.

Secretary Jerzy said the statement issued is right here Mr. Chair. It reads as the following:

Ms. Jones, Zoning Board of Appeals Members:

Following the advice of my attorney and the Warren Police Department on concerns of my safety and protection from my neighbors Ron and Gina Jenkins and Peggy and Gregory Rode, I am not able to be in attendance this evening. I have prepared a written statement below for your review and discussion.

Good Evening And thank you for your patience during this process. First, at this time I am requesting Mr. Sylvester be recused and required to step off the stage for this item for the following reasons:

- On May 22, 2024, (the original Public Hearing for this item) at approximately 7:10PM prior to the hearing starting, Mrs. Peggy Rode from 25821 Lila Ct. Warren, MI 48091, went onto the stage and had a private conversation with Mr. Sylvester and was observed laughing with him. This was witnessed by Sue McFarlane of 25807 Lila Ct. Warren, MI 48091. Later that evening when I shared with Mr. and Mrs. Rode that I did not cut down the city trees as stated by Mr. Rode, Mr. Rode told me to [explicit] and Mrs. Rode and I got into a heated conversation about their behavior and continued harassment of me/my guests/my house.

- On May 23, 2024 at approximately 12:40PM Mr. Sylvester came to my home and parked in front of a fire hydrant and blocked the entrance to my driveway -- my partner was unable to get into my driveway when he arrived and called me in distress as he did not know who Mr. Sylvester was or why he/the police were at my house. At the same time, the Warren Police Department were dispatched to my house by Mr. Gregory Rode from 25821 Lila Ct. Warren, MI 48091 due to my RV being properly parked and within city ordinance. I arrived at approximately 12:50PM stressed and anxious as I now had to deal with this prior to leaving for my weekend trip. The Warren Police were very kind to me and informed me they had spoken to Mr. Sylvester who made remarks about the fence in Variance 2 being "city property", among other things, and informed me he had gone across the street to speak with Gina Jenkins at 26003 Thomas St. Warren, MI 48091. When I asked to speak with Mr. Sylvester via Officer Hogue, Officer Hogue advised me that Mr. Sylvester expressed that he did not wish to speak with me. Both officers advised me to file PPOs against the Rode's and Jenkin's as they both made it clear they had no intention of stopping their harassment, and went on their way. I then observed Mr. Sylvester sitting on Mrs. Jenkins porch for at least an hour, laughing, talking, etc. Photos of Mrs. Jenkins and Mr. Sylvester and his truck parked in front of her home have been provided to Mrs. Jones for your review.

- Following those incidents on 05/22 and 05/23, there has been an increased intensity in the harassment from both Ron and Gina Jenkins and Peggy and Gregory Rode. The most concerning being on June 08, 2024 when the Warren Police Department were dispatched to my home due to Mrs. Gina Jenkins flipping me off and calling me expletives, as well as her husband Ron physically aggressing me by walking across Frazho onto the easement of my property in front of children and my partner, with what seemed every intention to bully/harm me; that left me with no other option but to prepare to defend myself and contact the Warren Police. Mrs. Peggy Rode was at their residence the entire time and Mrs. Jenkins even said to me "you should just die". Warren Police advised all households to stay away from each other - shortly after the police left the Jenkins walked back across the street and were hanging on the fence talking to the renter behind me, Dave, at 25820 Virginia St. Warren, MI 48091.

- On June 10/11th, 2024 the renter, Dave, at 25820 Virginia St. Warren, MI 48091 was caught by one of my guests looking through a gap in my privacy fence that needed finish work. I later caught him reaching over both the chain link fence separating the

property and onto my privacy fence taking photos of me in my backyard. I contacted the Warren Police Department.

It was very clear on May 22nd during the public portion of the meeting that the Rode and Jenkins families were the only parties not in support of my variance request(s), and since that meeting both families have gone on to stir chaos in the neighborhood and make every effort to harass and terrorize me/my household. For Mr. Sylvester to follow up that embarrassing public display with visits and candor shows a clear and intentional bias and highlights his inability to remain impartial when reviewing and deciding on matters in front of this board; it leaves me with questions about the integrity of this board and its functions and how fairly we, the taxpayers, are being treated. The residents of the city of Warren deserve better, so at a minimum this board should hold a special meeting of its members to discuss Mr. Sylvester's behavior(s) and issue action. With or without Mr. Sylvester's term coming up, I strongly encourage and support his removal.

Regarding the variances, both are being requested as written. Variance 2 is simple. For Variance 1 I am requesting a variance for a stationary privacy fence to be inside the clear vision zone of an abutting driveway that is padlocked closed and unused, is behind a 55-year-old pine tree line, and has the support of the owner of the house where there has never been an issue or incident of safety. I am also asking the board to review the photo(s) I have provided of the property at 26003 Thomas St. Warren, MI 48091 belonging to Ron and Gina Jenkins. On May 22nd, 2024, Mrs. Jenkins was publicly emphatic about "safety being paramount" while protesting my request for Variance 1... sharing that there are bikers, children walking in front of their parents, dog walkers, etc. However, per Mrs. Jenkins for 20 years they have had 4-foot privacy screens on 3/4th's of their back property chain link fence with one side lining the left side of their driveway from the house to the city sidewalk, and 4-foot bushes lining the right side of their driveway from the house to the sidewalk. Both sides of the driveway block the required 10 foot clear vision zone for privacy fences not only on a daily basis, but even more so when their Christmas display is up -- every inch of that fence/property is covered with 3-4 foot figurines -- during that time traffic both on foot and car is at an all-time high, paired with the noise it makes I cannot understand how it has not been an issue with the city before. With the city's recent involvement they recently removed the privacy screens, but still block the fencing with their refuse bins on the left side of their driveway, have not removed the bushes from the right side of their driveway, and more recently even parked their truck on the city easement... there is no way you could see a car coming if you were backing out of the driveway.

We cannot want for others to do what we are not willing to do ourselves, and we should not hold one person accountable to a standard we will not hold another to. I am confident that this board will act swiftly to address the issues with Mr. Sylvester,

and base its decision on today's variances with an unbiased review and discussion of the risks and benefits associated with both.

Thank you for your time and consideration.

Sincerely,
Andrew Green

Chairman Sophiea thanked him for reading that comment into the record. This is a public hearing. Is there anyone in the audience who wishes to speak on this item?

Mike Sylvester, 25551 Currie, appeared before the board. As of 10:30 he was relieved of his position on this committee. What he just heard, and if this committee doesn't understand what they just heard, those were all lies. Did he meet with somebody? Yes. Did he meet with somebody here at the last meeting? Yes. Did he ask them to meet with him? No. They came up to him and all he's did, whenever he was on this committee was to go ahead and find all the truth out that he could. He had packets in front of him where he reviewed them, reviewed them, reviewed them. He went to school, he took classes, he said yes, he said no, he said no, he said yes. He waited for the applicants to go ahead and describe what their situation was. He also listened to all of the residents who came, which the board knows are very few, but some people did come. He did talk to those people. He listened to those people. He didn't give them any advice, he didn't tell them what to do. He got information so he could go ahead and make an educated opinion and vote on what was in front of him. Now what the board just heard, they're going to have to live with that. He doesn't get this angry this often. That person lied. He lied about everything. Did he make a couple mistakes? Yes, he did. Was he doing that for the good of the community, which when he got on this committee in 2017 that's what he was doing. He was looking to serve this community and watch out for the peoples interest and make this a better place to live. He's lived here since 1958. Right now, he doesn't know what this is. He likes every one of them up there. He ask talked to them. He has expressed himself. They've heard him argue facts. They've heard him say yes, heard him say no, and when he's the only no and everybody else is a yes, that's fine. That's what the committee voted on. He moved onto the next item. He doesn't go looking for people or seeing people or whatever. That day that he went over there, he went over there by himself. There was nobody home. Nobody. The fence was already down, the poles were already painted. He had already harassed the neighbors. His trailer? His trailer was parked perpendicular to the curb, which is illegal. It was tagged. If you want, find the police that were there that day. The police ticket was on the window, he was illegally parked. Did he go across the street? The lady was there and he wanted to know what the heck is going on. She told him what was happening. Everything she mentioned about these people, he's known them. He's gone over there to take a look at the Christmas decorations and everything. They're nice people. What he's accusing them of and the other neighbors and everything, this guy wants to make that property, that area where he lives, his own personal domain. He doesn't want anybody interfering with it. He's going to tell them how that neighborhood is going to look. He is very upset. He didn't get a personal letter. He got called by a third person to tell him he was relieved of his position. And it was put on email. He doesn't do email. So, that should have never happened. He's asked many times, he knows his gentleman over here is representing Everett. Well guess what, Everett isn't here tonight. Everett went up on that stage the other night, the last meeting, and had a conversation with somebody. He's breaking all this down and seeing who said what and how and how he got the letter and everything. He doesn't think any

of these people did it. But there are some people who got his name, listened to every word that this... he won't say what he wants to say, person said. He hopes to God, he doesn't care what happens to him, he doesn't care if he gets back on this committee, he doesn't care if he even leaves the City of Warren, but he hopes to God the board listen to what was said and understand who is saying it and what they want for themselves and to criticize everybody who does not believe in what he's doing. He's a resident of the City of Warren, he doesn't care what anybody does when they shut their doors, shut their windows and they're in their house. He has a neighbor next to him that, you know, whatever, but when out among the public and in a residential area and there are neighbors, they're supposed to go ahead give a little give and take. Be happy with them. Know they do what they do, you do what you do, but not criticize and just rip them apart every time that they're confused or asking what the heck is going on in the neighborhood and what they're being allowed to do. And as far as the fence goes, ok. He went by there, thought he was still on this committee, ok. The gentleman hasn't been here twice. He's not here again tonight and he wasn't here last week. What they're doing, they're glad they're doing and looking it over and everything, but he doesn't care. You know what he's doing? Every one of you, he's laughing at you. He's laughing at the city because right now he's winning. They cannot allow that to happen. Those people that he's criticizing have been in that neighborhood for thirty (30), forty (40) years. And a couple he's got wrapped around their finger, he doesn't know how. He's not around them that much, he's not watching them. He takes every item that comes in front of him when he's at this meeting seriously. He reviews it, he looks at it. He might go out and see the property. If somebody comes up to him and asks him a question, yeah he's going to answer it. He's serving the public of the City of Warren. Maybe he shouldn't, but he is not giving them any advice as to what this committee or what this city should do. He hopes the board takes this seriously, really look at it, and know most of what Mr. Jerzy just read is a bunch of crock. Thank you.

Chairman Sophiea thanked him for those comments. This is a public hearing. Is there anyone in the audience who would like 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 said there are three (3) other emails that came today. One is from a Debbie Frizzell on 25438 Virginia:

It is my understanding that this has been moved to the 6/26 meeting but would still like to state:

I would like to state my support in the matter of Andrew Green for the variance for the 2 ft 6 inch fence adjacent to the public sidewalk from Lila Ct to Frazho. As I walk that area every day and see the progress of the privacy fence he is adding to his house the 2 ft 6 inch fence would make sense in adding to the aesthetic look of his whole property. He has worked diligently in making updates to his property and that fencing would be a finishing touch to his look.

Thank you,

Debbie Frizzell
25438 Virginia Drive

Secretary Jerzy stated another one is from Katie Colavecchia. She writes:

Hello,

We are writing in support of Andrew Green's variance request in order to build a fence as desired. We, Katie Colavecchia and Ray Arnold, are the owners of 25775 Thomas Dr, Warren, MI 48091, at the corner of Thomas and Lila, just a few doors down from Andrew. Since his yard borders Frazho, which is a relatively busy and noisy road, this fence will provide Andrew with additional privacy. It will also help to clearly distinguish a barrier between public paths and private property, especially in the winter when snow obscures this boundary. Since this section of fence is only planned to be 4 feet tall, it can easily be seen over for people walking or riding bikes in the neighborhood, and therefore does not create any safety issues. Thank you for your consideration.

--

Katie Colavecchia & Ray Arnold

Secretary Jerzy said the last one is from a Paulette Vallad. She resides at 26004 Thomas. She's writing:

I'm writing to support Andrew (Ande) Green's variance requests for his privacy fence. As previously stated the driveway for 25850 Virginia is in FRONT of their residence. The driveway that abuts Ande's property is not used. The gate is typically locked and chained. I can see this extra driveway from my front window and have never seen a car there in the 5 years I have lived in the neighborhood.

Ande has done a TREMENDOUS job at improving his property in the short time he's been there. He is always checking with the city regarding code requirements.

Secretary Jerzy said that is all he has.

Chairman Sophiea thanked him. At this time, he is going to again close the public portion of the meeting and turn it over to the board for discussion. He wanted to remind everyone this item, unfortunately, has a ton of baggage with it. Their job is not to find out who... which neighbor is right, which neighbor is wrong. It's simply to figure out if the board should grant the variances requested or not.

Board Member Anglin said to address these. Number one is what the board has in front of them

with the emails and letter are hearsay. He agrees with him one hundred percent. That has nothing to do here. None of the board was there. They have no idea what took place and it's all hearsay. Frankly, he doesn't believe half of what is being said on it anyway. Two, he wants to go inside the ten (10) foot perimeter of the fence by the gate. That's a safety code, and actually when they talk about not seeing a vehicle there. Looking at the photos they supplied there is a vehicle sitting in that driveway. So, that driveway is used. It should maintain that safety factor of the ten (10) foot. The way it sits as of today when he drove by there, it is ten (10) foot. He doesn't think he should adjust it. So, as far as he is concerned number 1 is a no. Two, Mr. Everett was here in front of the board when they discussed about a fence being on Frazho Road. That fence did not need to come in front of the board because putting up a fence is within code to put up a fence of some type of material. So, it's too vague of a code to begin with, but there's enough of it there to say well... if it's a code then they don't need to vote on it. So, number 2, is a no, because the board shouldn't be voting on it. It's code. They should not put themselves in the middle of voting on a project that meets code. So if it doesn't meet code, then they were given wrong information. If it does meet code, then the board shouldn't have it in front of them. So, this whole variance request should be dismissed or voted no, one way or another. That's the most logical point of taking a view at this.

Chairman Sophiea said when he reads the item 2 that's being requested, he agrees with Mr. Anglin a lot, he thinks the city attorney could weigh in on that and the zoning department, just to clarify.

Jennifer Pierce said Brian if she's giving wrong information he can certainly correct her, but Section 4D.08 states that no fence, wall, or landscape screen shall be constructed within the established building line in the front of the building line except for a cul-de-sac. It can extend within one (1) foot from the sidewalk and shall not exceed four (4) feet. So, based on that, it says wall, landscape, screen or fence. It doesn't say chain link fence, so given that she thinks his request is within the zoning code and he doesn't need a variance. So, she doesn't think, if she's correct, she doesn't think they would have to vote no, she thinks he just doesn't need a variance.

Chairman Sophiea asked for item 2.

Jennifer Pierce replied correct.

Brian Schuman agrees with that.

Board Member Nestorowicz said that's what he was actually questioning that, because it talks about the height of four (4) feet. He means that 4D.08 talks about height not exceeding four (4) feet along the side yard adjacent to the street. So, he agrees that number 2 is not part of it, but he thought the reason he had to come is because that sidewalk in that easement that goes from Frazho into the cul-de-sac that two (2) foot fence portion, it doesn't talk about that in 4D.08. It doesn't talk about that. He thought that was the reason he had to get the approval was for that shorter fence. Personally, it's like, that's how he understood this. Personally, he thinks it looks better with that foot fence along that sidewalk. So, he would be in favor on voting on that if that part is needed. He couldn't find, maybe in their zoning ordinance it talks about that kind of fence along a sidewalk somewhere, he doesn't know.

Chairman Sophiea said it is ambiguous how this section is written and he doesn't think it would hurt anything if they were in favor of approving.

Board Member Nestorowicz said personally, he's not in favor of number 1 because they need to have that cut. Whether the curtain neighbor says they don't use that driveway or do use it, future people might want to use it. So, therefore, they should have that there for safety. On number 2, he doesn't want to vote against number 2 and then find out he needed that for the two (2) foot fence along the sidewalk. That's the whole reason.

Secretary Jerzy asked Mr. Schuman if the board is understanding that correctly.

Brian Schuman replied yes. The way it's worded for the cul-de-sac, like they said, along the street side it says it's allowing for the four (4) foot. There is nothing in the ordinance saying coming from Frazho into Lila Court where it reads tapering from four (4) foot to the two (2) foot six (6) and that's why he was going for the variance there.

Board Member Nestorowicz said if that's the case, that's why he would be in favor of that, because it's better both for safety and for aesthetics. If anything, to match the neighbor across the street that has a fence along that sidewalk.

Brian Schuman explained originally the way this request was presented, that fence along the sidewalk, he was originally requesting six (6) foot from the back lot line all the way out to that past through from Frazho to Lila. Before the, he believes the first hearing he wasn't here on that one, he believes he had submitted some revisions to the board that zoning wasn't even aware of prior to the meeting that he himself was taking it down to four (4) foot, so therefore, he didn't need to request that six (6) foot past the front building line.

Chairman Sophiea said that makes sense to him. He thinks that's the best strategy here.

Board Member Anglin stated whenever you start, his opinion, boxing in yards and that's basically what's happening here. They're boxing in their yard, and that is the front yard. So, apparently he has to come in front of the board to get a variance to put the fence up there. They have voted dozens of times on people that wanted to put fences up for various reasons. They always said, if it's in the line of site or in the front yard pattern, it's a no. Some of these people had some fairly decent reasons, he felt for them why they wanted it, but they still voted no. They need to keep up some consistency here in Warren on what they do or have, he's going to say it very bluntly. What they allow people to do in their front yards that are part of the neighborhood. They have a code saying it, there's a reason for that code, and this is not a good enough reason for the board to give a variance to, because they give variances if they can come up with a good enough reason. This reason, he wants it. So, that's not a good enough reason for him.

Board Member Nestorowicz could understand if they said no to that part along the sidewalk being a privacy fence being tapered down to the two (2) foot, the neighbor across the street does have a chain link fence there.

Chairman Sophiea said it's four (4) feet.

Board Member Nestorowicz said along the sidewalk it's shorter. So, the neighbor across the street does have a chain link fence there. He doesn't know when Mr. Green, the applicant, removed his

chain link fence, that property at one time did have a chain link fence.

Secretary Jerzy asked if it becomes self-imposed at that point because he did go on his own and remove that chain link fence. Redoing this it becomes a self-imposing issue.

Board Member Nestorowicz explained that's why he was trying to find out. Does the ordinance say for that sidewalk if he needed the board approval, because he doesn't need it for the fence along Frazho, does he need it along that sidewalk.

Secretary Jerzy said he wouldn't need a variance if he didn't go ahead and rip the fence out. So, to him, it's like a self-imposing issue.

Chairman Sophiea explained the problem with him saying it's a self-imposing issue, it is, but that argument prohibits someone from updating. If he took the chain link fence out and was replacing it with a four (4) foot fence that was new and shiny and nice, he would say well the new fence outweighs the self-imposed dilemma. But if he takes out a four (4) foot chain link fence and wanted an eight (8) foot privacy fence it's a different, six (6) foot, it's a different conversation.

Board Member Nestorowicz explained in this case it would be mirroring what the neighbor across the street has in terms of they have their chain link fence there still. He should be, if anything, they should allow him to put back the original chain link fence before he took it down.

Chairman Sophiea agrees with that.

Board Member Anglin said to address the issue about the fence being there. He's willing to bet dollars to donuts that that fence on the neighbors property probably never had a permit pulled back in the day that fence was put in. There was no ordinances covering that fence when it was put in. But they have ordinances today. So, that's why they have so many of these odd things they come in and the board actually approves more variances than a lot of the city's around them, after he checked on that. He means, when they're talking... they might have ten (10) or fifteen (15) percent of their people that come in front of them. They have a much higher rate than that, because they have a more understanding, he thinks, for what is needed or why they need a variance. So, it going up there, he took it down, he bets there wasn't permits pulled on the fence across. So, by ethics or whatever by the code, that fence is illegal, but it falls under the grandfather clause. Well, he just lost his grandfather clause when he took the fence down. So, he thinks he covered every single one of the discussions that could be put against this for in favor of that item.

Board Member Higgins said he would like to chime in if he could. The board could talk about this for another week of Sundays. He's going to fall in line with Chuck. He thinks the board is very friendly and grants a lot of variances, but sometimes just have to say no. Again, he's falling in line with Chuck and he thinks the sooner they can end the discussion here and move onto a vote, that would have his vote, which would be a no.

Board Member Anglin asked if anybody else has any further discussions, he would like to make a motion.

Chairman Sophiea said please do.

Motion:

Board Member Anglin made a motion to deny the petitioner's request to:

- 1) A privacy fence to be constructed within the 10 ft. clear vision zone of the neighboring driveway to the west at 25850 Virginia.
- 2) Allow a 4 ft. high privacy fence past the front building line the northeast corner of the property (adjacent to the public sidewalk from Lila Ct. to Frazho) to extend approximately 24.9 ft. from 1 ft. in from the public sidewalk on Lila Ct. to 1 ft. from the public sidewalk on Frazho, with the section of fence (adjacent to the public sidewalk from Lila Ct. to Frazho) tapering from 4 ft. down to 2 ft. 6 in. from north to south.

Reasons being: 1) Detriment to the neighborhood, safety factor and code is there for a reason for line of site for people pulling out of the driveway; 2) That is fencing put up in a front yard, not part of line of site, doesn't see it part of a previous code where he's allowed to do the side fence, nobody has shown him that anywhere, Self-imposed, because he took the fence down, since the fence came down he lost, in his opinion, his grandfather clause.

Board Member Anglin asked the attorney if yes means no.

Board Member Higgins said voting to deny.

Jennifer Pierce asked that he made a motion to deny.

Board Member Anglin said that's correct.

Jennifer Pierce said it would be yes to deny.

Chairman Sophia asked that his motion is to deny the request in full.

Board Member Anglin answered that is correct.

Board Member Higgins supported the motion.

Chairman Sophia said they have a motion by Mr. Anglin, support by Mr. Higgins to deny the request in whole.

Roll Call:

A roll call was taken on the motion. The motion carried (5 – 2).

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	No, he thinks the two (2) foot fence is not a detriment to the neighborhood.
Board Member Perry	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 Sophia	No, believes they should allow item 2.

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

7. PUBLIC HEARING: **APPLICANT: Steven Laughlin**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 11268 Cadillac
LEGAL DESCRIPTION: 13-34-209-008
ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Construct a 6' x 16' front porch to no less than 16' 10" of the front property line.

ORDINANCES and REQUIREMENTS:

Section 7.05: Each lot in R-1-C districts shall have a front yard of not less than twenty-five (25) feet from the front property line.

Chairman Sophia asked if the petitioner is present for item 7. Please approach and state name and address for the record.

Steven Laughlin, 11268 Cadillac, appeared before the board.

Chairman Sophia thanked him and asked him to tell the board about his request. Speak close to the microphone, they're having a hard time hearing.

Steven Laughlin explained they bought an older house, built in the 60's. Many years back the porch fell apart, he tore it down. He's just requesting to put a nice six (6) by sixteen (16), to save money on the planking. Put a nice porch in the front of their house. They're trying to improve the old house the best they can with what they have. They put a new roof on a couple years ago, new gutters. He just had the driveway leveled out. They're just trying to make a better house for him and his wife. They're senior citizens that lived in Warren for twenty-seven (27) years. He served his country for twenty-six (26) years in the United States Army. He's not asking for anything out of the ordinary, just trying to make it better and a nicer house for himself and his wife in Warren, Michigan, USA. That's all, sir.

Chairman Sophia thanked him for his comments and for his service. This is a public hearing. Is there anyone in this 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 explained any work done on that kind of property is going to be within the width of distance from the street due to the size of the lot. He thinks this new porch would be a wonderful addition onto the house and personally see no issues with it.

Board Member Anglin thanked him for his service.

Steven Laughlin said you're welcome, sir.

Board Member Anglin agrees that this is one of those points he was making in the previous statement that there are some issues that the board needs to make a variance on. This fits that perfectly. What's he supposed to? Step out into the street, not have a porch to step out into? Put a ladder out there and walk down it? This is a great idea and he's one hundred percent for it.

Steven Laughlin thanked him.

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

Motion:

Secretary Jerzy made a motion to grant the petitioner permission to construct a 6' x 16' front porch to no less than 16' 10" of the front property 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 read.

Roll Call:

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

Secretary Jerzy	Yes, for the reasons stated in the motion.
Board Member Anglin	Yes, for the reasons stated in the motion.
Board Member Higgins	Yes, for the reasons stated in the motion.
Board Member Perry	Yes, for the reasons stated in the motion.
Board Member Sieracki	Yes, for the reasons stated in the motion.
Board Member Nestorowicz	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: Metro Detroit Signs
REPRESENTATIVE:	Kevin Deters / Metro Detroit Signs
COMMON DESCRIPTION:	6711 Eight Mile
LEGAL DESCRIPTION:	13-33-457-018
ZONE:	M-2

VARIANCES REQUESTED: Permission to

1) Erect a wall sign 6.75' x 8.2' (55.35 square ft.) on the east elevation. In addition to 6.75' x 8.2' (55.35 square ft.) on the south elevation that has previous variance from 3/25/2004.

Total wall signage: 110.7 square ft.

2) Erect two (2) drive-thru menu boards 4.125' x 7.213' (29.75 square ft.) with a 1.65' under clearance and 5.78' overall height each.

Total ground signage: 152.83 square ft. (Includes 93.33 square ft/ ground signage granted

8/11/1993.)

3) Erect six (6) canopies with a colored striping decorative design element at 3.16' x 5' (15.8 square ft.) each.

Total decorative design element: 94.80 square ft.

ORDINANCES and REQUIREMENTS:

Section 4A.35 (b): One freestanding on-premise sign or advertising display of a size not to exceed seventy-five (75) square feet shall be allowed in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.

Section 4A.35 (c): Total wall signage of a size not to exceed forty (40) square ft. shall be allowed for each business in C-1, C-2, C-3, M-1 and M-2.

Section 4A.19: All freestanding, projecting, and marquee signs shall have a clearance of ten (10) feet beneath the sign structure, excluding monument signs.

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

Paul Deters, appeared before the board, explaining he is with Metro Signs and Lighting, 11444 Kaltz Avenue.

Chairman Sophiea thanked him.

Secretary Jerzy said before he starts, do they always get his name wrong?

Paul Deters explained his brother Kevin submits the permit applications and he usually...

Secretary Jerzy said ok, it's just every time. Just for clarity, sorry.

(Inaudible)

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

Paul Deters said it's interesting, he might be dating himself, but he remembers being in front of this board twenty (20) years ago for this same location. So, White Castle has been in the community a long time. They have three (3) really nice restaurants here. They love being in Warren and want to invest in this. So, really what they're asking for this evening is just for them to have the ability to upgrade to their newer logo. In fact, the wall signs that they're proposing are significant reduction in the total area from what's there right now. They have two (2) sort of dissimilar signs. This is going to be a much cleaner, modern and affective look for them. Since the last time they were there, the restaurant business has changed tremendously, but the drive-through's are a much bigger element now. So, part of the request is they need to improve the que and the service of their customers, a second drive-thru will enable them to do that. They just need a menu board in the back of the building, an additional one to convey that. Then for the awnings. There are existing awnings on the building right now. They're blue and white striped, this is just more in line with their current color scheme and there's no branding on any of that it's just decorative in nature. So, that is the reason for their appeal.

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 said it's nice to see people improve the property and that. He doesn't think this sign and layout that they're using goes overboard by any means whatsoever. He has no objections to it, unless somebody else has a comment on it, he would like to read a motion.

Chairman Sophia asked if they'll relinquish the previous signage.

Secretary Jerzy doesn't think there's any relinquishing on this is there. He doesn't think there's any relinquishing on previous variances is there?

Paul Deters had a previous variance for two (2) wall signs that totaled 130 square feet. Those are the two (2) signs that are up there right now. They would have no problem. This is their current standard. It really changes what has previously been granted by the board. He's not sure procedurally how they handle that.

Board Member Anglin would like to read into this, what he reads it to relinquish all other sign variances.

Board Member Nestorowicz asked if the pole sign has an effect on that. They do have a pole sign there. They're not changing the existing pole sign to his knowledge.

Chairman Sophia said because they're reducing the wall signage, he was referring to relinquishing the sign variances just related to the previous wall signs.

Board Member Nestorowicz just wanted to make sure it doesn't affect.

Secretary Jerzy asked the attorney if that's within their privy.

Jennifer Pierce said if she's looking at this correctly, it was the March 25, 2004 variance that they would be relinquishing regarding the wall signs. The 132 square feet of wall signage. It looks like a previous August 11th, can't read the whole date, was with respect to a pole sign and hard surfacing some of the property.

Board Member Anglin understands. If he reads it off wrong, madam attorney, feel free to correct him.

Motion:

Board Member Anglin made a motion to give permission to:

- 1) Erect a wall sign 6.75' x 8.2' (55.35 square ft.) on the east elevation. In addition to 6.75' x 8.2' (55.35 square ft.) on the south elevation that has previous variance from 3/25/2004, **which they're going to relinquish that previous variance.**

Total wall signage: 110.7 square ft.

- 2) Erect two (2) drive-thru menu boards 4.125' x 7.213' (29.75 square ft.) with a 1.65' under clearance and 5.78' overall height each.

Total ground signage: 152.83 square ft. (Includes 93.33 square ft/ ground signage granted 8/11/1993.)

- 3) Erect six (6) canopies with a colored striping decorative design element at 3.16' x 5' (15.8 square ft.) each.

Total decorative design element: 94.80 square ft.

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 written.

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

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

9. NEW BUSINESS

Chairman Sophia did want to mention that he was informed, as they already heard in this meeting, he was informed by the Council Office this morning that Mr. Sylvester's seat has been replaced with a new member. He doesn't have the persons name yet, he just was informed that there's going to be a new person in attendance on the July 10th meeting. That's all he has.

Board Member Higgins asked when is the next meeting.

(Inaudible)

Secretary Jerzy said no July 10th meeting.

Board Member Higgins asked when is the next one after that.

Secretary Jerzy said it would be July 24th.

Chairman Sophiea asked if there is a chance that the July 10th meeting will happen if something is filed?

(Inaudible)

Chairman Sophiea said ok, great. Then he'll take it off. The next meeting is July 24th. Any other new businesses?

Secretary Jerzy said he has a couple things under new business. He thinks Mr. Anglin does as well. He gave Nicole some pictures today of the fireworks tents around the city. A couple of them that were... he took a couple weeks earlier that didn't have any of the blocks, didn't have any of the barrels supporting it. But all of a sudden, magically within a day, if you look at your screen.

Pictures were displayed on screen and Secretary Jerzy explained which location went with each image.

Secretary Jerzy explained they do have water barrels at the one at Ten and Hoover, which they didn't initially. Thirteen and Hoover image was weeks earlier before anything was set up. Today at Thirteen and Hoover they had these forty (40) pound weights at all of Mr. Kanakry's tents. Which they're only supported on each corner, there is nothing in the middle of each tent supporting it. To his knowledge, they're not in compliance with the variances requested. The last picture showed a debris field at Thirteen and Mound, which has since been cleaned up to his credit, but it just looked like a complete disaster a couple weeks ago. So, to Brian, in the event that they're not in compliance since it's such a short term thing, how can they hold them accountable? It's literally a two (2), three (3) week adventure.

Brian Schuman would have to talk to Everett on that. He knows it was brought up at the last meeting and he was going to talk to building inspector, the Chief Building Inspector, to see what their criteria is on it. He doesn't know if they have anything in their code that they can enforce on it.

Secretary Jerzy said yeah, because there is no code on it. It's just a variance on tents. He guesses he's at a point, he was already at a point, where he's done with all these and he's just trying to convince other members. He just doesn't think this is something they should continue doing in the City of Warren. Short of the safety issues that have been enumerated time and time again over the years. It's not fair to an entrepreneurial for businesses to have a store front, pay property taxes, pay heavy insurance on that property, to have fireworks for sale and have their biggest time of year exploited by pop up tents. Not that they have any of those businesses in the City of Warren, he doesn't believe, but Center Line has one and to him it just takes away from people who are doing it right. They've exhibited every step of the way, at least in his time on the board. They have no intention of ever doing anything right. So, his recommendation is when this comes up next year the board doesn't even entertain it. He knows they've been kind of flying by the seat of their pants for years, no major issues have happened, luckily no explosions, no tents have collapsed, but they have pictures of tents collapsing. The tent expert that came in, he didn't even know what to say because he was just in awe of the way he operates his business, which is absolutely incredible.

But that being said, he just thinks the board needs to revisit this next year and just not even entertain this anymore. That's his personal opinion. For the record, been driving around town taking pictures of these things. There are a couple properties that he saw that they have a problem enforcing what they enforce up there. What good is the board to grant a variance or grant a denial if there's no follow-up. It's not to Brian, it's to the staffing levels of the department. He could probably have three (3) or four (4) people in the department to just around and do a follow-up in this town. They just had a Speedway that was at Twelve and Mound sat there since 1960 and nobody ever pulled a permit on a gas station. The guy comes and gets a canopy and new signage, and there is no variance ever on the property. How does it happen? How many businesses are like that? Begg the question, where's the follow-up? He's going to give him three (3) addresses for the record and going to have Nicole submit them to their office via email, but he doesn't believe he should do that, because this is a public hearing, whatever the board states to him hopefully they're following up on. It shouldn't require an email or another source of communication. 13794 Twelve Mile, the plaza there with the signage on the front was never taken down. It's like the dollar store or whatever. He still has signage there. 1947 Shady Drive, the guy who has protective screening across the back wall. It's one of the first things he granted like four (4) years ago, it's still sitting as is. The guy has never completed it. Is there a time frame they have to get stuff done where they can just rescind the variance? That's another question. The other property is 29440 Ryan Road. It's just numerous things. The one on the Ryan Road is the Wysocki Funeral Home, which they granted the variance for the monument sign in agreement they were going to take the sign down on the building, which they still haven't done. There are numerous things like this. So, it begs the question, what good is the board if there is no follow through on what they're granting and denying. That's all he has to say under new business.

Board Member Nestorowicz wanted to follow-up on Mr. Jerzy's comments, especially since recently where he was at an event where a tent was held down by water barrels, actually the wind picked up with the water barrels and everything. It was a high wind area. Seeing how a lot of these firework displays, and he has in the past always voted in favor of them, but they come and say they're going to have it down this way with either the water barrels or concrete things. Then see photos and such of just having stakes and they all know that 4th of July is next week. By the time any enforcement happens, guess what, they're already shutting up shop for this year. His personal opinion is they either as a city have to come up and say if they're going to have a tent this is the minimum of what they're going to have, or else they shouldn't be voting yes on any of these next year. No matter how many years... what they promise the board next year, he doesn't see where they should support them. But he would actually say what he would want to see happen is for the city to come up and say as a city this is what they expect and have it be in writing and an ordinance that says if they want a tent, whether it's for a church festival, fireworks display, or anybody that wants a tent. It's not just the fireworks. They're talking about the fireworks displays now, but it should count for whether it's a church festival, picnic, or anybody that's putting a tent up. What is the expectation from the city of how that tents going to be weighted down?

Chairman Sophiea said you'd think if it was hazard, like he mentioned, and it was an official code that the Fire Department could go out there and say and close the place up.

Board Member Nestorowicz said exactly. If they don't follow that, then sorry they're shut down. But the thing is is that... he also looked at other city's, it's amazing how vague anything about tents are. It just says a safe way. They used language that it's very vague. It doesn't say how they have

to be done. That's one of the problems he thinks they need to get more specific about. If they want to say anything must have water barrels, how many pounds. If they say concrete blocks, how much weight. There should be something that is standard. Until they have something like that, he doesn't think they should be approving them going forward.

Board Member Anglin said the best way to do that is the size of the tent, there is a formula. You take the formula. You take the size of the tent, the square footage of the canvas. Take that and multiply what they need as tensile strength on that anchor. So, if they have a small tent up, they need fifty (50) pounds. If they have a big tent up, they need one hundred pounds per post. It's a fairly simple formula.

Chairman Sophiaea assumed they would have to know the height, too. The taller the tent, the more weight.

Board Member Anglin said if they have a six (6) foot opening and that wind gust comes up beside that, it's going to be just as much as twelve (12) foot opening, he thinks. But he thinks if they end up spelling it out that way. If you put up a tent and have to follow these guidelines that spell it out. If they don't know how to do the math on it, then hire a CPA to give them the math and what kind of weights they have to have.

Chairman Sophiaea asked for any other comments.

10. 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 8:35 p.m.

Paul Jerzy
Secretary of the Board